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Now learn the issues & the opinions

A summary of the weekly Wednesday night shiur by Rabbi Shmuel Stein at the Miami Beach Community Kollel / To receive a copy send an email to InHilchosShabbos@gmail.com

Quinoa has been popular in South America for many years but has recently become popular in America as well. This “super grain of the future” is not a true cereal grain, rather it is a seed from the “goosefoot” family. It has recently been debated whether quinoa may be eaten on Pesach or not. In the following paragraphs we will review the *halachos* and *minhagim* of *kitniyos*, and determine what the controversy over quinoa is about.



What is Chametz?

As we know, it is forbidden to eat *chametz* on Pesach as the Torah¹ states “Whoever eats *chametz* on the seven days of Pesach will be cut off from the Jewish nation.” “*Chametz*” results when one of the five species of grains – wheat, barley, oats, spelt, or rye – comes in contact with water, and remains undisturbed for eighteen minutes without being kneaded. When these grains become in contact with water, the enzymes within the grains begin the fermentation process known as leaven. After the dough is left undisturbed for eighteen minutes the leavening process is complete, and the dough is *chametz*. [If the dough is left in an area of higher temperatures, the fermenting process will occur in less than eighteen minutes.²]

However, once the dough is baked in an oven it can no longer become leavened. The oven expels the water from the dough and destroys the enzymes in the grain which produce fermentation, which in turn prevents leavening from ever occurring.³ Accordingly, once the dough is baked it can no longer become *chametz*.

The Custom of Kitniyos

The Gemarah³ teaches that only five species of grain can become *chametz* through fermentation, any other grains cannot become *chametz* through fermentation. Rather, when they come in contact with water a different process, called *sirchon* (decaying), occurs. For example, rice, millet, and beans can never turn into “*chametz*” and therefore not included in the prohibition of *chametz*.⁵ Accordingly, the Shulchan Aruch⁶ rules that rice and *kitniyos* (legumes) may be eaten on Pesach as they are not *chametz*.

The beginning of the Ashkenazi custom not to eat Kitniyos

The Rema⁸ writes that Ashkenazim follow the custom not to eat rice or *kitniyos* on Pesach. This custom of not eating *kitniyos* on Pesach dates back to the times of the *S'mak* (1200's).⁷ For example, beans (soy, lima, kidney), peas, corn, rice, string beans, mustard, sesame, of buckwheat (*kasha*) are considered *kitniyos*.⁹ The Rema¹⁰ rules that included in the *minhag* of *kitniyos* are derivatives of *kitniyos* foods, such as oils which are produced from *kitniyos* (e.g. canola oil^{10a}), are included in the custom and are not used on Pesach.



The Reasons the Custom of Kitniyos Was Instituted

The Mishnah Berura¹¹ gives a couple of reasons why the *minhag* of *kitniyos* was established:

1. It is common for *kitniyos* to be grown near *chametz* grains:

Kitniyos are very often grown in the same fields as actual *chametz* grains (i.e., wheat, rye, spelt, oat, barley). Accordingly, there is a concern that *chametz* grains may have accidentally mixed into the *kitniyos* grains which can result in real *chametz* occurring. Since it is very difficult to remove the *chametz* grains from the *kitniyos*, the *minhag* was established not to eat *kitniyos* on Pesach. [Even Sephardim who eat rice and *kitniyos* on Pesach are careful to check them meticulously three times to ensure that there is no *chametz* grains mixed into them.¹²]

2. *Kitniyos* resemble real *chametz*: It is common for *kitniyos* to be ground, made into flour and baked just as *chametz* grains are. If *kitniyos* were permitted to be eaten on Pesach an unlearned individual may mistakenly assume that flour and cakes made from real *chametz* are permitted as well. Therefore, because of this concern the Ashkenazi *minhag* of *kitniyos* was instituted.

Leniencies for Kitniyos

There are however many leniencies that apply to *kitniyos* which do not apply to real *chametz*:

1) Only eating *kitniyos* is prohibited, benefiting from it is permitted:

The Rema¹³ writes that the *minhag* of not eating *kitniyos* does not apply to benefiting from *kitniyos*. Unlike real *chametz* which is prohibited to be eaten or benefited from, one may derive benefit from *kitniyos*. For example:

- One may feed his animal *kitniyos* on Pesach, since one is not eating the *kitniyos* but merely benefiting from them it is permitted.¹⁴
- One may light a fire with oil derived from *kitniyos*.¹⁵
- One may use paper towels that contain starches derived from *kitniyos*, although one is benefiting from the *kitniyos* it is nevertheless permitted.

2) The prohibition of *ba'al yi'ra'eh* does not apply to *kitniyos*:

The Rema¹⁶ writes that the prohibition of *Ba'al yi'ra'eh* (owning *chametz* on Pesach) does not apply to owning *kitniyos*. Unlike real *chametz* which may not be owned by a Jew on Pesach, one may keep *kitniyos* in his home over Pesach. However, some *poskim*¹⁷ rule that nevertheless one should sell his *kitniyos* to a non-Jew along with his other *chametz* due to the concern that there may be real *chametz* mixed into the *kitniyos*.

3) *Kitniyos* is *Batel b'rov*: There is a stringency that applies to *chametz*

that does not apply the rest of the year. Generally, if a minimal amount of non-kosher food accidentally becomes mixed with kosher food, the non-kosher food is *batel b'rov* (nullified) and the mixture may be eaten. So long as the kosher food makes up the majority of the mixture it is permitted. On the other hand, *Chazal* imposed a stringency regarding *chametz* that it cannot become *batel b'rov*. If even a small amount of *chametz* was mixed together with non-*chametz* food the entire mixture would be prohibited. The Rema¹⁸ writes that this stringency does not apply to the *minhag* of *kitniyos*. If a small amount of *kitniyos* was mixed together with non-*kitniyos* food, the mixture may still be eaten. So long as the majority of the mixture is made up of non-*kitniyos* foods (i.e. at least fifty-one percent) the *kitniyos* is *batel b'rov*. For example, one may use paper towels that contain starches derived from *kitniyos*. One need not be concerned that some of the starch will mix into food, as if it does, it is still *batel b'rov*.¹⁹

4) For a sick person or young child: The Mishnah Berura²⁰ writes that

the *minhag* of *kitniyos* was never extended to a sick person (even if he is not in dangerously ill). For example, someone who is sick may take medications containing *kitniyos*. Similarly, when necessary young children (under the age of nine years old^{20a}) may be given *kitniyos* to eat, since young children are considered to have the status of “an ill person”.²¹ For example, one may use formula which contains *kitniyos* to feed an infant on Pesach.^{21a} If the brand of formula which the infant regularly uses contains *kitniyos*, one need not look for a different brands that does not contain *kitniyos*.^{22b}

5) *Kitniyos sh'nishtanah* (*kitniyos* that was transformed): As we

mentioned earlier, not only is *kitniyos* prohibited to be eaten on Pesach, but derivatives of *kitniyos* (e.g. oils made from *kitniyos*) are prohibited as well. There is controversy amongst the *poskim* whether *kitniyos* that has been totally transformed is still prohibited, this is referred to as *kitniyos sh'nishtanah*. Perhaps, since the *kitniyos* has been totally changed it may no longer be considered to be “*kitniyos*”. For example, aspartame and ascorbic acid are created by biochemically transforming corn and other *kitniyos*. Aspartame and ascorbic acid are used to

create NutraSweet sweeteners which are used to produce diet soda. The *poskim* debate whether these sweeteners may be used on Pesach:

Some *poskim*²² rule that *kitniyos sh'nishtanah* is no longer considered *kitniyos* and may be used on Pesach. They base their opinion on a ruling of the Mishnah Berura²³ which discusses a prohibited foods that has undergone a drastic change. He rules that one may be lenient and permit eating a prohibited food that has been transformed so long as the food is only rabbinically prohibited. Since the food is only prohibited *m'dRabanan*, we may be lenient and consider it has transformed into a "new" product. These *poskim* apply this *halachic* ruling to *kitniyos* as well. Since the prohibition against eating *kitniyos* is only a *minhag*, we may be lenient and eat or drink *kitniyos* that has been transformed. Other *poskim*²⁴ prohibit the use of *kitniyos* even if it was transformed. They argue that although one may be lenient regarding foods that are only rabbinically prohibited, one must be more stringent when dealing with a *minhag* because a *minhag* sometimes is stricter than a rabbinical prohibition^{24a}. This is especially true in regard to *minhagim* of Pesach. Therefore, these *poskim* rule that one may not be lenient regarding *kitniyos* that has been transformed on Pesach, and accordingly one may not drink diet sodas which contain these ingredients.²⁵

An Ashkenazi eating over at a Sephardi on Pesach: The question arises regarding an Ashkenazi eating over at a Sephardi on Pesach. This can be especially common when an Ashkenazi man marries a Sephardic woman and wishes to eat over at the home of his in-laws. Although it is obvious that he may not eat actual *kitniyos*, the question is whether he may eat foods that were cooked in pots used to cook *kitniyos*. These pots contain *bliyos* (absorbed taste) of *kitniyos* which are in the walls of the pot. These *bliyos* are subsequently expelled from the pot into foods that are cooked in it. The Kaf Hachaim^{25a} cites dissenting views on this issue. Some *poskim* rule that if the pot that was used is known to have been a *ben yomo* (used within the past twenty-four hours for *kitniyos*) one may not eat the food. Other *poskim* permit eating the food as they argue that the *bliyos* of *kitniyos* are generally *batel b'rov* in the rest of the food. A *rav* should be consulted on this issue.^{25a}

The Quinoa Controversy

It has been heavily debated whether quinoa is included in the *minhag* of *kitniyos*. In the following paragraphs we will discuss what this controversy hinges on.

At first glance one would argue that quinoa is a very likely candidate to be included in the prohibition of *kitniyos* as both reasons as to why the *minhag* of *kitniyos* was instituted seems to apply. Firstly, quinoa is grown and stored in close proximity to *chametz* grains, and there is a concern that *chametz* grains may have mixed in to the quinoa grains. Secondly, quinoa resembles a grain and is commonly ground into flour, accordingly, its use on Pesach may lead an unlearned individual to permit eating real *chametz* on Pesach as well. Accordingly, it would seem reasonable to classify quinoa as *kitniyos*. The quinoa controversy revolves around a responsa of Rav Moshe Feinstein. Although Rav

Moshe never actually discussed whether quinoa is considered *kitniyos*, he did write the following responsa²⁶ regarding whether peanuts are considered to be included in the *minhag* of *kitniyos*:

Rav Moshe writes that in order to understand whether peanuts are considered kitniyos we must first begin by questioning why potatoes are not included in the minhag of kitniyos, as they too are used to produce flour (potato starch) and can be confused with real chametz? Rav Moshe explains that minhag of kitniyos only included items that have been clearly accepted by Klal Yisroel as "kitniyos". Any new-world crop that was never accepted as kitniyos is not included in this custom, even if the reasons the minhag of kitniyos was established applies. Accordingly, although there may be good reason to classify potatoes as kitniyos, they may be eaten on Pesach since they were not used at the time the custom was established and was never accepted by Klal Yisroel as kitniyos. Similarly, writes Rav Moshe, since peanuts were never universally accepted as kitniyos, they may be eaten on Pesach in communities where they have never been accepted as kitniyos.

Contemporary *poskim* have heavily debated how to apply this ruling of Rav Moshe regarding the use of peanuts on Pesach, to the use of quinoa. The *poskim*²⁷ that permit the use of quinoa on Pesach point to this response of Rav Moshe as grounds to permit using quinoa on Pesach. Rav Moshe clearly states that any new-world crop does not need to be added to the *minhag* of *kitniyos*. Since quinoa is also new-world crop that was until recently unknown it was never accepted as part of the *minhag* of *kitniyos*, just as Rav Moshe ruled regarding the use of peanuts on Pesach.

The *poskim*²⁸ that prohibit eating quinoa on Pesach do not agree with this analogy. They argue that even Rav Moshe would agree that quinoa would be included in the *minhag* of *kitniyos*, as quinoa cannot be compared to peanuts or potatoes. Peanuts and potatoes, due to their sizes, do not closely resemble grains and therefore were not added to the *minhag* of *kitniyos*. However, any food that closely resembles a grain, such as quinoa, must be added to the *minhag* of *kitniyos* and may not be eaten on Pesach. This can be clearly proven from another new-world crop: corn. Corn only became known in Europe when Columbus brought from his journey to America in 1492. Nevertheless, corn is included in "*kitniyos*" despite the fact it was unknown at the time that the *minhag* of *kitniyos* was instituted. Obviously, even Rav Moshe would agree that an item that looks like a grain and is used in a similar way to *kitniyos*, such as corn, must be included in the *minhag* even though it was not around when the *minhag* was established. Hence, these *poskim* prohibit eating quinoa on Pesach because it closely resembles a grain, and must therefore be added to the *minhag* of *kitniyos*.²⁹

It must be noted that according to all opinions quinoa must be certified for Pesach use. Since it is common that quinoa is grown and stored near real *chametz* grains, it must be certified that it has been supervised and is kosher for Pesach.³⁰

¹ Shemos 12:15 ² Based on The Laws of Pesach: A Digest pg. 32 ³ Mishnah and Gemarah Pesachim 35a Rambam beginning of perek 5 ⁴ Rambam ibid Aruch Hashulchan 453:2 ⁵ 453:1 ⁶ 453:1 ⁷ brought in Yesodei Yishurun 6 pg. 39 ⁸ 453:1 ⁹ The following are included in the *minhag* of *kitniyos*: bean-sprouts, black eye, canola oil, caraway, chickpeas, corn syrup, cumin, dextrose, emulsifier, fennel, fenugreek, flax seeds, green beans, guar gum, kummel, lecithin, lentils, licorice, Lucerne, lupine, millet, popcorn, poppy seeds, saffron, snow peas, soy oil, soy, starch, stabilizer, sunflower seeds, and tofu. However, coffee, tea and radishes are not included in *kitniyos*. Spices are not included in *kitniyos* but should be checked to make sure that no *chametz* grains are mixed in. [This list is taken from *sefer Halachically Speaking- Kitniyos*; one may ask his Rav regarding specific items.] ¹⁰ This is clear from the based on (Rama 453:1) who writes that one may *deriving benefit* from oil derived from *kitniyos*. We can therefore infer that *eating* such oil that is prohibited. ^{10a} The following oils are included in the *minhag* of *kitniyos*: vegetable oil (made from or contains soybeans), corn oil, canola oil (made from rapeseed). Regarding cottonseed oil (made from the seeds of a cotton plant) the *minhag* in Eretz Yisroel is that it is *kitniyos*. However the *minhag* in America not to consider it *Kitniyos*, following the ruling of Rav Moshe Feinstein and Rav Yaakov Kamenetzky. Oil from olives, palm, and walnuts may be used on Pesach. [This list is taken from *sefer Halachically Speaking- kitniyos*; one may ask his Rav regarding specific items.] ¹¹ 453:6 ¹² The Laws of Pesach pgs. 41,42 ¹³ Rema 453:1 Mishna Berura 453:10 ¹⁴ Halichos Chaim 1, pg. 111;340 ¹⁵ Rema 453:1 ¹⁶ Rema 453:1 ¹⁷ Rav Elyashiv quoted in *Halacha shel Pesach* pg. 100 note 35 ¹⁸ Rema 453:1 ¹⁹ Halachically Speaking page 3 ²⁰ Mishna Berura 353:7 ^{20a} Kovetz Halachos pg. 99 ²¹ Chai Adam 127:6 ^{21a} Kovetz Halachos pg. 99 ^{21b} Kovetz Halachos pg. 99. Since changing the brand that the infant is used to using can affect the infant. ²² Rav Yisroel Belsky and the OU ²³ 216:7 quoting *Pri migadim mishpitzos* 2 that when it is *batel* 1/60 even if it gives taste it's only *assur m'drabanan* ²⁴ Rav Landau from Eretz Yisroel quoted in Laws of Pesach pg. 384 ^{24a} The Laws of Pesach pg. 346 ²⁵ Some *poskim* [in a conversation with the Star K], although they generally prohibit eating *kitniyos sh'nishtanah* on Pesach, permit drinking diet soda. This is because they rule that the *kitniyos* is *batel b'rov* in the soda. Although generally there is still an issue of "*nosen ta'am*" (the *kitniyos* gives off taste) and is generally not *batel* even *b'rov*, regarding the *minhag* of *kitniyos* we are lenient and apply the principle of *batel b'rov* even if it is *nosen ta'am*. ^{25a} 551:27 ^{25b} Rav Shmuel Kamenetzky [Kovetz Halachos pg. 99] rules stringently on this issue. ²⁷ Igros Moshe O.C. Vol.3:63 ²⁷ Star K, CRC and OU (2014) ²⁸ Rav Yisroel Belsky. This seems to have also been the ruling of Rav Shlomo Zalman Aurbach based on Halichos Shlomo pg. 89 (4:17 note 28) ²⁹ The other who permit using quinoa counter this proof from the fact that corn was assed to the *minhag* of *kitniyos* as follows: They explain that truthfully, corn too did not need to be added to the *minhag* of *kitniyos* since it is a new-world crop. Yet, for whatever reason, when corn became recognized, *Klal Yisroel* on their own accepted it as *kitniyos* and added it to the custom. Therefore, once it was universally accepted as *kitniyos* we continue to follow this *minhag* of not eating corn on Pesach. There was however no obligation to add corn to the *minhag* of *kitniyos*. Likewise, regarding quinoa, there is no obligation to add it to the *minhag* of *kitniyos*; since it was never universally accepted to add it to the custom there is no reason to create a new *minhag* to prohibit its use on Pesach. [In a conversation with the Star K and CRC] ³⁰ Star K Kashrus Kurrents and OU