

Rabbi Sholem Fishbane
Executive Director
info@akokosher.org

חול המועד פסח תשפ"ב / April 20, 2022

Introduction

The following memo provides important information about חמץ שעבר עליו הפסח at various establishments. In general, it is difficult to make definitive statements about the acceptability of purchasing *chametz* from specific stores after *Pesach* because of practical and halachic ambiguities.

First, it is not easy to establish Jewish or non-Jewish ownership. Nonetheless, in this paper we have assumed that publicly traded companies may be treated as non-Jewish entities since the majority of potential stockholders are not Jewish.

Secondly, even if a product is sold in a non-Jewish store, it may be חמץ שעבר עליו הפסח if the distributor is Jewish. Determining the identity of the distributor is a formidable task because this information is proprietary and is not readily available.

Thirdly, while *chametz* that is delivered after *Pesach* to a Jewish establishment is not חמץ שעבר עליו הפסח, it is difficult to determine the arrival date of any given product, as the turnaround time is generally unknown. Nonetheless, some *Poskim* maintain that if there is a *safek* when product was delivered, the principle of ספק דרבנן לקולא applies, while others hold that ספק דרבנן לקולא is not applicable in this situation for various reasons.

Finally, some Jewish companies participate in a *mechiras chametz*, but there are divergent opinions among *Poskim* about the validity of a sale of a company that is operating on *Pesach*. Furthermore, the sale will not be effective for *chametz* acquired on *Pesach* because one cannot sell a לעולם בא שלא. To address these concerns, some *Poskim* recommend selling the entire company rather than the *chametz*, but this too is a matter of dispute if this is acceptable.

Our goal is not to recommend buying or not buying *chametz* from any particular establishment. Rather, each *kashrus* organization or Rav must formulate their own set of standards and guidelines for the purchase of *chametz*. Once that is done, this memo will provide information that will be helpful in determining which stores fall into the categories of acceptable or not acceptable sources for the purchase of *chametz* after *Pesach*.

Categories of Establishments

Below are six general categories of establishments with lists of stores that fall into each specific category.

A. Non-Jewish Companies Supplied by Non-Jewish Distributors

Either publicly traded companies (which are assumed to have non-Jewish ownership), or privately owned by non-Jews

Chometz may be purchased at these stores after Pesach

Aldi	Kmart	Walmart
BJ's Wholesale Club	Publix	Wawa
Costco	Rite Aid	Wegmans
CVS	Sam's Club	Whole Foods
Duane Reade	Trader Joes	
Hannaford	Walgreens	

B. Non-Jewish Companies Supplied by Jewish Distributor

Publicly traded company or privately owned by non-Jews

Supplied by a Jewish distributor who sells the company (not only the chametz) before Pesach but continues to operate on Pesach

D'Agostino Markets	Key Food	Target – see below
Food Emporium	Kroger	Winn Dixie
Foodway Supermarket	Safeway – see below	
Gristedes Foods	Stop and Shop	

- TargetSome frozen and refrigerated foods in Target stores in certain parts of the United States – particularly in the East Coast – are in this category. All non-frozen *chametz* in Target is supplied by a non-Jewish company.
- Safewayis in this category, except for the kosher aisle, which is stocked by a kosher certified supplier who sells the chametz and is closed for *Pesach*. [See also “Albertson’s” below].

C. Franchised Stores

Stores are individually owned, and it is necessary to research each store’s ownership

- 7-Eleven.....Some stores may be Jewish owned, but the supplier for all these stores is not Jewish.
- Shoprite.....Some stores are Jewish owned. A Rabbi arranges transfer of ownership for some Jewish stores (not only a *mechirah* of the *chametz*). See discussion below about Wakefern which supplies all Shoprite stores.

D. Jewish Owned Company

Traditional mechiras chametz executed, but store is open on Pesach

Price Chopper

E. Less than 50% Jewish Ownership of Store and Distributor

The majority of the company is owned by non-Jews. *Zecher Yitzchok* (#8) and *Chemed Moshe* (quoted by *Mishna Berurah, Sha’ar HaTziun* 448:4) hold that חמץ שעבר עליו הפסח is *batel b’rov* if there is a majority of non-Jewish ownership, though *Sha’ar HaTziun* and others question this position.

The Jewish partners sell their shares in the business (not only the chometz), and the business operates on Pesach

- Albertson’s
Chains include Acme (see below), Jewel-Osco, Pavilions, Randall’s, Safeway (see below), Shaw’s, Star Markets, Tom Thumb, Vons
Kosher aisles of Acme in PA, NJ and New England and the kosher aisles of all Safeway stores are stocked by a kosher certified supplier who sells the chametz and is closed for *Pesach*.
- Wakefern.....which supplies all Shoprite stores
Wakefern Food Corporation is a cooperative which is owned by the Shoprite store owners, some of whom are Jewish. A Rabbi arranges transfer of Jewish ownership to non-Jewish partners.

F. Online Distributors

Online merchants, such as Amazon, Sam’s Club and Walmart, are not Jewish-owned, but often serve as distributors for other businesses, some of whom are Jewish owned. The name of the supplier is generally posted on the website

and consumers should make a reasonable effort to determine if the supplier is Jewish before purchasing *chametz* after *Pesach*.

Alphabetical Listing

Section where information can be found about specific establishments

7-Eleven.....C	Jewel-Osco.....E	Stop and Shop.....B
Acme.....E	Key Food.....B	Target.....B
Alberton's.....E	Kmart.....A	Tom Thumb.....E
Aldi.....A	Kroger.....B	Trader Joes.....A
Amazon.....F	Pavilions.....E	Vons.....E
BJ's.....A	Price Chopper.....D	Wakefern.....E
Costco.....A	Publix.....A	Walgreens.....A
CVS.....A	Randall's.....E	Walmart.....A, F
D'Agostino.....B	Rite Aid.....A	Wawa.....A
Duane Reade.....A	Safeway.....B, E	Wegmans.....A
Food Emporium.....B	Sam's Club.....A, F	Whole Foods.....A
Foodway.....B	Shaw's.....E	Winn Dixie.....B
Gristedes.....B	Shoprite.....C, E	
Hannaford.....A	Star Markets.....E	