What is '*Yoshon*'?

According to the *Torah*, all newly grown grains of the *Chameshes haMinim* — wheat, barley, oats, spelt and rye - that did not take root before the *Korban HaOmer* was brought to the *Beis HaMikdosh* on the second day of *Pesach* are considered *Chodosh*. Their consumption is forbidden until the next year's *Omer* is brought, after which they become *Yoshon* and fully permitted. (*Menochos* 70a–b; *Shulchan Aruch*, *Yoreh De'ah* 293, 1, 3). Today, when we no longer have the *Korban HaOmer*, new grain is allowed from 17*th Nissan* onward (*Vayikra* 23, 14; *Menochos* 68b; *Shulchan Aruch*, *Orach Chaim* 489, 10).

There is a long-standing *halachic* debate as to whether the prohibition of *Chodosh* outside *Eretz Yisroel* is considered *d'Oraisa* or *d'Rabbonon*, and whether it applies only to lands adjacent to *Eretz Yisroel* or also to distant countries such as Europe and America.

The *Rosh* discusses the differing opinions in *Teshuvos HaRosh* 2, 1; the *Aruch HaShulchan* (*Yoreh De'ah* 293, 2–6, 19–21) reviews the positions and argues that, in distant countries, the prohibition was not applied by *Chazal*. The *Magen Avraham* (*Orach Chaim* 489, 17) similarly discusses the lenient position regarding countries far from *Eretz Yisroel*, citing the *Maharil (likutim)*, *Terumas HaDeshen (191), Teshuvos HaRema* 132, and *Tosfos Yom Tov* (*Kiddushin* 2, 9). The *Shulchan Aruch* (*Yoreh De'ah* 293, 2), however, rules that the prohibition applies both in *Eretz Yisroel* and outside it.

There is also a debate as to whether the prohibition of *Chodosh* applies equally to grain grown by a non-Jew. The *Shulchan Aruch* (*Yoreh De'ah* 293, 2) rules that it applies to both Jewish and non-Jewish grain. However, the *Bach* (*Yoreh De'ah* 293) permits grain grown by non-Jewish farmers outside *Eretz Yisroel.* The *Vilna Gaon* (*Biur HaGra*, *Yoreh De'ah* 293, 2) was scathing in his critique of this position and maintains the position of the *Shulchan Aruch* that it includes all grain.

The widely accepted *halachic* baseline in many communities is that grain may be assumed to be *Yoshon* unless there is a clear indication that it derives from the new crop. The *Rema* (*Yoreh De'ah* 293, 3), based on the *Tur* citing the *Rosh*, permits grain of uncertain status on the basis of *sfek sfeika* (a double doubt). The *Magen Avraham* (*Orach Chaim* 489, 17) and *Mishnah Berurah* (489, 45) discuss the established lenient practice, while noting the preference to be strict.

Nonetheless, many choose to be stringent to ensure that all grain and grain-derived ingredients are verified as *Yoshon* and refrain from eating products that may contain *Chodosh* until after the following *Pesach*.