

The Laws of חמץ

What is חמץ?

- 1) The prohibition of chometz on Pesach applies only to articles made from the five types of grain, which are wheat (חטה), spelt (כוסמת), barley (שעורה), oats (שבולת שועל), and rye (שיפון).
- 2) When flour of one of the five grains comes in contact with water and has remained together for 18 minutes or longer without manipulation, it is considered chometz. If constant activity is done with the dough, the process of חימוץ (becoming chometz) is impeded.
- 3) If one eats a כזית of חמץ he is כרת. Eating less than a כזית is still an איסור מן התורה, but there is no כרת.
 - 1) קטניות – Legumes such as rice, corn, mustard, peas, poppy seeds, sesame seeds, sunflower seeds, soybeans, millet, beans, lentils and the like cannot become chometz (unless mixed with other chometz). Even if a person kneaded a dough of rice flour with water it is not chometz. Therefore, Sefardim eat kitniyot on Pesach. However, the custom of Ashkenazim is not to eat kitniyot. Nevertheless, if kitniyot fell into a mixture of otherwise chometz-free food, it does not make the mixture prohibited.

Jewish Action Spring 2010 – OU Publication

What is this custom of Ashkenazim based on?

1. Kitniyot often grow in close vicinity to the five grains. As such it is not unusual for a small amount of one or more of the 5 grains to be intermingled with kitniyos. Thus it was possible that one eating beans or rice on Pesach could inadvertently eat actual Chometz.
2. Kitniyot can easily be confused with chometz for several reasons. Raw kitniyos resemble the five grains in appearance. Furthermore, kitniyos are processed in a similar manner to the five grains. For example, mustard seeds are threshed and winnowed in a manner similar to grains.
3. Kitniyot can be milled into flour, made into dough, baked into bread or cooked into porridge that may resemble chometz. The rabbis feared we may confuse that if we can eat kitniyos we can eat chometz.

The Vilna Gaon and Peri Chadosh found basis for not eating kitniyot in the Gemara Pesachim 40b. The Gemara relates that Rava did not allow the use of lentil flour on pesach in a unlearned community as he feared it would lead to confusion and cause one to mistakenly eat chometz on pesach.

Sefardim must be careful in today's complex world of food technology as kitniyot can be processed on machinery that processes chometz. For example, baby rice cereal is processed on same machines as oat cereal.

Kitniyot is מותר בהנאה – therefore, you can use cornstarch foot powder in one's shoes to keep the feet dry.

Young children and sick people may eat kitniyos. For example, many OU baby formulas have soybean derivatives. Some medicines have kitniyos and can be taken.

Q: What about peanuts?

They are legumes in that they grow in a pod, but the shayla is that they were not known to us at the time the minhag began (they originate in Peru and Brazil), therefore, should they be permitted?

Rav Moshe Feinstein (OC III:63) says that the minhag only applies to foods that were known when the minhag began. He proves this based on the fact that potato starch is used on Pesach according to everyone, but it looks like flour. It must be that it was not around at the time the minhag began. We do not expand minhagim beyond their original scope even if logic would tell us to. Since potatoes were not introduced into Europe until the 16th century, they are not considered kitniyos. The same is true with peanuts. Today there are different customs, but many people do not eat them and, therefore, it is hard to find certified product with peanuts.

Why is corn different? It is also a new crop brought to Europe by Columbus, yet everyone says it is kitniyos? Corn is more clearly kitniyos, in that it is threshed, winnowed, and milled and used in bread, and often grows near other grains, while peanuts possess very few of these characteristics.

Q: What about Quinoa?

This is also a new grain. Though it was a staple food of the Incas, it was almost eradicated by the European conquerors and was all but forgotten until the 1970's. Clearly, no minhag exists for quinoa. Some argue that it is a staple grain in its native lands and is ground and baked into bread similar to wheat, it should be considered kitniyos, like corn. Others argue that it is not like corn which has been accepted as kitniyos for generations. Some kashrus organizations say it is ok, others do not. The OU poskim are divided and thus they do not recommend using it.

חמץ נוקשה

2) חמץ נוקשה is a Rabbinic form of חמץ. It may not be eaten on Pesach and it must be disposed of before Pesach. There are two types of חמץ נוקשה:

- a. Where the process of chimutz has started but not completed; it was stopped or impeded along the way. The Gemara calls this שיאור, saor, (not to be confused with s'or, leaven), where a dough started the fermentation process. The dough became pale white in color, but did not complete the process. That is there are no cracks or crevices in the dough.
- b. Spoiled chometz, which although unfit to be eaten normally, is suitable to be eaten with difficulty.

a. Example of Type "a" – Egg Matzah

Included in this type of chometz is the problem of egg matzah. Egg matzot are usually baked from dough in which fruit juice is used in place of water. Even if they only used eggs, it would be viewed like matzah made out of fruit juices.

The poskim say that the minhag is not to permit matzot made from fruit juices. Even if it was kneaded and immediately baked, it may not be eaten, but it may be held until after Pesach.

According to Rashi, egg matzot can become חמץ נוקשה.

According to ר"ת we are afraid that water may get mixed in and thereby become חמץ נוקשה. Other poskim hold that if water gets mixed in, it can become חמץ גמור.

Based on the above analysis, healthy Ashkenazim are not permitted to eat egg matzah at all on Pesach. Sefardim, however, are permitted to eat egg matzah throughout Pesach. However, even Sefardim agree that you may not use egg matzah to fulfill the mitzvah of matzah at the Seder.

b. Example of Type “b” – An example of this is paste made of flour and water which began fermenting. Although it was never fit for normal human consumption, one is capable of eating it with difficulty.

This type of חמץ נוקשה is not fit for “normal human” consumption and is still prohibited until it reaches the point of נפסל מאכילת כלב, unfit even for animal consumption. Chometz which has become נפסל מאכילת כלב is permitted to be kept and even used on Pesach. For example, certain cosmetics and toiletry items fit into this category and may be used on Pesach.

The big question is can you *eat* this type of chometz that has become unfit for animal consumption?

Some Rishonim say this is permissible. However, most poskim hold like the רא"ש who says that although eating such chometz is not אסור מדאורייתא, it is אסור מדרבנן because eating it makes it elevated to the status of a food. This is known as אהשביה. All current poskim hold like this opinion.

Medications, Cosmetics, and Toiletries

Medicine Tablets

Rav Moshe Feinstein and the Chazon Ishe write that one may take medicine that contains chometz that is נפסל מאכילת כלב and they hold that אהשביה does not apply to medicine. As long as the pill is bitter it is permitted. Since a person would take something bitter and repulsive out of the realm of food if it would cure him, he is not elevating it to the status of food.

Another reason to permit this is that it is not the normal manner of eating and in a case of illness should be permissible. However, there are other issues that can complicate the taking of medicines with chometz. Rabbi Blumenkrantz says that this rule states that if chometz gets so ruined that the dog would not consume it. That is, if it is a food that humans or dogs normally eat, but it got so spoiled that the dog will not consume it, then it is permitted. But if it is a kind of food that a dog would normally not eat anyway, or if it could be separated into the various ingredients and the dog would eat the chometz ingredients by itself – the rule does not apply. Furthermore, there are poskim who say that the actual chometz in the ingredient has to spoil for it to be considered not fit for animal consumption. But if the actual chometz did not spoil, the reason it is not edible is because you add bitter ingredients etc. this is not considered אינו ראוי לאכילת כלב.

Based on the above מהלקת, please consult your Rav before taking any medication that contains actual chometz. In most instances, a comparable medicine will exist that does not contain any chometz.

Coated Tablets

Coated tablets where the coating is often made of chometz may be fit for human consumption. Therefore, use only kosher for Pesach brands. If not available, ask your Rav.

Vitamins

Vitamin tablets may be taken for cases of illness if they are bitter and none with supervision is available. If they are coated, they may not be used unless they are kosher for Pesach.

Liquid Medicines

Liquid medicines are complicated in that they often contain grain alcohol in high percentages and that could be חמץ גמור. Flavorings often are chometz as well, especially in cough medicines. Only use brands that are kosher for Pesach.

Ethyl, Isopropyl, and Denatured Alcohol

These products contain chometz.

However, many poskim hold they are only problematic in medications, cosmetics, toiletries which are in **liquid form**. But those in solid form or are creams, ointments, and powders may be used even if they contain grain alcohol.

Q: Which liquids may **not** be used?

Perfumes, cologne, hair spray, mouthwash, liquid, spray, and roll on deodorant. All of these must be approved for Pesach.

Q: Which liquids may be used?

Nail polish, nail polish remover, hand lotion, hand creams, baby lotion, shampoo, air freshener and similar liquids that are not consumed.

Powders

Powders are permitted. Examples – foot powder, powder or stick deodorant, eye shadow, eye liner, mascara, blush may be used during Pesach. A fresh lipstick is recommended. Flavored lipstick may not be used.

One final thought on Cosmetics

Despite what has been said here, there are some strict opinions regarding medications and cosmetics. I would suggest purchasing the Star-K or Rabbi Blumenkrantz book to verify that all products are acceptable. Since the market has many comparable products that are chometz free, it would seem to me that one should avoid the issue and use products that have been verified in the aforementioned books.

Soap, toothpaste

Hand soap should be ok since it is נפסל מאכילת כלב. But dish soap must be kosher for Pesach. Rav Moshe Feinstein says that toothpaste should also be ok since it is נפסל מאכילת כלב and if you accidentally swallow that is not אהשביה. BUT he says since kosher for Pesach is available, it is better to do that.

In conclusion, although we've stated some general guidelines, everyone should keep in mind the following two points:

1. In our times it is relatively easy to find all of the products we need in totally chometz free form. It would seem that that is the safest way to go.
2. All final decisions should be made with one's family Rav.

The Custom of Not Eating Gebrukt

Where matzah in any form (i.e. matzah meal, cake meal, etc.) came in contact with water (or other liquids), some communities have a minhag not to eat it on the first seven days of Pesach. The question is why does such a minhag exist? We have learned that once matzah was baked, it can no longer become חמץ?

Some Poskim suggest that it was a גזירה that one should not, in error, come to use flour instead of matzah meal during Pesach. Other Poskim suggest that there is a possibility that some of the matzah flour was not kneaded well and when it will get wet it will become חמץ. However, since the 8th day of Pesach is only מדרבנן, many of those who are strict about this minhag are lenient about it on the 8th day.