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י"א ניסן תשפ"ד / April 19, 2024

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. A recent added complication is that a large Jewish-owned distributor is in the process of exiting the business of supplying supermarkets, which raises questions about prior assumptions **especially regarding the status of Target stores**. We recommend that each Rav visit their local Target store and speak with their grocery merchandising manager to determine the distributor used by each department (e.g., produce, dairy, frozen, shelf stable items).

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 לעולם. 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. Additionally, it is beyond the scope of our mission to investigate the suitability of any given *mechirah*. 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*.

Lastly, in our fast-paced evolving economy, consumers should remember to pause automatic subscriptions through Amazon (Subscribe & Save), Instacart (Auto Order) etc of *chametz* products.

Categories of Establishments

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

A. Non-Jewish Ownership

Publicly traded company or non-Jewish ownership, and does not use a Jewish distributor
Unequivocally acceptable to purchase chametz at these locations after Pesach

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

B. Uses Jewish Distributor

Publicly traded company or non-Jewish ownership

Uses a Jewish distributor who sells their shares (not only a mechirah on their chametz) before Pesach but continues to operate on Pesach

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

- The kosher aisle at Safeway is stocked by a kosher certified supplier who sells their *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, Starbucks (Kiosks), Dunkin Donuts/Baskin Robbins, Krispy Kreme, Carvel, Cinnabon etc
- Shoprite.....Some stores are Jewish owned and arranged for their own *mechirah*. Additionally, see discussion below about Wakefern which supplies all ShopRite stores.
- ShopRite.....The following ShopRite stores that have Jewish ownership have an upgraded *mechirah* that includes selling of the business:

ShopRite of Paramus 24 Route 4 East & Forest Ave. Paramus, NJ 07652	ShopRite of Englewood 40 Nathaniel Place Englewood, NJ 07631	ShopRite of Avenue I 1080 McDonald Ave. Brooklyn, NY 11230	ShopRite of Gateway Center 590 Gateway Drive Brooklyn, NY 11239
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D. Jewish Owned Company – Type 1

Traditional mechiras chametz executed, but store is open on Pesach

Price Chopper

E. Jewish Owned Company – Type 2

Mechiras chametz executed that includes selling of the operating business, but store is open on Pesach

Restaurant Depot/Jetro

F. Partial Jewish Ownership

Store and distributor are partially owned by Jews (i.e., less than 50%) and business operates on Pesach

The Jewish owners sell their shares (not only a mechirah of the chametz) to a non-Jew before Pesach

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

- Albertson's

Chains include Acme (see below), Jewel-Osco, Pavilions, Randall's, Safeway (see below), Shaw's, Star Markets, Tom Thumb, Vons

The 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 and arranges transfer of Jewish ownership to non-Jewish partners.

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