

Sourdough, Pizza, *and* Bourbon

A CANDID CONVERSATION ABOUT CONTEMPORARY PESACH ISSUES

This article is based on conversations between Rabbi Yitzchok Hisiger and Rabbi Sholem Fishbane, Kashrus Administrator, cRc Kosher, in The Kashrus Awareness Project podcasts, taken with permission from kashrusawareness.com.



Sourdough

Rabbi Yitzchok Hisiger: Let's talk about *chametz she'avar alav HaPesach*. We all know that *chametz* which is owned by a Jew over Pesach becomes forbidden. Sourdough is very, very popular nowadays. I don't know exactly what happened, who invented it, how it came about. Ten years ago, we never heard of it, but today, wherever you go, it's sourdough this and sourdough that. People are even making sourdough in their houses and selling it, which is another topic for another day.

Rabbi Sholem Fishbane: When we were growing up, sourdough bread was something that they made in the bakery once a week, and they barely sold half of it. And you're right - it is absolute real *chametz*.

I think it definitely gained popularity during COVID. In general, the way we eat and prepare food has changed drastically during COVID, because people were home a lot, and they started tinkering with various ideas. Our "inner chef" emerged, and this fad took off.

Rabbi Hisiger: I see. So, what about the starter of the sourdough, which is "absolute real *chametz*" (referred to in the Torah as *se'or*). How do you handle sourdough in relation to Pesach?

Rabbi Fishbane: It's a very interesting question, and this might make for a great *Shabbos Hagadol drasha*. If you think about it, when you sell something before Pesach, you're thinking, "I don't want it," or, "You may want to sell it back to me after Pesach, fine." You're showing indifference to it.

Sourdough, as you know, takes weeks to ferment in order for it to get to that desired state of "*se'or*", the sourdough product. Since it's so time-consuming to create, so valuable, and the conditions have to be so right in order to produce it, you don't want to get rid of it. This means there's a potential issue called *rotzeh b'kiyumo* (you desire the object's existence). You don't want to sell it to a non-Jew before Pesach and have him come and say, "Okay, thank you very much. Here's \$500 for that sourdough," knowing that you'll have to start this arduous process all over again. Knowing that you really want it back can potentially invalidate the sale, leaving you in possession of *chametz* on Pesach. Therefore, even after Pesach it would still be *assur b'hana'ah* (forbidden to benefit from). So, it's not so simple.

Here is one of those times when you, as a consumer, need to know there's a potential issue, and you need to ask your Rav. *Rotzeh b'kiyumo* - does the person really want to sell the item and get rid of it over Pesach?

Rabbi Hisiger: You're saying that the answer is too complicated for this forum, but it's definitely something that people have to keep in mind when they sell their *chametz*?

Rabbi Fishbane: Yes, it is a *shailah* that has become more relevant to our generation, and consumers should consult with their *Rabbanim* as to their opinions on selling sourdough starter over Pesach.

I'm not here to *pasken* the *halacha*. I'm just raising the issues that an educated consumer would want to know more about. After all,

she'ailas chacham is *chatzi teshuvah* (knowing what to ask is half the answer).

THE TAKEAWAY

Sourdough starters are a work of heart – and surely *chametz*. Even if sold over Pesach, it's questionable whether the seller was truly willing to part with it, since they're anxious for it to be returned. Ask your Rav before you get started.

cRc policy is that sourdough which was properly sold to a non-Jew over Pesach is permitted to be used after Pesach, but only if there was no interaction – whether from a Jew or non-Jew – with the sourdough on Pesach itself. If there was any type of interaction, the sourdough may not be used after Pesach.

Pizza

Rabbi Fishbane: This brings me to another subject. We discussed potential issues with selling sourdough over Pesach, but then there are the *shailos* related to restaurants, local bagel stores, and, of course, the pizza shops.

I just got an inquiry. Can we let our employees come in on Pesach to turn on the ovens, so that *Motzaei Pesach* we can get that first pizza out? We're most vigilant right after Pesach that nothing's going on, and it's a big problem.

Rabbi Hisiger: Yeah, churning out that pizza within an hour of the end of Pesach. What's the secret? What's the real story there? Is the dough sold?

Rabbi Fishbane: Yes, many times they're selling dough over Pesach, but if the sale is done according to *halacha*, many people will buy pizza made from such dough after Pesach.

Rabbi Hisiger: Do you have pizza on *Motzaei Pesach*?

Rabbi Fishbane: I've got to tell you, in my job as Kashrus Administrator, some years I go to Pesach hotels.

Rabbi Hisiger: Right. A topic for a different time.

Rabbi Fishbane: Oh my gosh! Listen to this story. It happened at one of the Pesach hotels I was at. In general, at many of these vacation hotels, you almost wouldn't know it's Pesach. There's nothing you can't get! You'll have buns at the *Chol Hamoed* barbecue made from tapioca or whatnot.

So, one of the things they do in Pesach hotels is a pizza shop. The whole *Yom Tov* you can go in, line up, you make your own kosher-

for-Pesach pizza, and it's delicious. Of course, in preparation for *Motzaei Pesach*, they bring frozen pizza before Pesach, they sell it properly, and *Motzaei Yom Tov* they start churning out the pizza. Everything's great - until they run out of frozen pizza! You'd think the crowd at the Pesach hotel hasn't eaten in a week.

As an aside, before *Yom Tov*, we give the staff what is called a "sensitivity training." In addition to *halachic* concerns that we train them in, we'll sometimes prepare them for what they are about to experience. I like to call it "three Thanksgiving meals a day."

Jokes aside, that year, on *Motzaei Pesach*, they ran out of frozen pizza. So, they took the leftover kosher-for-Pesach pizza, which was gluten-free and *shehakol*, and no one knew the difference! It was so good!

So, here's my dilemma as a *Rav Hamachshir*. Do I get up and announce, "*Rabbosai*, stop washing *netilas yadayim*. No need to wash - it's gluten-free!" Do I reveal the secret?

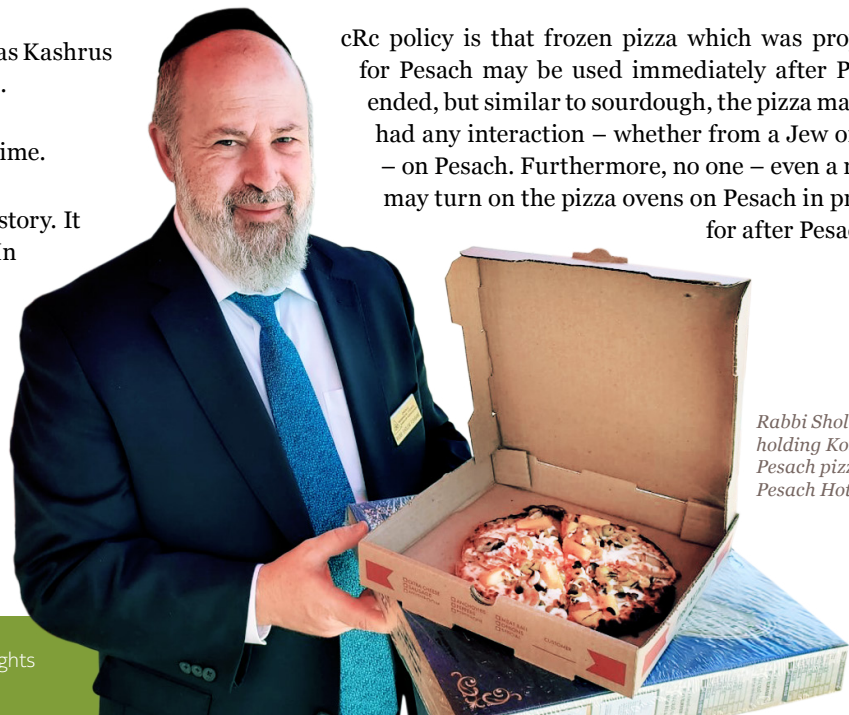
Of course, we go with *halacha*, period. But I just remember that year because it was quite amusing.

So, yes, it is difficult to churn out enough pizzas, and you have to be innovative, alert, and knowledgeable. For example, the pizza ovens – in order for them to be heated up and ready to churn out the goods, they're kept on low during the second days of *Yom Tov*. There are *shailos* that you need to be prepared for.

THE TAKEAWAY

If you're going to have that *chametz* just after Pesach, make sure the establishment sold their *chametz* appropriately and has allowed for enough time after Pesach to do it right. Or, continue to enjoy the innovative Pesach foods we are fortunate to have available today.

cRc policy is that frozen pizza which was properly sold for Pesach may be used immediately after Pesach has ended, but similar to sourdough, the pizza may not have had any interaction – whether from a Jew or non-Jew – on Pesach. Furthermore, no one – even a non-Jew – may turn on the pizza ovens on Pesach in preparation for after Pesach.



Rabbi Sholem Fishbane
holding Kosher for
Pesach pizza at cRc
Pesach Hotel 2022



Bourbon

Rabbi Fishbane: Many years ago, we were invited to review a large bourbon and spirits factory. They asked us to certify their product for their Israel market.

The problem was interesting, because in *Eretz Yisrael*, the *Rabbanut* is very careful to ensure that everything is *yoshon*. So, the question at hand was whether the wheat used to make the bourbon and vodka was *yoshon*. I remember that we walked through the factory, and then we sat down to discuss the matter with them. As I was getting up, I said, “Oh, I forgot to ask one thing. By the way, is this factory Jewish-owned?” He looked at me, and said, “Yeah.” I said, “Is it fully Jewish-owned?” And he said, “I can’t tell you that.” And I asked, “Do you know if the *chametz* was sold?”

He had no idea what I was talking about. He thought we were talking about *mevushal*, because they knew that when they donated wine to the local Jewish Federation, it always had to be *mevushal*. So, he said, “But Rabbi, it was cooked!” The *halacha* of *chametz she’avar alav haPesach* was so foreign to him.

It took six months to research whether the owner was actually Jewish, not just from his father, or culturally Jewish. He happened to be well-known within the political circles, so we ended up calling a senator who grew up with him, and it turned out that he was, in fact, Jewish. We also had to investigate whether the company was fully Jewish-owned. Anyway, it was a fascinating *halachic* question.

So, Reb Yitzchok, let me ask you, if you were the owner and I, or any other *Rav Hamachshir*, knew that this is *chametz she’avar alav haPesach*, which is forbidden to be consumed, do I have to

announce that to the world? Is there any way out of this?

Now, one of the hats I wear is Executive Director of AKO (Association of Kashrus Organizations). AKO does amazing things for the world of *kashrus*, and one of them is that it has an AKO *Beis Din*. It doesn’t convene often, but when it does, boy, is it a serious thing. The *poskim* of the major agencies come together to solve very complex issues. We had to gather the *Beis Din* for this, because since this individual owned so many products, this problem was so far-reaching. It would affect Jewish events, *s’machos*, and individual consumption all over. The *Beis Din* came to the conclusion that yes, these products are forbidden, and I must raise awareness about this.

So, Reb Yitzchok, can you imagine the call I had to make to this factory? “Yeah, I just want to follow up on your request to be kosher. Well, not only can you not be kosher, but I’m about to tell the world that the majority of your products may not be used.” Boy, that did not go over well.

But sometimes the *Ribono shel Olam* shows that when you do the right thing, it works out. I don’t remember how much later it was, but one day the guy called us back and said, “You know what? We were so impressed with your authenticity, it was an incredibly uncomfortable thing for you to do what you did, it could have had legal ramifications, too, but you just stuck to the letter of Jewish law.”

And then he told me, “I want to do this right. What can we do to make our product kosher?” I said, “Well, generally when you have a company that’s Jewish-owned, we sell the *chametz* before Passover and buy it back after Passover”.

He looked at me and said, “Well, according to federal law, every time I buy or sell liquor, I’m required to pay tax. That’s going to cost me at least \$300 million in taxes every Passover!”

Rabbi Hisiger: For real?

Rabbi Fishbane: Yes, since it’s a bona fide sale. I start throwing various arguments at him to explain that maybe it’s not an issue, but he cut me off and asked, “Rabbi, is this a real sale or not?” And I told him, “Of course it’s a real sale.”

In the end we came up with a creative solution. He agreed to put away a hundred barrels every year, so that a non-Jewish person would own it fully all the way until bottling. They would also mark off the barrels so they wouldn’t be touched, and in 10 years we’d have authentically kosher bourbon!

Rabbi Hisiger: Ingenious. Did he have to pay tax on that?

Rabbi Fishbane: No, it was a different type of sale. But the point I want to bring out with this is his question, which really sheds light on the whole concept of *chametz she’avar alav haPesach*.