The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תמ"ז סעיף י"א

Overview

Siman 447 Seif 11:

Whether it is chometz that became intermingled before Pesach and Pesach passed or whether it became intermingled on Pesach and Pesach passed or whether it is chometz that was around during Pesach and it became intermingled with food after Pesach in all three cases it is nullified in shishim. If the ratio is less than 60:1 it is sufficient to throw away the benefit from the chometz into the sea.

- The rule is that if one violated בל יראה with one's chometz and retained possession of it, it is prohibited for consumption and benefit. If the chometz intermingled in a way that it was Biblically nullified it is permitted for consumption even if it was Rabbinically prohibited to retain possession of the chometz on Pesach. It is also evident from the seif that if one maintained possession of chometz on Pesach the prohibition to eat or derive benefit is limited to the chometz directly but if it becomes intermingled with other foods after Pesach it is permitted for consumption. (M.B. 101)
- If the chometz became intermingled in shishim before Pesach it is permitted after Pesach but if it was intermingled in less than shishim it is prohibited. This is consistent with Shulchan Aruch's position that one violates בל יראה when an olive's volume of chometz is in a mixture even if it cannot be eaten within k'dei achilas pras. If the mixture was two foods that are similar, even if the ratio is 2:1 it is permitted for consumption after Pesach but Elya Rabba maintains that it is prohibited for consumption but permitted for benefit. (M.B. 102)
- Later authorities write that it is prohibited to intentionally nullify chometz before Pesach so that it should be rendered edible on Pesach but it is permitted if one's intent is to keep it until after Pesach. (M.B. 102)
- Shulchan Aruch's discussion applies when there is a liquid but if the mixture is comprised of solid foods a 2:1 ratio is sufficient. (M.B. 105)
- The requirement for shishim when prohibited chometz became intermingled after Pesach is consistent with another ruling of Tur but according to many authorities a simple majority is sufficient and later authorities write that in a circumstance of substantial loss or in a pressing circumstance one may rely upon the lenient position. (M.B. 105)
- In the third scenario once one throws away some of the chometz what remains is permitted even for consumption but in the first two scenarios after redemption the mixture is only permitted for benefit but not for consumption. (M.B. 106)

Stories to Share

A Mixture of Chometz

ש"ע תמ"ז, י"א: "בין חמץ שנתערב קודם פסח ועבר עליו הפסח..."

Today's amud discusses a substance that was mixed with chometz before Pesach.

Relying on the sale of chometz is no simple matter. Some Rishonim hold that after one year, selling no longer helps since it is obvious that he is not serious about the sale. Although many argue since this is a serious matter, many rule that one should not sell chometz before Pesach. Some even avoid purchasing chometz after Pesach that had been sold for Pesach.

Rav Moshe Yehudah Leib Kaplowitz, wondered whether this chumra applies to chometz that was mixed with non-chametz as well. He reasoned that it is possible that there is no reason to worry about purchasing a mixture which was sold to a non-Jew on Pesach, but was unsure.

When he was present during a special gathering of the dayanim of the Beis Din of Sheiris Yisrael with Rav Yosef Shalom Eliyashiv, zt"l, he took the opportunity to ask his question. Rav Eliyashiv ruled decisively. "A mixture that includes chometz which was sold according to halachah may be purchased after Pesach. It is only regarding chometz gamur that there is a reason to be careful not to buy what was sold. Although on Pesach even an infinitesimal amount of chometz is forbidden and the chametz in the mixture is certainly not nullified, this is not relevant regarding after Pesach. As long as there is sixty times as much permitted matter as there is chometz, the mixture is permitted."

וישמע משה, ע' קמ"ט

Halacha Highlight

Mixtures that contain chometz after Pesach

Shulchan Aruch Siman 447 Seif 11

בין חמץ שנתערב קדם פסח וכו'

Whether it is chometz that became intermingled before Pesach etc.

Shulchan Aruch discusses the status of a mixture that contains chometz after Pesach. He delineates three different circumstances but in all of them his ruling is that the chometz is nullified in shishim. Mishnah Berurah (ס"ק קי"א) highlights two principles that emerge from Shulchan Aruch's ruling. The first is that anytime one violated the prohibition of possessing chometz on Pesach – בל יראה—it is prohibited after Pesach for consumption and benefit. Even if the chometz was intermingled with other foods as long as there was a Biblical obligation to destroy the chometz it is prohibited for consumption and benefit. If Biblically the chometz was nullified but Rabbinically there was an obligation to destroy the chometz, it is permitted b'dieved even for consumption. The second point he highlights is that although chometz that one possessed on Pesach is prohibited for consumption or benefit after Pesach that stringency is limited to eating the actual chometz but if the prohibited food became intermingled with other food after Pesach it is permitted if it becomes intermingled in shishim.

Mishnah Berurah (ס"ק קי"ב) mentions in the name of the Acharonim that it is prohibited to intermingle chometz in food before Pesach at a ratio of 60:1 so that one could eat it on Pesach. Sha'ar HaTzion (ס"ק קס"ז) explains that one could argue that since before Pesach the chometz is permitted one did not violate the injunction against intentionally nullifying a prohibited food. Nevertheless, the mixture is prohibited since it appears as though one intentionally nullified a prohibited food since the intent was for it to be nullified for consumption on Pesach. However, in the event that one intentionally intermingled chometz into a food for Pesach the mixture may be consumed after Pesach. His reasoning is that since there are authorities who actually permit one to intentionally intermingle chometz with other foods for Pesach one can certainly adopt a lenient position with regards to the mixture after Pesach.