

על פי התורה אשר יורוך

Yorucha

weekly overview

A TRANSCRIPTION OF THE YORUCHA CURRICULUM WEEKLY OVERVIEW VIDEO

Corporate Chometz: Part III

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DEALING WITH DELIVERIES:

A common shailoh comes up when someone receives an unexpected delivery of chometz on Pesach. Is there any permissible way to accept the delivery?

The Shulchan Aruch (448:2) rules that if a non-Jew brings a gift of chometz to a Jew on Pesach, the Jew should not accept it. The Mishnah Berurah explains that by accepting it, he would be taking possession of it, and would be transgressing the prohibition of owning chometz on Pesach. It also would be forbidden to derive benefit from after Pesach, just like any other chometz owned by a Jew on Pesach.

Furthermore, even if he doesn't explicitly accept it, he cannot tell the non-Jew to place it in a certain corner or part of the house, as placing it aside would be akin to accepting it and would have all the same problems. On the other hand, if he 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. This is because the Jew has shown that he does not want the chometz, and one's property does not take ownership of an item against one's will. (One would have to build a partition around the chometz so that he does not see it on Pesach and possibly be tempted to eat it, which is the same halacha as any chometz that is in one's property that does not belong to him.)

The same guidelines could be applied to a commercial shipment that arrives unexpectedly on Pesach. If a shipment arrives on Pesach, one cannot accept it. He also cannot tell workers where to unload it. While according to what we stated above, one might think

there would be no problem if the deliverer just left it on his own, that may not be so simple. The reason this may still be problematic is because of a halacha in Shulchan Aruch that states that if a Jew owns an oven that he rents out with a barter system, wherein 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 Jews possession on Pesach. In such a case, we do not say that because 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, that is the normal system of how he does business. Since he always obtains bread this way, if he doesn't want this loaf, he must explicitly declare that he is refusing it. If it is just left by the oven and he says nothing, it automatically follows the standard procedure and becomes his.

Based on this halacha, one may conjecture that if it is standard procedure for shipments of food to be left by someone's warehouse, 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 chometz, he still has another problem. If the chometz is now ownerless, it would be categorized as ownerless chometz on his property. As we previously stated, this constitutes a Rabbinic prohibition and the chometz would need to be burned. If such a problem does arise, one should consult a Rov

as to how to proceed and possibly recoup the loss.

(One may ask why this problem of ownerless chometz on one's property does not seem to be a concern in the case where a non-Jew brings one a gift on Pesach and leaves it on his property. The answer seems to be that in such an instance, where the non-Jew is a private individual, if the Jew doesn't accept the gift, we can assume that the non-Jew realizes that he retains ownership until the Jew takes it. In the case of a delivery service, it is obvious that they relinquish all ties to the merchandise when they deliver it, and if the Jew does not accept it, it becomes completely ownerless.)

ACCIDENTALLY SELLING CHOMETZ ON PESACH:

We previously mentioned that it is forbidden to make a profit from dealing with chometz on Pesach.

An application of this prohibition that we did not mention previously would be if someone is an Amazon seller and realizes on Pesach that one of his accounts is still selling a chometz product. He cannot accept any money for the sale of chometz on Pesach,

and if he already sold some chometz, there is a major shailoh regarding whether he may keep the money. The Mishnah Berurah (443:16) rules that although according to the letter of the law he may keep the profits, he should be stringent and not take possession of it. If it is impossible to stop a pending transaction, a Rov should be consulted to discuss how to avoid taking possession of the ill-gained profits.

If the Amazon seller unwittingly continued selling chometz through Pesach, he may stand to have a big loss if he has to decline all the profits. If he made a shtar before Pesach that stated that he is selling all his chometz to a non-Jew – both the chometz he knows about and the chometz he is unaware of – the status of the proceeds will be subject to a major machlokes haposkim. In a famous teshuva, Rav Moshe Feinstein writes that if a store sold its chometz and then continued to do business with it over Pesach, even though the store did the wrong thing, the sale is still valid. Many Poskim disagree and say that by doing business with the chometz on Pesach, the store owner displayed that he is backing out of the sale and it becomes null and void. Accordingly, not only is the chometz forbidden on Pesach, it would be forbidden after Pesach as well. In such a case, one would need to consult with a Rov for a definitive psak.



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