

Receiving a Shipment of Chametz on Pesach

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Question: If someone owns a warehouse and receives a shipment of chametz on Pesach, what should he do?

Answer: It is forbidden to accept chametz from a non-Jew into your property on Pesach. On the other hand, if one does not accept it or show any interest in it, and the non-Jew simply puts it down on his own and leaves, it would not be forbidden after Pesach. The reason for this is because the Jew has shown that he does not want the chametz, and one's property does not take ownership of an item against one's will.

While according to this, one might think there should be no problem at all if the driver just leaves it on his own, this may not be so simple. There is a halacha in Shulchan Aruch that states that if a Jew owns an oven that he rents out with a barter system where everyone who uses it must pay him with one loaf of bread, and a non-Jew uses it on Pesach and leaves a loaf next to the oven, that bread is prohibited after Pesach, because it came into the Jew's possession on Pesach.

In such a case, we do not go with the above heter, and say that since he doesn't want to obtain possession of the bread, his property does not acquire it against his will. The reason for that, as explained by the Bach, is because in this situation it is the normal system of how he conducts his business. Since he always obtains bread this way, if he doesn't want this loaf, he must explicitly declare that he is refusing it; otherwise it automatically follows the standard procedure and becomes his bread. Based on this halacha, one may conjecture that if it is standard procedure for shipments of food to be left by someone's warehouse, then they would automatically enter his possession, even if he does not want them. In order to avoid taking ownership of them, he would have to explicitly state that he does not want to acquire them.

Even if he does explicitly say he doesn't want to obtain ownership of the chametz, he still runs into another problem. If the chametz is now ownerless, it would be categorized as ownerless chametz on his property. This constitutes a Rabbinic prohibition and the chametz is required to be burned.

A possible solution might be that if one suspects that a shipment of chametz will come on Pesach, he should sell his warehouse before Pesach so that it will not be his property when the chametz arrives.