



# All Sales Final

Rabbi Shimon Gutman



ne of the hallowed traditions leading up to Pesach is the sale of chometz. The head of household goes to their Rabbi to sell their chometz. Being that this is a real deal, let's follow the flow of this sale.

## Origins

The concept of selling one's chometz is already mentioned in the Tosefta (Pesachim 2:6) and Yerushalmi (ibid 2:2). A Jew and Non-Jew were on a ship and the Jew had to divest himself of his chometz before Pesach. The advice given is that he should sell or give it to the non-Jew wholeheartedly and he may then buy it back after Pesach.

## Individual Sale

It's important to understand that your Rabbi is not buying your chometz. He has enough of his own. Rather, you are appointing him as agent to sell your chometz. To show that you have firmness of mind to use him as your agent, you will perform a kinyan suddar, whereby you lift an object that he gives you i.e. pen, yarmulke, handkerchief. The paper that one fills out is an authorization form (שטר הרשאה) whereby you will list

- The location of the chometz and how the non-jew can gain access to his chometz
- What you are selling
- The approximate value of the chometz

On Erev Pesach morning the Rabbonim will bring together all the authorization forms and perform a transaction with the non-jew whereby he acquires all the chometz. The transaction must meet the halachic guidelines of a sale between a Jew and non-Jew. We actually perform several forms of acquisition to satisfy different opinions in halacha. It's important to note that we are only selling food items - not our dishes and utensils. Those just need to be put away for the duration of Pesach.

A person who will be in a different time zone on Erev Pesach should inform their Rav of this, as their chometz may have to be sold at an earlier date or time.

## Distributor & Supermarket Sale

What happens with the chometz of a Jewish owned distributor or grocery? It needs to go through a similar sale or it will be forbidden after Pesach. However, there is a unique complication with distributors. They will be receiving chometz during Pesach. The sale done on Erev Pesach would only include chometz which is owned at that time, not chometz that will come in during Pesach. In order to resolve this issue, instead of a sale of the chometz, we do a sale of the whole business to the non-Jew. Since the business is now owned by a non-Jew, any chometz delivered during Pesach will also belong to the non-Jew\*. In the Cleveland area there are two main Jewish owned distributors. Pollak Foods and Midland Foods. Dave's Markets is a Jewish owned supermarket\*\*. Each will go through this type of mechira in some form or shape.

## After Pesach Buy Back

Remember, this is a real sale. The chometz needs to be bought back from the non-Jew before we can partake of it. The Rav will meet the non-Jew immediately after the Chag and again perform a halachic transaction thereby acquiring all the chometz on behalf of all the constituents. Bakeries, Pizza Shops must wait until this transaction is completed.

## No Sale

If a Jewish person did not participate in a Mechiras Chometz, all chometz and chometz mixtures that were in his possession during Pesach would remain forbidden to benefit from. The prohibition remains in effect even if the item is transferred to someone else's domain. This is the reason why we must know the background of ownership of our grocers and distributors.

\*Since there are those that frown upon this type of Mechira, the vaad hakashrus performs two types of sales for Midland. 1) We do a sale of the business. 2) We put aside merchandise before Pesach which is marked, palletized and sealed. This merchandise is then sold as a separate mechira. It will remain untouched during Pesach. After Pesach our local kosher stores will take delivery from this merchandise for the next several weeks.

\*\*Giant Eagle is a Pittsburgh based company. According to current information, they participate in a standard Mechiras Chometz, whereby only the Chometz on hand Erev Pesach is sold. 📄