



ONE GOOD DRINK

Rabbi Shimon Gutman

If you've ever gone clothing shopping, you'll notice that the stores are always one season ahead. At the Vaad Hakashrus it's the same. We are already planning for after Pesach. Specifically, where the consumer may buy chometz after Pesach. Today we will discuss the purchase of whiskey after Pesach. Here in the Buckeye State, all liquor and whiskey sales are controlled by the Ohio Liquor Control Commission. What does that have to do with our post Pesach preparations? Let's explain.

Bottled whiskey is sold in two ways:

- In free standing state liquor stores
- In supermarket in-store liquor stores

In the scenario of the free standing store, the state owns the entire operation. In the supermarket scenario, the supermarket owns the operation and the state pays a commission to the store on all whiskey sales. In either case, the state owns the whiskey until it is sold. Pertaining to buying whiskey after Pesach, it is permitted to buy whiskey after Pesach from a free-standing store without hesitation. Likewise, it is permitted to buy whiskey from a supermarket that is non-Jewish owned.

However, what are the ramifications of a supermarket that is Jewish owned? Does the ownership extend to the whiskey products on the shelves in the store? Would that ownership create a chometz after Pesach issue?

To answer these questions, first a little halachic background.

- If a non-Jew deposits his chometz for safekeeping in the house of a Jew and the Jew accepts responsibility for any losses, it would be considered as if the chometz belonged to the Jew. He would be required to dispose of the chometz before Pesach. If he did not, it would be considered like chometz in the possession of a Jew during Pesach and would be forbidden after Pesach.*
- What if the Jew gave the non-Jew a designated area in his house to place the chometz? There are differing opinions. There are those who still consider it to be in the possession of the Jew. However, there is a lenient opinion that considers the designated area as the house of the non-Jew, and therefore the chometz is no longer in the possession of the Jew.**

Next, a little background of the contract that exists between the store and the Ohio Liquor Commission. The contract establishes three facts:

- The whiskey remains the property of the Ohio Liquor Commission until sold.
- The store is liable for certain losses and damages that occur while the merchandise is their possession.

- The store must designate a secure area for the merchandise to be stored and shelved prior to sale.

Bringing it all together, the Jewish owned supermarket is responsible for any losses that may occur while the whiskey is in its possession. This makes them somewhat of an owner of the chometz. On the other hand, the requirement to have a designated area in the store subjects this to differing opinions as to whether it is still considered the chometz of a Jew. According to one opinion, it is considered to be in the possession of the non-Jew.

Based on these facts, if the supermarket had a proper Mechiras Chometz, the whiskey would be permitted. If the Mechiras Chometz was lacking, it would be preferable to avoid purchasing liquor in such a store. If a person already bought the whiskey and cannot return it, it would seem they have what to rely on. 📌

*אם עבר ולא ביערו יש בזה פלוגתא אם אסור באכילה ובהנאה
או לא עיי' סי' תמ"ב ס"ק ה'

**מס' פסחים דף ו. רש"י ד"ה יחד לו תוס' ד"ה יחד לו או"ח סי'
תמ סעי' א' מ"ב ס"ק ג'