

Challah Issues

The following is my notes of Rav Schachter's *shiur* on *challah* issues which he delivered to the ASK @ 6 participants on August 9th, 2002. Many of the *mareh mekomos* and most of the footnotes weren't mentioned during the *shiur*. If I add any comments to the text, I'll mark them with my initials (DC) or start them by saying "I saw, I wonder etc...".

Which grains

One must only separate *challah* from the five grains¹ which are assumed to be wheat, barley, oats, rye and spelt. As relates to *Pesach*, the *Gemara*² says that these five grains are unique in that only they can be *machmitz* (when fermented) while other grains will be *masriach*. The *Gemara* ** also says that two *Amoraim* argued as to whether a certain food was *machmitz* or *masriach* which implies that the difference between *chimutz* and *sirchon* something that people can detect (and isn't some kind of "*halacha l'Moshe m'Sinai*"). The only meaningful difference that scientists have detected between the five grains and other grains is that the five grains have high concentrations of gluten which allows "bread" made from these grains to develop and maintain the body which is characteristic of bread. See *Techumin* vol. 1 pg. 97-102 However, since oats and rye don't have very much gluten *Hachai V'Hatzomeach B'Mishnah* suggests that oats and rye aren't really part of the "five grains". Some of the modern-day *Poskim* adamantly opposed this challenge to the *mesorah* while other *Poskim* were willing to consider the possibility that these items aren't really part of the five grains. *Rashi* ** translates ** as oats which supports the *mesorah*.

There's no question that rye bread requires *hafrashas challah* since rye bread is only partially rye and the rest of it is wheat flour. [In fact, some suggest that our assumption that rye is one of the five grains may be have mistakenly been deduced from the fact that "rye bread" requires *hafrashas challah*]. However, the aforementioned discussion is relevant as to whether one must be *mafrish challah* on a product that contains rye or oats without any of the other grains.

Shiur Challah & Jewish/Non-Jewish Partnership

If a batter contains the volume of at least 43.2 *beitzim* of flour³ then it is *chayav* in *challah*.⁴ Rav Henkin said that in our scale of measuring⁵ this means that if a batter has:

- Less than (just under) 3 pounds of flour it is surely *patur* from *challah*.
- Between (just under) 3 pounds and (just under) 5 pounds of flour, *challah* should be taken without a *bracha*.
- More than (just under) 5 pounds of flour, *challah* should be taken with a *bracha*.

In most commercial applications, these *shiurim* aren't relevant because commercial bakeries always make batters that are considerably larger than 5 pounds. However, the *shiur* is relevant if a Jew and non-Jew are partners in a bakery. For in that case the *halacha* is that we

¹ *Shulchan Aruch* 324:1.

² *Pesachim* 35a & 114b.

³ As opposed to items that contain 43.2 *beitzim* of flour and water (or other ingredients).

⁴ *Shulchan Aruch* 324:1.

⁵ In addition to converting *beitzim* into a modern scale of measurement, Rav Henkin is also translating the *shiur* from volume to weight.

must determine how much of the flour in each batter belongs to the Jew, as follows. If the Jew owns 43.2 *beitzim* flour in a specific batter, the batter is *chayav* in *challah* and if the Jew owns less than 43.2 *beitzim* of flour then the batter is *patur* from *challah*.⁶ Thus, if a Jew has a 10% ownership of company that makes batters that contain only 25 pounds of flour, the batter isn't *chayav* in *challah* since the Jew's portion is only 2½ of flour per batter. If however, the company makes 50 pound batters or if the Jew has a 20% ownership, then the batter would be *chayav* in *challah* since the Jew's portion of the flour is 5 pounds per batter.

How should one view corporations that have Jewish stockholders? Should the stockholders be considered owners of the corporations flour (and other assets) or not? The © (and many *Poskim*) accept *Iggeros Moshe's*⁷ opinion that:

- The stockholders of a corporation are considered to be the owners of the corporation's assets.
- Someone who purchases a relatively small number of a corporation's stock does not have any ownership in the corporation's assets because he (i.e. the stockholder) doesn't have *kavanah* to be *koneh* those assets. [Rather, he is purchasing the stock for investment purposes].

It is difficult and uncomfortable to ask or determine if a company's owners are Jewish; therefore it must be done with much tact. [The question of Jewish ownership is also relevant to whether the company can be do business on *Pesach* (if they produce *chametz*)]. Sometimes, a corporation's lawyer will be given shares of the corporation in lieu of part of his salary. In that case, it isn't clear if and when the lawyer is considered a (partial) owner of the corporation's assets. Rav Schachter wasn't sure how the © dealt with this question or if we even investigate the shareholders to that extent. [I believe that we merely inquire as to whether the large shareholders or partners are Jewish and don't look into the owners with smaller shares—DC].

Hafrashah on *belilah rakah*

One is *mafrish challah* from a *belilah avah* once the dough is kneaded.⁸ The *Ramban* holds that the same applies to *belilah rakah* and *Rabbeinu Tam* argues that one is *mafrish* from *belilah rakah* after the dough is baked. *Rabbeinu Tam* proves this from the *Gemara*⁹ that says that one who steals flour, grinds it, kneads it,¹⁰ bakes it, is *mafrish challah* and makes a *bracha* is *m'na'etz*. *Rabbeinu Tam* says that the reason the *Gemara* says that the *challah* was separated after the baking as opposed to beforehand, is because there are times that the *hafrashah* must be done after the baking—such as in cases of *belilah rakah* where the batter isn't "*lechem*" until it is baked.

Shulchan Aruch accepts *Ramban's* opinion and *Shach* says that we are *machmir* for *Rabbeinu Tam*. Therefore, since the *ikar hadin* is like the *Ramban*, a *belilah rakah* is *chayav* in *challah* at the time of kneading and that is when we'd determine if there is a *shiur challah* (i.e.

⁶ *Shulchan Aruch* 330:3.

⁷ See *Iggeros Moshe* E.H. I:7 (end—discussing *Hilchos Shabbos*) as explained by © P-20 & X-1:80-81.

⁸ *Shulchan Aruch* 327:1-3.

⁹ *Bava Kamma* 94a and *Sanhedrin* 6b. The *Gilyon HaShas* in *Bava Kamma* directs one to see *Tosfos, Berachos* 45a s.v. *achal* whose citation of *Gemara, Bava Kamma* doesn't include any reference that the thief was *mafrish challah*!

¹⁰ *Gemara Sanhedrin* leaves out the word "*lishah*" (kneads it).

even if there's no *tziruf* after baking, there's a *chiyuv* of *challah* if the batter alone had a *shiur* *challah* and there was a *tziruf* during the kneading). [However, since we're *machmir* for *Rabbeinu Tam* we wait to make the *hafrashah* after the baking—DC]. See the footnote for possible sources for these statements.¹¹

¹¹ The text is a record of what Rav Schachter said. After the *shiur* I asked Rav Schachter that *Shulchan Aruch* 329:3 cites *Rash/Ramban* (*Hilchos Challah* 24b-26b) and *Shach* 329:4 cites *Rabbeinu Tam* but both of these sources only relate it to the question as to whether cooked dough is *chayav* in *challah* (which is what the *Ramban* and *Rabbeinu Tam* argue about). What is the basis for saying that *Rabbeinu Tam* and *Ramban* also disagree as to when to make the *hafrashah* for a *belilah rakah*. [In fact, I've been looking for a source for our practice of making *hafrashah* on *belilah rakah* after the baking and haven't found any yet "on the page" in *Shulchan Aruch*—see the end of this footnote where I'll cite later *Poskim* who discuss this topic]. Rav Schachter said that he'll look into the question again.

On Sunday, I looked at the aforementioned *Gemara* and saw that *Tosfos* in *Bava Kamma* says two answers as to why the thief was *mafrish challah* after baking:

1. It is a *chiddush* that even after all of these *shinuyim*, the thief is still considered a *m'na'etz* when he makes a *bracha*.
2. There are some batters that aren't *chayav* in *challah* until they are baked. *Tosfos'* example of this is of a "*heichah d'ain t'chilaso isah*" which isn't *chayav* in *challah* until its baked. At first I thought that *Tosfos* meant a case of a person who kneaded the dough with the intention of making a food that isn't *chayav* in *challah* and, at the time of baking, decided to make a food that is *chayav* in *challah*. This wouldn't be anything like what Rav Schachter said. But then I saw what *Tosfos* in *Sanhedrin* and *Pesachim* said and I has second thoughts about this *Tosfos*—see below.

Tosfos in *Sanhedrin* (6b s.v. *tach'nah*) answers that there are some batters that aren't *chayav* in *challah* until after baking (just like the second answer of *Tosfos*, *Bava Kamma*). His example is the *Gemara*, *Pesachim* 37a of *sufganin* etc. that if they are *chayav* in *challah* if they're baked in an *ilfas* but not if they're dried/baked in the sun. It is clear from *Tosfos* that he doesn't mean that the person originally planned on baking it in the sun (which is *patur* from *challah*) and then decided to use an *ilfas*. We can understand *Tosfos* in *Sanhedrin* after seeing *Tosfos* in *Pesachim* (37b s.v. *d'kuli*) who (doesn't discuss the aforementioned question but) cites *Rabbeinu Tam* as holding that the *Gemara* about *ilfas* is limited to *belilah rakah* but if there was a *belilah avah* then one would be *chayav* in *challah* regardless of how one baked or cooked it (this end part is, of course, *Rabbeinu Tam's* famous opinion). If we'd just see *Tosfos* in *Pesachim* we could think that if the person always intended on baking the *belilah rakah* in an *ilfas*, then he's *chayav* in *challah* from the time of the kneading. However, *Tosfos* in *Sanhedrin* is saying that since *belilah rakah* is not inherently *lechem* (and that's why *Rabbeinu Tam* only holds that kneading is independently sufficient to be *mechayev* in *challah* by *belilah avah*), there is no *chiyuv* in *challah* until the person bakes the batter in an *ilfas* thereby making it into *lechem*. Thus, *Tosfos* in *Sanhedrin* is answering that the thief wasn't *mafrish challah* until the baking because the thief used the flour to make a *belilah rakah* which isn't *chayav* in *challah* until the baking. Once we understand that this is *p'shat* in the *Tosfos* in *Pesachim* its probably also what *Tosfos* in *Bava Kamma* is saying in his second answer. [I later saw *Shevet HaLevi* VIII:244 (cited at the end of this footnote) cites *Tosfos*, *Bechoros* 27a s.v. *b'reish* who says clearly that the *hafrashah* for *belilah rakah* should be after baking and uses that to explain the *Gemara* about the thief].

This is exactly how Rav Schachter said one could answer the question as to why the thief wasn't *mafrish challah* until after the baking. But I don't see how this idea is dependent on the argument between *Rabbeinu Tam* and the *Ramban/Rash*. Just because the *Ramban/Rash* hold that if the person intended on cooking a *belilah avah* (and actually cooked it), he's *patur* from *challah*, who says that they argue on *Tosfos'* *sevara* that *belilah rakah* is only *chayav* in *challah* after the baking? The *Ramban/Rash* don't agree with *Rabbeinu Tam's* general opinion but who says that they don't agree that *belilah avah* is more inherently *lechem* than *belilah rakah*? They just hold that being "inherently" *lechem* doesn't cause one to be *chayav* unless they planned on baking it (and if you always planned on cooking it then its *t'chilaso sufganin v'sofa sufganin* and is *patur*).

Unless you'll say that the *Ramban/Rash* hold that the batter's appearance doesn't play a role in deciding whether it is *chayav* in *challah*; this is evidenced by their opinion that *belilah avah* which has a *lechem* appearance can be *patur* if you planned on cooking it. The only thing which makes a difference is whether you planned on making the batter into *lechem* or not. If so, it stands to reason that if the batter has a non-*lechem* appearance (i.e. it is a *belilah rakah*) then that also shouldn't play a role in determining if the batter is *chayav* in *challah*. Rather, we

B'dieved

If someone manufactured product and wasn't *mafrish challah* then anything subsequently baked on that equipment is *tevel*. [I'm pretty sure that Rav Schachter also said that *tevel* of *challah* is *assur b'mashehu* because it is a *davar sheyesh lo matirim* but I don't know the source for this]. However, there is a simple way to avoid having to *kasher* the equipment and to "save" the *tevel* already sold or packaged—someone can be *mafrish challah* on the *tevel*, the *tevel* absorbed in the equipment and the *tevel* absorbed in the other food! This causes the *tevel* to become permitted wherever it is and everything is all of a sudden kosher. [I believe that Rav Schachter said that the person must make a special point of saying that his *hafrashah* is also on the *b'lios* but I'm not sure why that is true].

Shelichus for Hafrashah

A person cannot be *mafrish challah* on someone else's batter unless the person being *mafrish* is a *sheliach* for the owner. Non-Jews are excluded from the halachos of *shelichus* and therefore a non-Jewish manager cannot appoint the *Mashgiach* to be *mafrish challah*—rather, the Jewish owner must appoint the Jew. [See more on this below—DC].¹²

should just look at the person's intentions like we did for *belilah avah*; if they plan on making it into *lechem* then its *chayav* in *challah* from the time of kneading and if at the time of kneading they didn't plan on baking it into *challah* then its *patur* until they change their mind. As noted, Rav Schachter didn't tell me why he thought the question of when to be *mafrish* from a *belilah rakah* is dependent on the disagreement between *Rabbeinu Tam* and the *Ramban/Rash* but this may be an explanation. This explanation explains why the *Ramban/Rash* could hold that the *hafrashah* for *belilah rakah* should be at the time of kneading but doesn't prove that they do hold that way. [I later looked at the *Ramban* in *Hilchos Challah* and he seems to argue on *Rabbeinu Tam*'s entire premise that there's any difference between *belilah rakah* and *belilah avah*; this implies that the *Ramban* also wouldn't differentiate between them as relates to determining the time of *hafrashah*. In addition the *Ramban* (on page 27b) cites the halacha of when one should be *mafrish challah* and doesn't say that *belilah rakah* is different].

If so, the *Shulchan Aruch* who cites only the *Ramban*'s opinion, will hold that one should be *mafrish* from a *belilah rakah* at the time of kneading. That is why the *Shulchan Aruch* says in 327:1-3 that all *hafrashas challah* should be done at the time of kneading and doesn't differentiate between different types of *belilos*. However, the *Shach* is *machmir* for *Rabbeinu Tam* and he will presumably hold that the *hafrashah* should be done after the baking. (However, I don't see the *Shach* making a point of this). The © is *machmir* for *Shach/Rabbeinu Tam* and that is the basis for the ©'s position that the *hafrashah* for a *belilah rakah* should be done after baking. However, even the *Shach* agrees that the *ikar hadin* follows the *Ramban/Rash* as evidenced by the fact that *Shach* says to be *mafrish* on cooked dough without a bracha.

Therefore, if there is a *belilah rakah* that had a *tziruf* during kneading but not afterwards, the *Shulchan Aruch* will hold that it requires *hafrashas challah* (and the *Shach* would likely agree but might say to not make a *bracha*) and *Rabbeinu Tam* would hold that no *hafrashah* is required. Since the *ikar hadin* follows the *Shulchan Aruch*, the batter would be *chayav* in *challah* but possibly no *bracha* should be made since *Rabbeinu Tam* holds that no *hafrashah* is required.

Others who discuss the issue:

- *Minchas Shlomo* III:158:16 cites *Toras Ha'aretz* who says "based on *Rishonim*" that the *hafrashah* for *belilah rakah* must be done after the food is baked.
- *Shevet HaLevi* VIII:244 cites *Tosfos, Bechoros* 27a s.v. *b'reish* (end) who says that the *hafrashah* for *belilah rakah* must be after baking and *Shevet HaLevi* accepts this.
- *Leket HaOmer* (3rd *Perek* footnotes 7 & 12) cites a lengthy discussion from *Toras Ha'aretz* that maybe the question is dependent on the *machlokes* between *Rabbeinu Tam* and *Rash* (as I said above), and maybe even if the *chayuv* is at the baking but the *hafrashah* can *b'dieved* be done from the baking. Its not clear what *Toras Ha'aretz'* conclusion is and I hope to see that *sefer* inside.

¹² See also © P-37 where Rav Schachter and Rav Belsky are lenient regarding a non-Jewish manager signing a *mechiras chametz* form in a Jewish-owned company.

Generally, the owner only appoints the RC or RFR once as his *sheliach* for all the *challah* that will have to be separated for the lifetime of the company. There is a serious question on this practice. The owner cannot be *mafrish challah* on flour until it is kneaded into dough¹³ and therefore at that time he cannot appoint a *sheliach* to be *mafrish* the *challah* when the batter is kneaded?¹⁴ In addition, the *minui shelichus* is being done for all future batters including those made from wheat which hasn't even been planted yet! Surely one cannot appoint a *sheliach* on a *davar sheloh ba'ah l'olam*?

*Tosfos*¹⁵ asks a similar question—how come people always ask others to knead and bake a food for them and be *mafrish challah* at the appropriate time, why isn't that unacceptable for the reason outlined above? *Rabbeinu Tam* answers that the dough isn't *lo ba'ah l'olam* because its *b'yado* to knead the dough right now. [And the owner can appoint a *sheliach* now because the owner could go right now and bring a batter of already-kneaded (*tevel*) dough and leave it with the “helper” to serve as the *challah* for their batter; thus, the owner can be *mafrish challah* himself right now so he can also appoint a *sheliach* to be *mafrish* for him]. Therefore, since *kol she'biyado lav k'michusar ma'aseh*, it isn't considered *lo ba'ah l'olam* and the person can appoint the “helper” as their *sheliach*.

Shulchan Aruch 328:3 accepts *Rabbeinu Tam*'s answer and none of the *mefarshim* on the “page” of the *Shulchan Aruch* argue. However, *Chazon Ish* ** says that most of the *Rishonim* on *Nedarim* 34b argue with *Rabbeinu Tam* (I didn't look this up) and hold that *kol she'biyado lav k'michusar ma'aseh* is limited to someone who has fully grown, uncut wheat (as relates to being *mafrish terumah*) but doesn't apply to cases like ours where the flour is missing many steps before it'll be kneaded. *Rabbeinu Tam/Shulchan Aruch* is relied upon for the *Mashgiach* to be *mafrish challah* each morning for the batters that'll be kneaded that entire day.¹⁶

*Terumas HaDeshen*¹⁷ gives another answer to *Tosfos*' question. He says that it's a *zechus* for someone to be *mafrish challah* from my batter (so as to fulfill the *mitzvah* and avoid a *michsol*—DC) and therefore the helper can be *mafrish challah* for me based on the principle of *zachin l'adam sheloh b'fanav*. *Terumas HaDeshen*'s answer is more far-reaching than *Rabbeinu Tam*'s because according to *Terumas HaDeshen* the “*sheliach*” can even be *mafrish challah* for batter made with wheat that hadn't yet grown at the time the *sheliach* was “appointed”.

Rema 328:3 accepts *Terumas HaDeshen*'s answer and this is the basis for why the OU (and others) consider the *Mashgiach* to be a *sheliach* to be *mafrish challah* even many years after the owner granted the OU permission to be *mafrish challah*. [Seemingly, this line of reasoning would also explain why the non-Jewish manager could grant permission to the OU to be *mafrish challah*. Regardless of who makes the original appointment, the *hafrashah* will eventually have

¹³ *Shulchan Aruch* 327:1-3.

¹⁴ This is based on the rule of *kol d'ihu lo matzi avid, sheliach lo matzi mashvi* (see *Gemara, Nazir* 12b).

¹⁵ *Tosfos, Nazir* 12a s.v. *mai ta'amah*.

¹⁶ I presume that in theory the *hafrashah* can be done for all batters that'll be made with the flour that is already on the factory's premises, but in practice they only rely on this for one day's production since it's hard to know how many days worth of flour are on the plant premises at any time.

¹⁷ I saw *Terumas HaDeshen* being quoted as being in section 188 but I haven't looked it up.

to rely on *zachin l'adam* and therefore we can also rely on that from the beginning of the certification—DC].

Rav Schachter noted that *Ketzos HaChoshen*¹⁸ argues on *Rema*. *Ketzos* says that *zachin* may only be employed to give things to people and not to take things away from them (as in this case where *zachin* allows someone to “take” a bit of my dough and give it to a *kohein* or burn it). Accordingly, *zachin l'adam* couldn't be used for *hafrashas challah*. In fact, for this reason, Rav Berel Soloveitchik would separate *terumos* and *ma'asros* (and *challah*?) from foods that he bought in *Eretz Yisroel* because he knew that even the most reputable *hashgochos* rely on the *Terumas HaDeshen*.¹⁹

Mukaf

The piece of dough used for *challah* must be close to the rest of the batter—this requirement is known as *mukaf*. *Gr"a* 325:8²⁰ says that there are two ways to create *mukaf*:

1. Both foods that are in the same room and not in *keilim*.
2. Both foods are in open *keilim* and the *keilim* are touching each other.

If the foods are in closed *keilim* then they aren't *mukaf* even if the *keilim* are touching each other.

If one is *mafrish* when the foods aren't *mukaf*, the *challah* is *b'dieved* effective. However, the requirement to be *mafrish* from *mukaf* is more than a mere *l'chatchilah*—the *Gemara* **²¹ says that it is an *aveirah* to be *mafrish* if the foods aren't *mukaf*.

The OU is *mafrish challah* in factories using *tevel matzos* (since *matzos* don't spoil).²² The *tevel matzos* are put into the room that the kneading will be done in (or in the baking room for *belilah rakah*—DC). As noted, if the *matzos* and batter are in closed *keilim* then there is no *mukaf* even if the *keilim* touch each other and if the *matzah* and batter are in open *keilim* then the *keilim* must touch each other. Therefore, the boxes of *matzos* must be open and the boxes should be touching the bowl in which the batter is mixed. [I don't think that in practice either of these conditions are actually met—DC]. See more about the *tevel matzos* below.

¹⁸ See *Taz* 328:2, *Ketzos HaChoshen* 243:8 & 382:2, *Avnei Miluim* 37:12 and *Chazon Ish* Y.D. 199:1.

¹⁹ Rav Schachter said that another reason why Rav Berel Soloveitchik didn't rely on the *hashgochos* to separate *terumos* and *ma'asros* was because they relied on *Chazon Ish* who says that if a person doesn't know how to make the *hafrashas*, he can just say “I'm being *mafrish* using the *nusach* that it says in the *siddur*”.

²⁰ *Gr"a* notes that his explanation is different than the *Poskim* who preceeded him. For example, R' Bistricher showed me that *Shach* 324:19 says that it is considered *mukaf* if the foods are in separate *keilim* that are next to each other even if the *keilim* don't touch each other.

²¹ I don't know where the *Gemara* is but the proof is from the *Gemara* which discusses if its proper for a *chaver* to violate the small *aveirah* of being *mafrish* from non-*mukaf* in order to save an *am ha'aretz* from eating *tevel*. This clearly implies that being *mafrish* from non-*mukaf* is an *aveirah* and not merely a type of *b'dieved*.

²² These *matzos* are, of course, made of wheat and are used for products that contain wheat but do not contain rye, oats, barley or spelt. If one of those ingredients is present, then a *tevel* food made from those ingredients must be used.

Tevel Matzos

As noted, the © arranges for the baking of *matzos* from which there is no *hafrashas challah*. These *tevel matzos* are specially labeled and are placed in factories so that the RC or RFR can be *mafrish challah* remotely on the items baked in the factories.

However, the © must be *mafrish challah* from one of those *matzos* (or part of one *matzah*) on some of the other *tevel matzos* and on the *blios* of *tevel* that are absorbed into the *matzah* baking equipment. There are two reasons for this:

1. *Lechem* which is made for animal consumption isn't *chayav* in *challah*.²³ Similarly, if a batch of *matzos* is baked and no one will ever eat from it (because the *matzos* will all be used for *hafrashas challah* in factories), then that batch is also not *chayav* in *challah*. This can be rectified by being *mafrish challah* on some of the *matzos* so that someone can/will eat them.
2. As noted in the *b'dieved* section, when *tevel* is baked in an oven the oven absorbs the taste of the *tevel* and any food subsequently made in that oven will be non-kosher. However, if someone is *mafrish challah* on the flavor absorbed in the oven that'll remove the *issur tevel* from them and the equipment won't have to be *kashered*.

One cannot be *mafrish challah* from a batter made with one "year's" flour on a batter made with another "year's" flour (regardless as to whether the batters were kneaded in the same year or not). If someone was *mafrish* from one year's flour on another year's, the *hafrashah* isn't effective even *b'dieved*. In this context, the new "year" begins at *Rosh Hashanah*. The *Toras Ha'aretz* notes that wheat (for example) isn't *chayav* in *terumah* until it has grown $\frac{1}{3}$ and therefore if a stalk of wheat hadn't grow $\frac{1}{3}$ before *Rosh Hashanah* 5762, then it is considered to have grown in 5763. However, there is no similar rule of $\frac{1}{3}$ for *challah* and therefore (notes *Toras Ha'aretz*) if a stalk of wheat was planted anytime before *Rosh Hashanah* 5762 it is treated as 5762 produce as relates to *hafrashas challah* even though it hadn't grown $\frac{1}{3}$ before *Rosh Hashanah*.²⁴

The OU arranges for new *tevel matzos* to be sent to the appropriate plants before they begin production with the new year's flour.²⁵ Rav Schachter was unsure as to whether the *tevel*

²³ *Shulchan Aruch* 330:8-9. Doesn't *Shulchan Aruch* say that this halacha is limited to *lechem* which looks different than standard *lechem* (as opposed to the *tevel matzos* discussed in the text that look exactly like standard *matzos*)? *Pischei Teshuvah* 330:2 says that really any *lechem* designated exclusively for animals is *patur* but if it looks like standard *lechem* then its *chayav* because of *maris ayin*. If so, it may be that since *mei'ikar hadin* the *tevel matzos* are *patur*, one shouldn't use it to be *mafrish* on another batter which is truly *chayav* in *challah*.

I didn't see the relatively long *Biur HaGr"a* (330:9) on this halacha nor did I see *Shulchan Aruch* Rema O.C. 454:2 which the *Gr"a* references—it would be worthwhile to see them before deciding on this issue.

²⁴ I don't think that this has a practical application in the USA because here wheat is grown in the spring and winter and I don't think that any wheat is planted at the end of the summer near *Rosh HaShanah*.

²⁵ There's something that I don't understand. *Tevel matzos* are baked at the end of the summer using new wheat and is supposed to be at the plants before they begin using the newly harvested spring wheat. Thus, as these words are being written in *Elul* 5762, the plants are using 5761 *tevel matzos* while the new *tevel matzos* are being baked from the 5762 flour (which will be used in the plants during 5763). But what about the plants that have been using 5762 is winter flour since it came to market in the spring of 5762? How can they be *mafrish challah* from 5761 *tevel matzos* for 5762 winter wheat? Bread is primarily made from spring wheat but I'm sure that some winter wheat is used in bread. And I believe that cookies, crackers and sheet cakes are made primarily from winter wheat. Maybe they

matzos were kosher for *Pesach* but I think that it probably doesn't make much of a difference because only Jewish owned bakeries (or similar operations) require *tevel matzos*, and Jewish owned bakeries must anyhow close for *Pesach* and sell the their *chametz*! So although the company cannot be *mafrish challah* on *Pesach* from *tevel matzah*, they also won't have to be *mafrish* and *challah* on *Pesach*.

also make a batch of new *tevel matzos* before the companies begin using the new winter wheat. I'll have to ask some of the bakery R's about this issue.