

דרך קצרה

Brief summaries of cRc Kashrus Policies

WAITING 12 MONTHS

Chacham Tzvi reasons that just like the flour-based paste in barrels dries out and becomes inedible after 2 months (see DK 77), so too there is some when absorbed *ta'am* of *chametz* reaches an equivalent stage and is also permitted. When does that happen? He suggests that it happens after 12 months, and bases that on the halacha that if a barrel used for *stam yayin* has been empty for 12 months, it can be used for kosher wine without *kashering*.

Why is this halacha only quoted regarding non-kosher wine and not for any other forbidden food? *Chacham Tzvi* posits that it is based on a strict halacha regarding wine that does not apply to other forbidden foods. For most forbidden foods, once *ta'am* has been absorbed for 24 hours, the *ta'am* is "pagum" and cannot affect food subsequently used in that utensil. But *Chazal* said that nonetheless, one cannot use an *aino ben yomo* utensil without *kashering*. Once *Chazal* instituted this requirement, the utensil remains forbidden even when 12 months have passed. But wine is different in that even when it is *aino ben yomo* it still has a positive effect on other foods. In a sense, the גזירה אינו בן יומו does not apply to barrels used with wine. Accordingly, when they are 12 months old and the absorbed taste reaches the point of being completely inedible, one may use the barrel even without *kashering*.

Thus, it is the strict stance of *aino ben yomo* wine which leads to the lenient application for a wine barrel which is 12

months old. If so, *Chacham Tzvi* says, the same should apply to *chametz* on *Pesach*. It carries the strict halacha that *aino ben yomo* is forbidden, and therefore the halacha should also say that if the utensil has not been used for non-kosher for 12 months, then it can be used on *Pesach* without *kashering*.

Although *Chacham Tzvi* finds this logic compelling, he says that one should only rely on it in cases where the utensil was already used for *Pesach* food, but he is unwilling to be lenient *l'chatchilah*.

Many *Acharonim* discuss the novel approach of *Chacham Tzvi*. Many disagreed with him, and others were more willing to accept his approach in specific cases, such as if the *ta'am* was only absorbed via *kovush*. Furthermore, many who disagree with *Chacham Tzvi* are willing to consider his position as a *tziruf* when there are other factors to be lenient about a specific case. Even more surprising is that some are lenient in cases of "standard" forbidden foods, which are not *chametz* or *stam yayin*. Although *Chacham Tzvi* says that his leniency only applies to those two *issurim*, his logic indicates that after 12 months the prohibition against using the utensil (without *kashering*) is always less serious than before 12 months, and therefore in specific cases *Poskim* are lenient for all *issurim*.

One prominent example of that is that *Iggeros Moshe* ruled that a *ba'al*



teshuvah who had valuable china (i.e., dishes that cannot be *kashered*) which had previously been used for non-kosher, can use those dishes based on a *tziruf* of many considerations. One of the significant reasons to be lenient was that the dishes had not been used for 12 months, such that – as *Chacham Tzvi* established – the prohibition against using them is even weaker than the גזירה אינו בן יומו אטו בן יומו. Therefore, although *Chacham Tzvi* did not

apply his ruling to situations where standard non-kosher food was used with a dish, in this case *Iggeros Moshe* said that one can be lenient.

Any situation where one will consider being lenient based on *Chacham Tzvi*, requires consultation with a qualified *Rav* who can weigh the appropriateness of applying that ruling to the given case.

מראה מקומות

שולחן ערוך סימן תנ"ב סעיף א'
שו"ת חכם צבי סימן ע"ה ופ'
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