

# HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

## SERIES 2: 17 - MEDICATION ON PESACH

OU ISRAEL CENTER - SPRING 2022

### A] THE PROHIBITIONS OF CHAMETZ

#### A1] THE TORAH MITZVOT

- The Torah includes multiple mitzvot<sup>1</sup> not to eat or own chametz on Pesach<sup>2</sup>.

1. (טו) שבעת ימים מצות תאכלו אף ביום הראשון תשביתו שאר מבתיכם כי כל אכל חמץ ונכרתה הנפש ההוא מישראל מיום הראשון עד יום השבעי:

שמות יב:טו

*The Torah prohibits eating chametz all 7 days of Pesach, together with a punishment of karet for eating chametz.*

2. ויאמר משה אל העם זכור את היום הזה אשר יצאתם ממצרים מבית עבדים כי בחזק יד הוציא ה' אתכם ממצרים ולא יאכל חמץ.

שמות יג:

*The Torah adds a prohibition that chametz may not 'be eaten' (in the passive).*

3. ולא יאכל חמץ - אמר חזקיה, מנין לחמץ בפסח שאסור בהנאה? שנאמר ולא יאכל חמץ - לא יהא בו היתר אכילה.

פסחים כא:

*Chazal learn this repetition and broadening of the prohibition to include other elements - here, a Torah prohibition to get any benefit from chametz.*

4. ולא יאכל חמץ - ולא יאכל - לעשות את המאכיל כאוכל.

מכילתא דרבי ישמעאל בא - מסכתא דפסחא פרשה טז

*Feeding others chametz is equated with eating chametz.*

5. ולא יאכל חמץ היום אפילו לכלבים. מה אנו קיימין? אם לכלבו ההני איסור הנייה. אלא כי נן קיימין אפילו לכלב אחרים. זאת אומרת שאסור להאכילן לבהמת הבקר.

תלמוד ירושלמי מסכת פסחים פרק ב הלכה א

*The Yerushalmi understands that the Torah mitzva prohibits even feeding chametz to stray animals from which one does not get direct benefit.*

6. לא תאכל עליו חמץ שבעת ימים תאכל עליו מצות לחם עני כי בחפזו יצאת מארץ מצרים למען תזכר את יום צאתך מארץ מצרים כל ימי חייך:

דברים טז:

*A separate Torah mitzva prohibits eating chametz on 14th Nissan from noon.*

1. Rambam lists 8 separate mitzvot at the beginning of Hilchot Chametz U'Matza. This does not of course include any mitzvot connected to the Korban Pesach.  
2. A number of shiurim on Pesach topics can be accessed on <https://rabbimanning.com/index.php/audio-shiurim/chagim/>. Topics include: Soft Matza; Erev Pesach on Shabbat; Kashrut and Glassware; Chametz After Pesach - Corporate Conundrums; Charoset - Mitzva, Minhag or Medicine; Wine, Grape Juice and Seder Night; Eliyahu and the Quest for the 5th Cup; Mixed Marriages and Kitniyot Conundrums; Ta'anit Bechorot; Machine Matzot; Chumra and Pesach - A Metahalachic Analysis; Pesach: Matza and Celiac Issues; Pesach: The Kezayit - A Halachic Biography; Pesach - Selling Chametz: Torah Mitzvah or Legal Loophole?; Eating Gebrochts on Pesach; Eating Kitniyot on Pesach; Women Leaning at the Seder; Pesach - Korban Pesach Today - Hashkafic Dream or Halachic Nightmare?; Pesach - The Structure of the Hagadah (with 2 source sheets); Second Day Yom Tov for Visitors to Israel.

7. כָּל־מִחְמָצָת לֹא תֹאכְלוּ בְּכָל־מוֹשְׁבֵיכֶם תֹּאכְלוּ מִצּוֹת.

שמות יב:ב

8. (כ) מחמצת לא תאכלו – אזהרנו על חכילת שאור. כל מחמצת - להביא את תערובתו.

רש"י שמות יב:ב

*The Torah specifically prohibits eating any leavening agent (even if not normally edible) and certain mixtures with chametz in them.*

9. שְׁבַעַת יָמִים שְׂאֹר לֹא יִמְצָא בְּבֵיתְכֶם כִּי כָל־אֲכָל מִחְמָצָת וְנִכְרְתָהּ הַנֶּפֶשׁ הַהוּא מֵעַדְתָּ שְׂרָאֵל בְּגֵר וּבְאִזְרַח הָאָרֶץ.

שמות יב:יט

*Two more Torah mitzvot create 'fences' around the karet prohibition of eating chametz: (i) not to have chametz in our possession throughout Pesach .....*

10. מִצּוֹת יִאָּכַל אֶת שְׁבַעַת הַיָּמִים וְלֹא־יֵרָאֶה לְךָ חֵמֶץ וְלֹא־יֵרָאֶה לְךָ שְׂאֹר בְּכָל־גְּבֻלְךָ.

שמות יג:ז

.... and (ii) not to have chametz visible in our homes throughout Pesach.

## A2] THE HALACHIC PROHIBITIONS<sup>3</sup>

- Eating a *kezayit*<sup>4</sup> of pure chametz food or liquid (within a time-frame of *kedei achilat pras*<sup>5</sup>) knowingly on Pesach is a Torah prohibition and karet liability.
- Eating less than a *kezayit* of pure chametz food or liquid is a Torah prohibition - *chatzi shiur assur min haTorah*.
- Eating a mixture containing chametz is a Torah prohibition<sup>6</sup> if the person consumed a *kezayit* of chametz within a *kedei achilat pras*.
- If the concentration of chametz is lower than a *kezayit* within a *kedei achilat pras*, but more than a sixtieth the prohibition is still prohibited<sup>7</sup>. If even a tiny amount of chametz is mixed into food on Pesach, the food is prohibited rabbinically<sup>8</sup>.
- Eating a mixture where the chametz is less than a sixtieth, is undetectable and was mixed before Pesach unintentionally is permitted according to some poskim in certain situations. In some cases, some poskim understands that it 'reactivates' on Pesach - *chozer vene'ur*.<sup>9</sup>
- Eating chametz from noon on 14 Nissan is a Torah prohibition.
- Eating chametz from the fifth hour on 14 Nissan is a rabbinic prohibition.
- Owning chametz on Pesach or keeping it one one's property are each a Torah prohibition.
- Eating or benefiting chametz AFTER Pesach, but which was owned by a Jew on Pesach, is a rabbinic prohibition.

## B] WHICH FOODS ARE CHAMETZ?

11. מִשְׁנָה. אלו דברים שאדם יוצא בהן ידי חובתו בפסח: בחטים, בשעורים, בכוסמין, ובשיפון, ובשיבולת שועל.

פסחים לה.

*Matza can only be made from a food which could become chametz. The Mishna lists five such foods - (i) wheat, (ii) barley, (iii) spelt - a type of wheat common to the Middle East and identified as triticum spelata (iv) rye - the identity of which is subject to some dispute, but which Rashi identifies as the grain now known as secale cereale; and (v) oats - the identity of which is also disputed but which Rashi identifies as avena sterilis.*

3. See Rambam Hilchot Chametz U'Matza Chapter 1.

4. Approximately 1.27 fl. oz. or 38 ml.

5. Between 2 and 4 minutes.

6. According to most Rishonim, this case is called *ta'amo umamasho* and will still be *chayav karet*. According to the Rambam it is a non-karet Torah prohibition. See Aruch HaShulchan OC 442:8, 9

7. According to the Rambam this will be a rabbinic prohibition. According to most poskim, there is a debate as to whether this level of concentration is prohibited rabbinically or min haTorah as *chatzi shiur*

8. According to Rashi, this is because chametz is chayav karet. According to the Rambam it is because chametz will become permitted again after Pesach - *davar sheyesh bo matirin*.

9. The halachot in these areas are complex and there are other variables that we have not dealt with such as (i) whether the mixture is *min bemino* eg flour in flour or *minbesheayno mino*; (ii) whether the mixture is *lach belach* - ie completely blends, or *yavesh beyavesh* - ie does not completely blend. When these factors are integrated, as well as the different halachic conclusions of the Rishonim and Acharonim on these issues, the matter becomes significantly more complex.

12. הני - אין, אורז ודוחן - לא. מנהגי מילי? ... אמר קרא (דברים טז) לא-תאכל עליו חמץ שבעת ימים תאכל-עליו מצות. דברים הבאים לידי חימוץ - אדם יוצא בהן ידי חובתו במצה, יצאו אלו שאין באין לידי חימוץ אלא לידי סירחון.

פסחים לה.

*Rice and millet (a kind of corn) are explicitly referred to in the Gemara as foods that can never become chametz. When exposed to water they do not ferment but rot.*

13. אורז ודוחן - אין עושין חמץ ואם מחמילין אותן - מסריחין.

רש"י שם

*Rashi explains that the process of chimutz is impossible with rice and millet - the food simply spoils when soaked in water.*

14. אין אסור משום חמץ בפסח אלא חמשת מיני דגן בלבד, והם שני מיני חטים שהן החטה והכוסמת, ושלושת מיני השעורים שהן השעורה ושבולת שועל והשיפון, אבל הקטניות כגון אורז ודוחן ופולים ועדשים וכיוצא בהן אין בהן משום חמץ אלא אפילו לש קמח אורז וכיוצא בו ברותחין וכסהו בבגדים עד שנתפח כמו בצק שהחמיץ הרי זה מותר באכילה שאין זה חמוץ אלא סרחון.

רמב"ם הלכות חמץ ומצה פרק ה הלכה א

*The halachic position is agreed upon by all authorities and ruled by the Rambam. Kitniyot can never become chametz, even were a person to add hot water to them and make them into a dough e.g. rice bread or corn bread.*

15. אלו דברים שיוצאים בהם ידי חובת מצה - בחטים ובשעורים ובכוסמין ובשבולת שועל ובשיפון. (והמנהג ליקח לכתחלה חטים (מהרי"ט), אבל לא באורז ושאר מיני קטניות, וגם אינם באים לידי חימוץ ומותר לעשות מהם תבשיל. הגה: ויש אוסרים (טור והגהות מיימוני פ"ה ומדכי פ' כל שעה). והמנהג באשכנז להחמיר ואין לשנות ....

שולחן ערוך אורח חיים הלכות פסח סימן תג סעיף א

*The Shulchan Aruch rules that kitniyot are permitted on Pesach and the Rema rules that the firm Ashkenazi custom is not to eat them.*

16. (ז) ואין לשנות - ואפילו באחרון של פסח ג"כ אין להקל בזה. ומ"מ בשעת הדחק שאין לאדם מה לאכול מותר לבשל כל המינים חוץ מה' מיני דגן ומ"מ גם בכגון זה יקדים קטניות לאורז ודוחן ורעלקט, שהם דומין יותר לה' מינים ושייך זהו טפי למיגזר. [ופשוט דה"ה לחולה אף שאין צו סכנה דמותר לבשל לו אם לריך לזה] אלא לריך לדוק ולצרור יפה יפה בדקדוק היטב שלא ימלאו צם גרעינים מה' מיני דגן....

משנה ברורה סימן תג ס"ק ז

*The Mishna Berura rules that it permitted to eat kitniyot for medical purposes (after thorough checking). This would apply even more to medications which are fundamentally inedible - see below.*

## C] SICKNESS, MEDICATION AND HALACHA

- There are three basic categories of sickness for the purposes of halacha:

### C1] CHOLEH SHEYESH BO SAKANA - AN ACTUAL OR POTENTIALLY LIFE-THREATENING ILLNESS

This category of people<sup>10</sup> includes:

- Someone with an infection (except for those skin infections known to be non-life-threatening).
- Someone severely ill with COVID-19.
- Someone who has COVID-19 with moderate or severe symptoms of coronavirus and is either elderly, or has underlying medical conditions that cause an increased risk for severe illness from COVID-19 (e.g. diabetes, heart condition, etc.).
- Someone with a chronic and potentially life-threatening condition, including (but not limited to) hypertension, diabetes, asthma, stroke risk, cancer, serious psychiatric condition.
- An elderly person with the flu.

10. Taken substantially from <https://www.star-k.org/articles/articles/seasonal/388/pesach-medication-the-halachos-lists/>

- A pregnant woman whose life is at risk (e.g., blood clotting disorder, toxemia) or who is in active labor or in danger of having a miscarriage.
- A woman who has given birth within the past seven days or who has postpartum complications that are or may become life-threatening. This may apply for an extended period of time greater than seven days, depending upon her condition.
- A person in this situation can take any medication, irrespective of the kashrut of the ingredients.
- A person should take prescribed antibiotics and finish the course that is prescribed.
- As we will see below, there are preferences for the medication to be tasteless and swallowable, where this will not compromise or delay the treatment.

## C2] CHOLEH SHE'EIN BO SAKANA - AN ILLNESS WHICH IS NOT LIFE-THREATENING

This category of people includes:

- anyone who is bedridden, noticeably not functioning fully due to pain or illness, or has a fever which is not potentially life-threatening.
- Someone recovering from COVID-19 who is weak but no longer in a sakana state.
- Someone who suffers from chronic debilitating arthritis pain.
- Someone who suffers from migraine headaches or mild depression.
- A pregnant woman suffering from non-life-threatening complications (e.g. lower back pain).
- A woman who has given birth between 7 and 30 days prior to Yom Tov without any known problems or sakana, or who is experiencing non-life-threatening postpartum complications. This may apply for an extended period of time after 30 days.
- A child under age six with any illness or discomfort.
- As we will see below, such a person should not take medication containing edible chametz.
- Some poskim permit giving medications containing edible chametz to a child below bar/bat mitzva. A Rav should be consulted. A non-Jew should own this chametz and, where possible, it should be administered by a non-Jew or a child under bar/bat mitzva.
  - However, such a person may swallow any tablet, caplet or capsule that is manufactured with the intent for the consumer to swallow, regardless of whether or not it contains chametz <sup>11</sup> (unless an equally effective non-chametz medicine is available).
- Medication containing kitniyot is permitted. Even food containing kitniyot which is needed for special nutrition (eg baby formula) will be permitted for infants and the elderly since they will be considered to be a *choleh she'ain bo sakana*.

## C3] MEICHUSH - A SLIGHT DISCOMFORT

- This category of people includes anyone experiencing a slight discomfort (e.g. slight joint pain, slight sore throat, runny nose etc) and who is generally in good health.
- This group is considered in halacha to be healthy and may certainly not take any medication containing edible chametz. Whether they can take medication containing inedible chametz is a halachic debate. They may certainly take inedible medications containing kitniyot but some poskim rule that they should preferably not take medication containing edible kitniyot.

## D] MEDICATION AND KASHRUT

- The kashrut of medication is a halachic issue ALL year around and not just on Pesach.
- Problematic ingredients which could be included in medication include:
  - magnesium stearate, calcium stearate and stearic acid, which may be derived from either animal or vegetable sources.
  - liquid medicines could contain glycerin, which is often produced from non-kosher animals.
  - gel-caps can contain animal gelatin which many contemporary authorities view as non-kosher.
  - on Pesach, medication can contain chametz or kitniyot. Ingredients which could be a potential kashrut issue on Pesach include starch, ethanol, glucose, sorbitol, xylitol, maltitol, maltodextrin.
- Medication required for life-saving or even questionably life-saving conditions may be taken irrespective of the ingredients in order to preserve life. *Pikuach nefesh* sets aside all Torah prohibitions apart from idolatry, prohibited sexual relations, and murder.

11. Medicine taken by a choleh she'ain bo sakana often lists ingredients that may be derived from chametz. For example, sorbitol – a sweet calorie-free sugar alcohol derived from glucose found in medication, mouthwash, and toothpaste – is often derived from corn but could also come from wheat (sorbitol from Europe is often chametz-based). There is no way to know its source by reading the label. 'Gluten-free' does not necessarily mean chametz-free. For instance, a product with chametz-based sorbitol can still be labeled gluten-free as it no longer contains gluten but would still be chametz.

## D1] IS INGESTING MEDICATION CONSIDERED HALACHICALLY 'EATING'?

- All halachic prohibitions on eating foods apply only if the food is 'eaten'! What constitutes halachic 'eating'?

17. אמר רבי אבהו אמר רבי יוחנן: כל איסורין שבתורה אין לוקין עליהן אלא דרך אכילתן. למעוטי מאי? אמר רב שימי בר אשי: למעוטי שאם אכל חלב חי, שפטור. איכא דאמרי - אמר רבי אבהו אמר רבי יוחנן: כל איסורין שבתורה אין לוקין עליהן אלא דרך הנאתן. למעוטי מאי? - אמר רב שימי בר אשי: למעוטי שאם הניח חלב של שור הנסקל על גבי מכתו, שהוא פטור. וכל שכן אוכל חלב חי שהוא פטור.

פסחים כד:

The Gemara here states that all foods which are prohibited to eat and/or benefit from are prohibited only if the eating/benefit is in the normal manner. But if, for instance, one used prohibited chelev fat as a cream for a wound, this would be permitted.

18. במה דברים אמורים שאין מתרפאין בשאר איסורים אלא במקום סכנה. בזמן שהן דרך הנאתן. כגון שמאכילין את החולה שקצים ורמשים או חמץ בפסח או שמאכילין אותו ביום הכפורים. אבל שלא דרך הנאתן - כגון שעושין לו רטיה או מלוגמא מחמץ או מערלה. או שמשקין אותו דברים שיש בהן מר מערב עם אסורי מאכל שהרי אין בהן הנאה לחי, הרי זה מתר ואפלו שלא במקום סכנה. חוץ מפלאי הפרס ובשר בחלב שהן איסורים אפלו שלא דרך הנאתן. לפיכך אין מתרפאין מהן אפלו שלא דרך הנאתן אלא במקום סכנה.

רמב"ם הלכות יסודי התורה פרק ה הלכה ח

The Rambam<sup>12</sup> rules that almost all prohibited foods are permitted to sick (but not life-threatening) people as long as they ingest them in an abnormal manner - such as chametz which is used as an ointment, or food which is mixed with a bitter and inedible substance which makes the mixture taste bad.

19. בשאר איסורים מתרפאים במקום סכנה, אפי' דרך הנאתן. ושלא במקום סכנה, כדרך הנאתן אסור; שלא כדרך הנאתן, מותר, חוץ מכלאי הכרם ובשר בחלב שאסורים אפילו שלא כדרך הנאתן אלא במקום סכנה. הגב: ... י"א דכל איסורי הנאה מדרבנן מותר להתרפאות בהן אפילו חולה שאין בו סכנה. (ר"ן פכ"ט ג' ע"ג ו"א ורי"ט ע"ג סי' מה/נה). ... וכל חולה שמאכילין לו איסור לריכוס שחאה הרפואה ידועה או על פי מומחה. ואין מתירין שום דבר איסור לחולה, אם יוכל לעשות הרפואה בהיתר כמו צאיסור, אף על פי שצריך לשהות קלת קודם שימלא בהיתר, מאחר שאין סכנה בדבר. (בית יוסף ותשובת הרשב"א סוף סימן קלד/ח"ג סי' ריד).

שולחן ערוך יורה דעה הלכות עבודת כוכבים סימן קנה סעיף ג

The Shulchan Aruch rules like the Rambam - most foods which are prohibited by the Torah to eat may be used or ingested in a manner which gives no normal benefit. This applies even to a person who is not life-threateningly sick. The Rema rules that food which is prohibited to benefit from rabbinically may be used for healing, even to a regular sick person. But he also adds a number of caveats: (i) these leniencies may only be relied up if the treatment is prescribed by a trained doctor and; (ii) if a medication made from a permitted substance is as readily available this must be used, even if the wait for the medication is slightly longer, unless the condition or delay is potentially life-threatening.

- Medication, unlike regular food, is usually tasteless and is also swallowed without chewing. Is this considered an 'abnormal' use?

20. אמר רבא: בלע מצה - יצא (רש"ט) = צלע מצה. ולא לעסה ולא. שכרי קיים צערצ תכלו מצות (שמות יב) שכרי חכילה היא לו ומיהו לכתחלה טעם מצה צעין).

פסחים קטו:

The Gemara states that if one swallowed matza without chewing or tasting it, this DOES fulfil the mitzva to 'eat' matza.

21. הרי באיסורין ודאי אינו לוקה אלא כדרך הנאתן. ואפי"ה הבולע דבר איסור לוקה. והרי בחולין (קג) לא משכחת לרשב"ל שלוקה משום אבר מן החי רק בגרומתא זעירתא שבלעו כולו כאחד. ואם יאמר שכיון שהוא קטן דרך לבלעו, אף במצה חתיכה קטנה דרך לבלוע! באופן שפשוט אצלי שבליעה מקרי דרך הנאתן.

שו"ת נודע ביהודה מהדורה קמא - יורה דעה סימן לה

R. Yechezkel Landau<sup>13</sup> rules, based on this concept, that swallowing must be considered to be kederech hana'atan. Therefore, swallowing a pill or capsule containing a non-kosher substance would be no different than ingesting it normally and would be prohibited unless there was a danger to life.

12. See also Rambam Hilchot Ma'achalot Assurot 14:10-11.

13. (1713-1793), Shu't Noda Bi-Yehuda (YD 35).

• R. Shlomo Zalman Auerbach<sup>14</sup> disagreed. He ruled that, while swallowing food without chewing may be considered *kederech achilatan*, swallowing a pill or capsule, which is not a food item, would not be considered to be *kederech achilatan*, and would therefore be permitted for a person who is sick. R. Auerbach questions, however, whether the definition of 'sick' here is equivalent to the category of *choleh she'ein bo sakana* in the laws of Shabbat, which is generally defined as one who is sick with an illness that is not life threatening, as opposed to one who is only slightly ill (*meichush be'alma*).

22. ושמעתי מהגרש"ז אויערבך שליט"א דאף שגם זליעה חשיב כדרך אכילה ... מ"מ זכה"ג דלא חזי ללעום ולאכולו כדרכו, אלא עומד רק לזליעה כמו חמץ נוקשה של תרופות שעומד רק לזלוע לשם רפואה, יתכן דחשיב כפקע ממנו שם אוכל. וכיון שגם אינו ראוי לחמץ זו עיסות אחרות, אפשר דמוטר לזולעו....

שמירת שבת כהלכתה מ:הערה קסט

*This is the psak of R. Yehoshua Neuwirt, one of the main students of R. Shlomo Zalman Auerbach.*

• Most poskim agree with the view of R. Auerbach and permit medication made from non-kosher products, but only for someone who is genuinely sick (even if not in a life-threatening condition). However, this leniency would not apply to someone suffering from a *meichush be'alma* or to vitamins.

## D2] ARE THE INGREDIENTS IN MEDICATION CONSIDERED HALACHICALLY 'EDIBLE'?

23. דתניא: לא תאכלו כל נבלה לגר אשר בשעריך - כל הראויה לגר קרויה נבילה, שאין ראויה לגר אינה קרויה נבלה. (רש"י - שהסריחה - אלמא מדאפגים בטל איסורה.)

עבודה זרה טז-סח.

*The Gemara states the fundamental principle that non-kosher food (in this case a neveila) which becomes<sup>15</sup> inedible is no longer halachically prohibited.*

24. דאמר רבא: חרכו קודם זמנו - מותר בהנאה, אפילו לאחר זמנו. עבר זמנו אסור בהנאתו.

פסחים כא:

*The Gemara applies this to chametz too. If chametz that was charred before the time that chametz becomes prohibited, the charred food is permitted. If it became charred after the zman issur, it remains prohibited.*

25. חרכו קודם זמנו מותר בהנאה אף לאחר זמנו - וכגון שנפסל מלאכול לכלב דזענין אחר לא הוי שרי, דומיא דפת שעופשה ....

תוספות פסחים כא:

*Tosafot clarify that the charred chametz is inedible even for a dog - ie one would not even relate to it as animal feed.<sup>16</sup>*

26. דתניא: הפת שעופשה - חייב לבער מפני שראוי לשוחקה ולחמץ בה כמה עיסות אחרות .... תנו רבנן: הפת שעופשה ונפסלה מלאכול לאדם, והכלב יכול לאוכלה - מטמאה טומאת אוכלין בכביצה, ונשרפת עם הטמאה בפסח

פסחים מה:

*The Gemara rules that bread which is inedible for a person (but edible for an animal) is still classified as halachic food.*

## D3] ACHSHEVEI - WHAT IF A PERSON DECIDES TO INGEST SOMETHING WHICH IS INEDIBLE?

27. ... ודאמר ר' מותר בהנאתו זדין הוא דאפילו זאכילה גמי שרי כיון שיא לא מתורת פת קודם שיחול בו איסור חמץ. אלא לפי שאין דרך אכילה זלחם חרוך נקט לישנא דמותר בהנאתו ...

ר"ן (על הר"ף) פסחים ה:

*The Ran learns that, when the Gemara writes that totally inedible chametz (even for an animal) is permitted to 'benefit from', that means one is even allowed to ingest it since it is not halachically food!*

14. Minchat Shlomo 1:17.

15. The key point here is that the chametz discussed in this section WAS edible but became inedible. In this case the chametz must be totally inedible, even as animal food, in order to lose its halachic status as chametz. However, chametz which was NEVER edible is only required to be inedible by a person in order to avoid being classied as chametz.

16. The halacha is not concerned with what an animal would chose to eat!! Rather, the halacha focuses on whether a person would relate to the food, even as animal feed.

28. יש שרונים לומר לאו דוקא הנאה דהוא הדין נמי אכילה דעפרא בעלמא הוא. ולא מסתבר! דע"פ דבטלה דעת האוכל אלל כל אדם מ"מ כיון דאיכו קאכיל ליה אסור.

רא"ש פסחים פרק ב סימן א

*The Rosh disagrees and rules that, even if something is objectively inedible, if a person decides to eat it they elevate its status. This is the principle of 'achshevei'.*

29. חמץ שנתעפש קודם זמן איסורו ונפסל מאכילת הכלב, או ששרפו באש קודם זמנו, ונחרך עד שאינו ראוי לכלב .... מותר לקיימו בפסח.

שולחן ערוך אורח חיים הלכות פסח סימן תמב סעיף ט

*The Shulchan Aruch rules that totally spoiled chametz is permitted to keep on Pesach.*

30. (ח) מותר לקיימו. אצל זאכילה אסור אף על גב דאינו ראוי לאכילה מ"מ איכו אחשביה ליה לאכילה, כ"כ הרא"ש. ונראה לדידיה דודאי אין חיוב דאורייתא כזה דהא ז"כ כי אכל אכילה שאינה ראוייה פטור.

ט"ז אורח חיים סימן תמב ס"ק ח

*The Taz (and later poskim<sup>17</sup>) understand that the Shulchan Aruch is ruling strictly, like the Rosh, that even totally spoiled chametz is prohibited (rabbinically) to eat.*

#### D4] ACHSHEVEI AND MEDICATION

31. דבר שנתערב בו חמץ ואינו מאכל אדם כלל או שאינו מאכל כל אדם (משנה צרורה - רק לחולים), כגון התריאק"ה<sup>18</sup> וכיוצא בו, אף על פי שמותר לקיימו אסור לאכלו עד אחר הפסח, ואף ע"פ שאין בו מן החמץ אלא כל שהוא הרי זה אסור לאכלו (משנה צרורה - ואף שאינו ראוי לאכילה מ"מ כיון דהוא אכלו אחשביה). ....

שולחן ערוך אורח חיים הלכות פסח סימן תמב סעיף ד

*The Shulchan Aruch rules that a substance into which chametz is mixed but which is inedible for normal people or only edible for sick people is still prohibited to eat due to achshevei. Does this not indicate clearly that achshevei DOES apply to medication!?*

- In an early teshuva on the issue, the Sha'agat Aryeh<sup>19</sup> took a strict view that *achshevei* also applied to medication.
- However, most contemporary poskim rule that the concern of *achshevei* does not apply to medication for a number of reasons:
  - one's intention is only for the medicinal value of the substance (ie the active ingredient, which is usually not chametz<sup>20</sup>) and is not elevating it subjectively to the status of food.
  - the ingredients in the medication are often unfit for normal human consumption - although see below.
  - *achshevei* does not apply to mixtures containing chametz but only to pure chametz which was spoiled.
  - additionally, the medication is not being eaten in a normal manner but swallowed whole.

32. .... יום א' ו' ניסן תש"כ. מע"כ ידידי אהובי הרה"ג מוהר"ר אפרים גרינבלאט שליט"א. ובדבר הרפואה שאתה צריך ליקח גם בפסח ואתה חושש אולי יש שם איזה חשש חמץ. הנה מכיון שהוא לרפואה הניתוח שעשו באבר פנימי פשוט שצריך ליקח אף אם היה ודאי חמץ! ובעצם אף בלא סכנה אין חשש דכבר נבטל קודם הפסח משם אוכל. ואחשביה לא שייך בדבר שלוקח לרפואה. דאף דברים מרים ומאוסים נוטלין לרפואה. ולכן אין לך מה לחשוש ותקח הרפואה כפי שאמר לך הרופא והש"ת יתן שיהיה זה לרפואה ....

שו"ת אגרות משה אורח חיים חלק ב סימן צב

*R. Moshe Feinstein<sup>21</sup> rules clearly that achshevei does not apply to medication.*

33. .... ובהיות כן בתרופות וכמוסות כאלה שמעורבין בדברים שאינן ראויין לאכילת אדם כנ"ל בחזו"א יש שפיר להתיר לבולען בפסח לרפואה וכנ"ל. ורק משום ישראל קדושים הם יש לחזר לכתחילה אחרי כל הדרכים שלא יהא בהם כל תערובות חמץ שהן. ומכש"כ שאין כל מקום לחומרא כשעשויים מקטניות. ....

שו"ת ציץ אליעזר חלק י סימן כה פרק כ

*The Tzitz Eliezer rules that there is no halachic concern at swallowing tasteless medication which contains chametz ingredients, although the Jewish people are holy and wish to avoid any contact with chametz on Pesach.*

17. See Mishna Berura 442:43.

18. Theriac, or treacle, is cited in the Gemara (Shabbat 109b and Nedarim 41b) and non-Jewish sources in the ancient world as a compound with anti-venom and healing properties. It was often taken as a prophylactic to prevent illness, and not just as a treatment. It was difficult to obtain and expensive and people did not want to throw it away on Pesach!

19. R. Aryeh Leib Gunzberg - 18C Lithuania - shu't Sha'agat Aryeh #75.

20. In the case of the theriac, the active ingredient was chametz. Also, many people took it as a food supplement to prevent sickness and not as a medicine to cure it.

21. Shu't Sha'agat Aryeh (#75) took a strict view on this issue in the 18C, ruling that *achshevei* did apply to medication but most contemporary poskim are lenient on the issue. See Chazon Ish (Orach Chaim 116:8), Yad Avraham (YD 84:17), R. Ovadia Yosef (Yechave Da'at 2:60), R. Eliezer Waldenberg (Tzitz Eliezer 10:25:20).

## D5] WRAPPING THE PILL

34. אמר רבא בלע מצה יצא, בלע מרור לא יצא. בלע מצה ומרור - ידי מצה יצא ידי מרור לא יצא. כרכן בסיב ובלען אף ידי מצה נמי לא יצא.

פסחים קטו:

*The Gemara rules that if one wraps matza or marror in some kind of foreign covering and swallows them, one does not even fulfill the mitzva of eating matza.*

35. כרכן - שניהן יחד צסיב הגדל סביב הדקל - לא ילא. שהרי לא היה ממש צפיו לא זה ולא זה, וכזורק אבן לחמת דמי.

רשב"ם שם

*The Rashbam explains that food wrapped in a foreign covering is not considered to be in one's mouth and, as such, is not halachically 'eating'.*

36. ... אם כרך המלה צסיב דלא ילא. דנהי דלא צעינן טעם מלה מ"מ צעינן שיגע המלה בגרונו... אם נאמר צאיסוריס דאם כרך דבר איסור צסיב וכיוצא שיהיה פטור? דכי היכי דצמלות עשה דרחמנא אמר 'תאכל' אמרינן דאם כרכו צסיב דלא הויא אכילה לפי שלא נגעו האכילה בגרונו ה"י צאיסורין דרחמנא אמר 'לא תאכל' אם כרכו צסיב דלא נגעו אכילת האיסור בגרונו לא עבר אהורמנא דמלכא? ולכאורה נ"ל שהדין שוב אלא שלא ידעתי למה בגמרא הביאו דין זה צמ"ע ולא צמל"ת. וכעת לא מלאתי דין זה צפירוש.

משנה למלך הלכות מאכלות אסורות פרק יד הלכה יב

*The Mishne LeMelech is unsure whether this applies to a Torah prohibition too. If one wrapped a treif food in a foreign covering would this be permitted to ingest?*

37. והנה צדין כרכו צסיב לגבי איסוריס שנסתפק המל"מ צפ"ד מה' מאכ"א, העלו האחרונים שאין איסור. וכ"כ המנח"ח צכמה מקומות. וצשו"ת כתב סופר חאו"ח סי' ל"ז האריך בזה והעלה דכרכו צסיב איסור תורה ליכא ואפשר דאיסורא מדרבנן איכא יעוי"ש. ונראה דצאוכלים שנפסלו מאכילה וכרכו צסיב גם השאג"א מודה דאין כאן איסור מדרבנן דל"ש בזה אחשביה לאכילה, כיון שאינו אוכל האיסור בעלמו רק ע"י סיב. ועל כן נראה צנ"ד דצודאי מותר לרפואה לחולה שאין צו סכנה דהא נפסל מאכילה וגם כרכו צסיב.

שר"ת אחיעזר חלק ג סימן לא

*R. Chaim Ozer Grodzinski rules that the principle of 'wrapping' food applies also to negative prohibition and swallowing a piece of wrapped prohibited food would be a rabbinic not a Torah prohibition. However, if the material swallowed was ALSO inedible then the wrapping would remove the concern of 'achshevei' - even according to those opinions that achshevei also applies to medication.*

38. אם טעם הגלולה אינו מר, יש לעוטפה בנייר דק ולבולעה כשהיא עטופה.

שמירת שבת כהלכתה ל:ט.  
*This is ruled by poskim.*

## D6] MIXING THE MEDICATION INTO OTHER FOOD BEFORE PESACH

- Where medication containing chametz is required on Pesach for a *choleh sh'ein ba sakana* some poskim permit grinding down the medication and mixing it with other permitted food before Pesach so that it is *batul beshishim*.
- Although it is not usually permitted to intentionally mix chametz with other food before Pesach so as to nullify it, in the case of illness, some poskim permit this.<sup>22</sup>

## D7] LIMITATIONS ON TAKING MEDICATION ON PESACH

- Many medications do not contain any ingredient which is prohibited on Pesach and may be taken normally<sup>23</sup>.

22. See R. Shimon Eider, *The Halachos of Pesach*, Vol 1 p23 and 43.

23. We are not dealing in this shiur with the issue of taking medication on Shabbat or Yom Tov. In general the halachic position is as follows. All medication may of course be taken where needed for a condition which is potentially life-threatening. Additionally, medication may be taken by a person who is a *choleh she'ein ba sakana* - see definitions above. Where the condition is a minor ache or pain, medication may not normally be taken on Shabbat or Yom Tov although there are a number of exceptions. A course of medication may be continued. Also, medication which is preventative rather than curative may often be taken. A posek should be consulted as cases often differ. Pills may be ground up on Shabbat or Yom Tov so that they can be dissolved in liquid. The grinding should not be done with a professional tool such as a pestle and mortar but with a knife or other unusual method.



- Medications containing kitniyot may certainly be taken. The minhag not to eat kitniyot applies to regular food and not to medication.
- Many poskim distinguish between taking tasteless pills and capsules, as opposed to liquids or chewable medicines which contain chametz. Some argue that the latter, which often have a pleasant taste, may be prohibited according to all authorities since they are edible<sup>24</sup>. Others<sup>25</sup> argue that, although liquid medicines and chewable tablets may have some taste, they are not considered an edible food item, since the taste is artificial and less pleasing than with regular food and also because they may be harmful if consumed in larger quantities.
- Some poskim rule that *achshevei* does apply to vitamins and food supplements<sup>26</sup> since they are effectively food replacers. Other poskim are lenient on this to<sup>27</sup>.
- In general terms:
  - non-chewable tablets and capsules are far less like to contain problematic ingredients.
  - chewable tablets or liquid preparations such as syrups with a pleasant taste are far more likely to contain problematic ingredients. These ingredients are often used as sweeteners.
  - denatured alcohol is a major debate in the poskim. It may be made from distilled grain alcohol to which other substances have been added to make it unfit for normal consumption. Many poskim take the view that this is considered *nifsal me'achilat kelev* and fully inedible. Other take the view that, since there some people who are addicted to alcohol DO drink this, it is considered to be edible. We will look at this be'H in more depth in the next shiur dealing with cosmetics.
  - soluble tablets can also contain problematic ingredients.
  - where liquid antibiotics are being supplied, the ones flavored with sucrose (non-sugar free) are often less likely to contain chametz than sugar-free ones.

#### D8] CONCERNS AT INAPPROPRIATE STRINGENCY

- Some poskim have raised concerns that that some people are being unnecessarily strict and inappropriately discontinuing usage of medicines during Pesach.
- MANY medications are particularly important to take normally and medical advice must be taken before stopping or reducing any medication! Even if the condition is not life-threatening, adopting a stringency is halachically incorrect when the consequences will be negative.
- The OU Kashrut guidelines<sup>28</sup> are included in the Appendix to this sheet.

39. Fear and reticence have penetrated the hearts of pious Jews, and they carefully investigate the medicines that they intend on using during Pesach, that their names appear on the "redeeming list," so that, God forbid, they do not encounter a stumbling block, as it has become clear to them that this is akin to eating chametz on Pesach ...  
As a result of this corrupt outlook, many Jews are endangering their lives, as Jews who fear the word of God and take special precautions regarding chametz question why they should use [these medicines]... and they assume that it certainly will not harm them if they stop taking their medicines for the week of Pesach... And the facts on the ground prove that many older, sick people who need consistent medication suffer setbacks in their physical health.... And I know many people who weeks after Pesach have still not returned to their former health... And therefore I feel obligated to publicize... that those who take medicines for health problems such as high blood pressure, diabetes, illnesses related to the heart, kidney or other internal organs, and those who suffer from psychological problems may take their medicines without any fear, regardless of whether they appear on the list. Furthermore, they should not even switch to a similar medicine that appears on the list, as the change may cause complications and medical problems that one may not have anticipated... Those who act strictly are acting oddly (*min ha-matmihim*), and will one day be accountable for their actions.

R. Shmuel Eliezer Stern, Madrich Kashrut, Chug Chatam Sofer, 1993<sup>29</sup>

24. R. Moshe Feinstein is reported to have been strict on this issue.

25. See <http://www.crcweb.org/Sappirim/Sappirim%2014%20%28Oct%202008%29.pdf> for a detailed analysis by the CRC.

26. R. Yisrael Belsky reported that R. Moshe Feinstein was strict on the issue of vitamins on Pesach.

27. See <http://www.ou.org/pdf/daf/5764/Daf%2012-2.pdf> where R. Belsky presents the stricter position which he understands to be that of most poskim. R. Herschel Schachter presents a Hebrew teshuva which is lenient even with vitamins, although recommends finding an alternative which has no problematic ingredients where possible.

28. <https://oukosher.org/passover/medicine-guidelines/>

29. Taken from Rabbi David Brofsky's article on <https://www.etzion.org.il/en/halakha/orach-chaim/holidays/laws-pesach-medicines-and-cosmetics>

**APPENDIX - OU KASHRUT PESACH MEDICATION GUIDELINES**

1. You should exercise extreme caution and consult with your doctor and rabbi before making a decision not to take a medicine.
2. Known and tested medications in the form of creams, non-chewable pills and injections may be owned, used and consumed on Passover, even if they contain chametz or kitniyot, since they are inedible. This covers most medicines used by adults. However, if an equally effective chametz-free alternative is available or procurable, this should be used instead. It is permissible to grind pills and mix the powder into food items so that a child can take medicine on Passover. However, a doctor must be consulted to make sure that the child is getting the correct dosage and that the potency of the pill is not compromised by altering its consistency.
3. Liquid medicines, chewable pills and pills coated with a flavored glaze are considered palatable and may contain chametz. Also gelcaps may present a problem because they may contain non-kosher edible gelatin. Therefore:
  - If possible, they should be replaced, under the direction of a doctor, with a non-chewable, uncoated pill.
  - If substitution is not possible and the person is in a state of sakana or safek sakana (any possible danger to human life), the medication may be owned and consumed. The same applies if the condition is not yet a safek sakana but may deteriorate to that point. A rabbi should be consulted as to whether it is preferable to purchase the medicine before or during Passover, and as to how to dispose of the medicine once the danger passes.
  - If substitution is not possible and a doctor determines that there is no possibility of sakana if the person does not take the medicine, a rabbi should be consulted. He may be able to determine that the medicine does not contain chametz and/or kitniyot, or he may decide that the medicine may be consumed due to the seriousness of the patient's condition.
4. In many cases, medicinal items which contain kitniyot are permitted for people who are ill. Questions on this issue should be directed to your rabbi.
5. Some of the products may contain minor ingredients that are possibly, though unlikely, produced from chametz-based raw materials. All such ingredients are used at a less than 1:60 ratio.
6. Liquid versions of these products are preferable to their powdered counterparts.
7. Products that contain flavors should only be provided when no unflavored alternative exists.
8. Products should be purchased before Passover and be maintained segregated from Kosher for Passover foods.
9. These guidelines do not address the more general prohibition of consuming medicines on Shabbat and Yom Tov.