

The Gerald & Karin Feldhamer OU Kosher Halacha Yomis This Column is dedicated in memory of: Rav Chaim Yisroel ben Reb Dov HaLevi Belsky, zt'l Senior OU Kosher Halachic Consultant from 1987-2016

Why does it seem that there is a greater emphasis on *Yoshon* today than there was generations ago?

The Rama (*Yoreh De'ah* 293:2) writes that where we are uncertain when grain is planted and harvested, it is permissible based on a *sfek sfeika* (double doubt): The wheat may have been harvested before Pesach, and even if it was harvested after Pesach, it may have taken root before Pesach. In past generations, it was impossible to know when a particular sack of wheat was harvested or in which month it was planted. In addition, historically (until the 1970s) the U.S. stored their surplus grain from one year to the next. Under such circumstances, it was possible to apply the *sfek sfeika* of the Rama. However, today the wheat supply can be tracked so efficiently that there is much less doubt as to whether the wheat is from this year's or last year's crop. Every shipment of wheat contains paperwork that identifies the type of wheat and the year it was harvested. Crop reports inform us when each variety of wheat is planted for every state. Furthermore, there is little chance that the wheat is from a previous year, since the U.S. exports its wheat surplus. Far from qualifying as a double doubt, in certain circumstances one might even know with certainty that a particular batch of flour is *chodosh*. The Mishnah Berurah (489:45) cautioned against purchasing Russian wheat which was known to be *chodosh*.

However, the opinions of the Magen Avrohom and Bach (cited in the previous Halachah Yomis) would still apply, for those who wish to be lenient.

Does the prohibition of *chodosh* apply in the diaspora?

Shulchan Aruch (*Yoreh De'ah* 293:2) writes unambiguously that the laws of *chodosh* apply in all circumstances, both in Israel as well as outside of Israel. Indeed, many Sefardim are known to be careful to not eat *chodosh* in accordance with this ruling of Shulchan Aruch. However, there are two main dissenting opinions among the Ashkenazic *poskim*.

- The Bach (*Yoreh De'ah* 293) disagrees with Shulchan Aruch and writes that the prohibition of *chodosh* outside of Israel only applies to grain grown by Jewish farmers. Grain grown by non-Jewish farmers outside of Israel is permitted.
- The Magen Avraham (489:17) writes that because of the difficulty in

observing this law, many rely on the opinion that the prohibition of *chodosh* is limited to Israel and adjacent lands.

Though *chodosh* would apply to grain from countries neighboring Israel, it would not apply in Europe or America.

The Rama (*Yoreh De'ah* 293:2) mentions a third consideration. Since it is uncertain when the planting occurred, one may be lenient and permit eating these grains, because of a double doubt (*sfek sfeika*).

[This point will be discussed further in a future Halachah Yomis.]

The Mishnah Berurah (489:45) writes that the majority of people follow the above leniency, and one should not disapprove of those who follow this approach. Nonetheless, it is preferable to be stringent.

What do the terms *chodosh* flour or *yoshon* flour mean?

The Torah (Vayikra 23:14) states that it is forbidden to eat the new year's grains until after the *omer* sacrifice (a barley offering) is brought in the *Bais HaMikdash* on the second day of Passover. This prohibition applies exclusively to five varieties of grain: wheat, barley, spelt, rye and oats. Once the *omer* sacrifice was brought, all grain which took root before Passover is viewed as *yoshon* (old), and is permitted. Grain which took root after the second day of Passover is known as *chodosh* and is not permitted until the following year's *omer* offering.

Though we no longer sacrifice the *omer* in the *Bais Hamikdash*, the prohibition of *chodosh* is still in effect. While it is accepted that the Torah prohibition of *chodosh* applies in Israel, there are different opinions as to whether the prohibition of *chodosh* applies in other countries as well.