

Post Pesach Supermarket Shopping

There is much ado every year as to where one can shop immediately following Pesach, how long the restrictions apply for and to what products. I hope this is found to be enlightening.

In order to properly understand the halachic implications we must first elucidate the basic supermarket structure.

The general chain supermarket model is as follows:

Manufacturer → Distributor → Supermarket Warehouse → Individual Supermarket

In terms of Halacha, Chametz that was owned by a Jew on Pesach is forbidden. 'Chametz', for the purpose of this exercise is a product with either a kezayis (1.1 fluid ounces) of Chametz or more than 1/60th of the final cooked product is Chametz.

Therefore, if any company in the chain is owned by a Jew, and owned the Chametz on Pesach, it would be forbidden to eat on Pesach.

Publicly held companies that have a partial Jewish ownership are the subject of Rabbinic dispute, but the commonly accepted view is that of the Zecher Yitzchak (8) that although minority shareholders are required to sell their Chametzdik shares before Pesach it does not render the Chametz forbidden after Pesach.

Now the facts:

Manufacturers obviously vary from product to product but almost all products found in the average supermarket are manufactured by publicly held companies.

Distributors buy tremendous amounts of food from the Manufacturers and then distribute to the national chains.

C&S Wholesale Grocers is a wholesale distributor of food and grocery store items. With headquarters in Keene, New Hampshire, C&S is the twelfth largest privately held company in the United States, as listed in 2008 by Forbes.

Israel Cohen and Abraham Siegel founded C&S Wholesale Grocers with a three-story, 5,000 sq. ft. warehouse that stocked 1,200 products. C&S serves now serves 5,000 independent supermarkets, regional and national chains, and military bases, making it the second-largest food wholesaler in the U.S. The company delivers over 53,000 food and non-food items from 70 distribution warehouses, located in 12 states and operates over 18 million square feet of storage space. Its customers include Safeway, Target, A&P,

BJ's Warehouse, Pathmark, Stop & Shop, Royal Ahold (Giant-Carlisle and Giant-Landover), Albertson's (Shaw's), Bi-Lo/Bruno's, and Kroger.

Rick Cohen is Chairman and Chief Executive Officer. He is the third generation Cohen to lead the company. (and presumably owns most of it).

White Rose Food *is the largest independent food wholesaler and distributor in the New York City metropolitan area.*

The White Rose story can be traced back to 1886. Two brothers, Joseph and Sigel Seeman, left their Uncle David's company to pursue what they saw as the future of the grocery business. They predicted that the tradition of individual grocers picking up their own merchandise would fade, and a wholesaler who delivered would grow and prosper.

White Rose is now owned by Associated Wholesaler's, Inc (AWI) which is a retailer's co-op. This basically means that all the Supermarkets own the distributorship in order to harness their collective buying power.

So here we run into some problems. Let's assume that Rick Cohen is Jewish, (that would assume a sad statistical improbability, seeing as the intermarriage rate over the last 3 generations in Keene, NH is presumably higher than the national average). Or perhaps a significant amount of the individual retailers involved in White Rose are Jewish. And perhaps the Chametz on your Supermarket shelf was in the distributors' hands over Pesach!

Thankfully, Rabbi Teitz of Elizabeth, NJ, sells the Chametz of both of these companies. This means that even if the Chametz on the store shelf was in their possession on Pesach, it was sold to a non Jew.

The Halachic validity of a sale of Chametz to a non Jew where the Jew continues to do business with the Chametz for the duration of the sale sounds funny. Indeed Rav Soloveitchik was of the opinion that in those circumstances the sale is a sham and should not be relied upon. Rav Moshe Feinstein however ruled that the sale is a good sale, and the offending Jew is considered nothing more than a thief, doing business with merchandise that is not his.

So we've gotten through the distributor stage. Now the merchandise moves to the **Supermarket warehouse**. These are usually owned by the Supermarket itself, with the notable exception of Wakefern/Shoprite and Foodtown.

*The **Wakefern Food Corp.**, founded in 1946 and based in Elizabeth, New Jersey (United States), is the largest co-operative group of supermarkets in the United States. The name "Wakefern" is a portmanteau of the founders' names (W for Louis Weiss, A for Al and*

Sam Aidekman, K for Abe Kesselman, an E added for pronunciation, and FERN for Dave Fern), though the company adopted the name ShopRite for its stores in 1951.

Wakefern also created and operates or franchises the PriceRite limited-assortment chain of stores throughout Connecticut, New York, Massachusetts, Rhode Island, Pennsylvania and California. PriceRite is a wholly owned subsidiary of Wakefern.

The company supplies all of its members' ShopRite stores as well as the PriceRite chain. In July, 2007, the cooperative announced that for the first time, it was offering its wholesale services to third-party supermarket operators, in Northeast and other areas of the country. Since then, Wakefern has announced deals to supply Gristedes Supermarkets in the New York City area, as well as the Heinen's Fine Foods chain of supermarkets in Ohio.

So Wakefern is owned collectively by all ShopRite and PriceRite stores which are each individually owned. So like White Rose, there is a possibility that there are Jewishly owned Shoprites who in turn own a significant part of Wakefern.

Thankfully Rav Teitz once again comes to the rescue, and sells Wakeferns' Chametz! Additionally, Rav Teitz sells the chametz of the individual Shoprites that are owned by Jews.

Foodtown *is a northeastern United States supermarket cooperative founded in 1955 by Twin County Grocers, Inc.. Their business is centered in the city and suburbs of New York (21 stores), central New Jersey (32 Stores) and eastern Pennsylvania (5 stores).*

Foodtown's corporate offices are located in Avenel, New Jersey; however, each Foodtown is independently owned and operated, either by an individual person or a company that owns several stores, making it a cooperative, much like ShopRite.

Rav Teitz sells the Chametz of Foodtown as a co-op, and of the individual Foodtowns owned by Jews, giving it the same status as Shoprite.

So, if we pasken like Rav Moshe, we have no cause for concern yet. Now let's look at **individual Supermarkets.**

Stop & Shop *was founded in 1914 in Somerville, Massachusetts by the Rabinowitz family as the Economy Grocery Stores Company. The company officially became known as Stop & Shop, Inc. in 1946.*

Stop & Shop is now the largest food retailer based in New England. It operates more than 360 stores throughout New England, as well as in New York and New Jersey.

The chain was acquired by the American branch of Dutch food giant Ahold in 1995

So Stop & Shop is owned by a (presumably non- Jewish) Dutch company.

The Great Atlantic and Pacific Tea Company, better known as A&P, is a 447-store supermarket chain with locations in Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia under several banners. It's corporate and U.S. headquarters are located in Montvale, New Jersey.

Current Banners

- *A&P Food Market (includes A&P Fresh format & "Super A&P" format)*
- *A&P Super Foodmart (New England division)*
- *Food Basics USA*
- *The Food Emporium*
- *Pathmark ("Super-Center" and "Sav-A-Center" formats)*
- *Super Fresh*
- *Waldbaum's*

In 1979, after more than a decade of decline, the Hartford family members and the John A. Hartford Foundation sold the majority of A&P shares to the Tengelmann Group of Germany. Also a family run business, founded by the forefathers of Christian Haub, Chairman, President and CEO of A&P. Tengelmann is the majority shareholder of A&P.

So A&P, Pathmark, Waldbaum's, Food Basics USA, The Food Emporium, and Super Fresh are all owned by Christian Haub's German investment group Tengelmann. I don't think there is any problem there either.

Kroger was founded by Bernard Henry Kroger in 1883 in Cincinnati, Ohio. Kroger pioneered the first supermarket surrounded on all four sides by parking lots in the 1930s. In 1983, The Kroger Company acquired Dillon Companies grocery chain in Kansas along with its subsidiaries, King Soopers, City Market, Fry's, Baker's, Gerbes, and the convenience store chain Kwik Shop. David Dillon, in the 4th generation under J.S. Dillon, the founder of Dillon Companies, is now the CEO of Kroger.

Kroger is now a publicly traded company, and doesn't seem to have any heavy Jewish involvement. What follows is a list of brands owned by Kroger:

- **Baker's** (Nebraska)
- **Cala Foods** and **Bell Markets** (California)
- **City Market** (Colorado, New Mexico, Utah, Wyoming)
- **Dillons** (Kansas, Missouri)

- **Food 4 Less and Foods Co.** (Los Angeles, California; Las Vegas, Nevada; Chicago, Illinois, Oregon)
 - *including hispanic format* and **Food 4 Less Carniceria**
- **Fred Meyer** (Alaska, Idaho, Oregon, Washington)
 - **Fred Meyer Marketplace** (Alaska, Oregon, Washington)
 - **Fred Meyer Northwest Best** (Oregon, Washington)
- **Fry's Food and Drug** (Arizona)
 - **Fry's Marketplace** (Arizona)
 - **Fry's Mercado** (Arizona)
 - **Fry's Signatures** (Arizona)
- **Gerbes** (Missouri)
- **Hilander** (Illinois)
- **JayC Food Stores** (Indiana)
- **King Soopers** (Colorado, Wyoming)
- **Kroger Food and Drug** (Ohio, West Virginia, Virginia, Kentucky, Indiana, Illinois, Michigan, Tennessee, North Carolina, South Carolina, Georgia, Mississippi, Texas, Alabama, Arkansas)
 - **Kroger Marketplace** (Ohio, Kentucky)
 - **Kroger Signature Stores** (Texas)
 - **Fresh Fare by Kroger** (Ohio, Michigan, Georgia)
- **Kwik Shop** (Kansas, Nebraska)
- **Loaf 'N Jug** (Colorado, Nebraska)
- **Owen's Market** (Indiana)
- **Pay Less Food Markets** (Indiana)
- **Quality Food Centers** (Oregon, Washington)
 - **QFC Fresh Fare**
- **Quik Stop** (California, Nevada)
- **Ralphs** (California)
 - **Ralphs Marketplace**
 - **Ralphs Fresh Fare**
- **Scott's Food & Pharmacy** (Indiana)
- **Smith's Food and Drug** (Arizona, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming)
 - **Smith's Marketplace** (Utah)
- **Tom Thumb** (Alabama, Florida)
- **Turkey Hill** (Pennsylvania)

Or by brand emblem:

Supermarkets





Price-Impact Warehouse Stores



Multi-Department Stores



Marketplace Stores



Convenience Stores



For all you Californians, it looks like Ralph's is ok too.

Safeway Inc is North America's third largest supermarket chain, with, as of December 29, 2007, 1743 stores located throughout the western and central United States and western Canada. It also operates some stores in the Mid-Atlantic region of the Eastern Seaboard. The company is headquartered in Pleasanton, California.

Safeway is the product of a merger between the **Seelig** and the **Skagg** stores in 1926. At this time, after numerous sell-offs and acquisitions, Safeway operates under the following names in addition to the **Safeway** name:

- **Carrs** (Carr-Gottstein Foods), Alaska supermarket chain
- **Casa Ley**, food stores in western Mexico, competes primarily with Wal-Mart
- **Dominick's** (Dominick's Finer Foods), Chicago metropolitan area supermarket chain
- **Genuardi's** (Genuardi's Family Markets), Delaware Valley supermarket chain
- **Pak 'n' Save** (warehouse store chain in California)
- **Randall's Food Markets**, southeast and central Texas supermarket chain
- **Tom Thumb Food & Pharmacy**, North Texas supermarket chain
- **Vons** (The Vons Companies, Inc.), Southern California/Nevada supermarket chain
 - **Pavilions**, upscale division of Vons

Safeway is a publicly traded Fortune 500 company which doesn't have any apparent Jewish involvement.

Trader Joe's is a privately held chain of specialty grocery stores headquartered in Monrovia, California. As of March 2009, Trader Joe's has a total of 339 stores. Its stores are located most densely in Southern California, but the grocery company has locations in 24 other states and Washington, D.C. Trader Joe's was founded by Joe Coulombe and is currently owned by a family trust set up by German billionaire Theo Albrecht, one of the two brothers behind the German supermarket chain **Aldi**.

Trader Joe's cuts costs by having its buyers go directly to the suppliers, not the middlemen. The chain does not carry common items such as bleach, detergent and general brand names of flour, sugar, and soft drinks. If TJ's cannot price an item at a lower figure than local supermarkets, the stores won't carry it. About 80% of the products sold in TJ's are manufactured under private label names such as Trader Joe's, Trader Ming, Trader Jacques, Trader Giotto and Trader Darwin

About 20% of Trader Joe's suppliers (co-packers) are located overseas

Theodor Paul Albrecht (born 28 March 1922), generally known as **Theo Albrecht**, is a German entrepreneur, who in 2007 was ranked by Forbes magazine as the 20th richest person in the world, with a net worth of \$23.5 billion. He owns and was the CEO of the Aldi Nord discount supermarket chain. In the US he owns the Trader Joe's specialty grocery store chain.

Theo is very reclusive, but not being affected by the Holocaust, and living in Germany, is presumed to be non – Jewish. This clears Trader Joe and Aldi as well.

Harris Teeter was purchased in 1969 by holding company Ruddick Corporation of Charlotte, North Carolina. Ruddick is a publicly traded company.

Piggly Wiggly is a supermarket chain operating in the Midwestern and Southern regions of the United States, run by **Piggly Wiggly, LLC**, an affiliate of C&S Wholesale Grocers. The current company headquarters is in Keene, New Hampshire
So the Piggly Wiggly is owned by C&S and would be subject to their sale as well.

Walmart is a publicly traded company. Although the Walton family own a significant amount of the company, this would not be an issue seeing as they're Presbyterian.
Sam's Club is owned by Walmart.

Costco is a publicly traded company.

In addition (and many are already included above), the **Star- K** has cleared:

BJ's	Safeway
CVS	Sam's Discount Warehouse
Costco	Shoppers Food Warehouse
Food Lion	Superfresh
Giant	Target
K-Mart	Trader Joe's
Mars	Walgreens
Petco	Walmart
Petsmart	Wegman's
Rite-Aid	Winn-Dixie
Royal Farms	

So far, seemingly so good, now for the problematic stores that have come to my attention:

Family Dollar was founded by Leon Levine, and his son Howard Levine is now the CEO of the company. He only holds a 7.5% share of the company, a minority share.

Ben Gurion Airport

Duty Free Stores, although they can be presumed to have a rather high turnover rate, present an issue, particularly for those who visited Israel for Pesach and are traveling home right afterward. Rabbi Elmaliach the Chief Rabbi of Ben Gurion Airport has stated that all the stores sell their chametz, they are however open for the duration of Pesach with the exception of the store at D7 which is closed for the entire Pesach.

Problematic Stores

Smart & Final Smart & Final is Jewish owned and as far as I know does not sell their Chametz. Here's the story:

Hellman-Haas Grocery sold a wide variety of products including: flour, patent medicines, shepherding supplies and gunpowder which were the top-selling categories when the store opened for business in 1871 in Los Angeles California. The company name was changed to Haas, Baruch & Co. in 1889, after Abraham Haas and Jacob Baruch bought out Herman Hellman. Abraham Haas later expanded into Northern California food distribution. His son Walter Haas later became president of Levi Straus.

The Santa Ana Grocery Company, which was founded in 1912, mainly supplied feed and grain to local farmers. In 1914, J.S. "Jim" Smart, a banker from Saginaw, Michigan and H.D. "Hildane" Final bought the company and changed the name to Smart & Final Wholesale Grocers.

In 1953, Smart & Final merged with Haas, Baruch & Co. The company was acquired by Apollo Management in 2007. Apollo Management L.P. is a private equity investment firm, founded in 1990 by former Drexel Burnham Lambert banker, Leon Black. Leon David Black is an American businessman and money manager, with a focus on leveraged buyouts and private equity. He is a son of Eli M. Black (1921–1975), a prominent businessman who controlled the United Brands Company.

Eli M. Black (April 9, 1921 – February 3, 1975) was a Jewish-American businessman who controlled the United Brands Company. Born Elihu Menashe Blachowitz in Poland, he came to America as a child. As a young man he trained as a rabbi serving a congregation in Woodmere, New York but after three-and-a-half years he left the pulpit to enter business and was very successful, eventually creating and owning United Brands.

99 Cent Only Stores

*Founded by David Gold in 1982, most of the stores are located in Southern California, with others in Nevada, Arizona and Texas, as of June 2009 totally 271 stores. The company also operates **Bargain Wholesale**, which sells wholesale from showrooms in Los Angeles, Chicago, and Houston.*

Gold, the son of Russian immigrants, and reportedly Jewish, started the business in 1982. Although the company is publicly traded, the Gold family retains a two third ownership in the company. To the best of my knowledge they do not sell their chametz.

So here we have a real problem – Chametz owned by Smart & Final and the 99 Cent Only store on Pesach may be problematic.

Bottom Line

So, it would seem that according to Rav Moshe, we could buy from any of the cleared stores listed above. But how about according to Rav Soloveitchik? And what about Smart & Final, 99 cent only or our corner grocery that is owned by Jews?

As we noted, the prohibition is Rabbinic in nature. This means, practically speaking that when there is a reasonable doubt as to whether the item in question was owned by a Jew, and it is difficult to clarify we can be lenient.

Although stores claim a two week turnaround time, this is almost impossible to determine on a product by product basis. Some products sit on the shelf for more than a year, some for only a day or two.

Additionally, it would be pretty much impossible to determine where each product was on Pesach. Was it in the Supermarket, the warehouse, still at the distributor or perhaps still at the manufacturer? This information is impossible to know.

It would then seem that really any Chametz would be permissible to buy anywhere it's not easily ascertainable where it was on Pesach. For the immediate first few days after Pesach it may be wise to refrain from buying Chametz in a Jewish owned store that didn't sell their Chametz, but afterwards it would seem to be an exercise in futility to try and determine whether or not this particular item was owned by a Jew on Pesach.

Happy Shopping!!

For further study

http://www.yu.edu/cms/uploadedFiles/Chag_HaSemikha/VOL%20XXX%20NO1%20FEB%201996.pdf

http://oukosher.org/index.php/passover/article/chametz_sheavar_alav_hapesach_the_supermarket_controversy1/