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חול המועד פסח תשפ"ג / April 11, 2023

Introduction

The following memo provides important information about הפסח עליו שמך 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 שמך 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 שמך 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 לקולא applies, while others hold that 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. 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*.

Categories of Establishments

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

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.....Some stores may be Jewish owned, but the supplier for all these stores is not Jewish.
- ShopriteSome stores are Jewish owned and arranged for their own *mechirah*. Additionally, 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. Partial Jewish Ownership

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

The Jewish owners sell their shares (not only a *mechirah* of the *chametz*) to a non-Jew before Pesach. The majority of the company is owned by non-Jews, and 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.

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
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.

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 Introduction
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
CostcoA	Publix A	WalgreensA
CVS.....A	Randall's.....E	Walmart A, F
D'AgostinoB	Rite Aid..... A	Wawa A
Duane ReadeA	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	ShopriteC, E	
Hannaford.....A	Star Markets E	