

If he scorched it before – חרכו קודם זמנו מותר בהנאה אף לאחר זמנו – the time, it is permitted for beneficial use even after the time

Overview

states that חמץ which was scorched before (זמן איסורו) (the שעה החמישית) is מותר בהנאה even זמן איסורו. Our תוספות will rule to what degree the חמץ needs to be scorched to have it be מותר בהנאה.¹

qualifies this ruling:

וכגון שנפסל מלאכול לכלב –

And in an instance where it was so spoiled that a dog could not eat it -

דבענין אחר לא הוי שרי דומיא דפת שעופשה בפרק קמא² (דף טו,ב):

For in any other manner (if it were scorched to a lesser extent; where it is possible for a dog to eat it), **it would not be permitted to derive** benefit from it after איסורו; it would be **similar to bread which became moldy** which is discussed **in the first פרק**; that it is to be burnt before פסח (and obviously מותר בהנאה during פסח). We must therefore conclude that this חמץ, which is מותר בהנאה, was scorched to such a degree to become unfit even for a dog.

Summary

Only חמץ which became מאכילת כלב (before איסורו) is מותר בהנאה after זמן איסורו. Otherwise it is to be burnt before פסח and is אסור בהנאה.

Thinking it over

According to תוספות is the reason that חרכו וכו' מותר בהנאה only because [presently] it is מאכילת כלב, נפסל, or because he was חרכו to such an extent that it was מאכילת כלב?³

¹ See רש"י ד"ה לא. It would seem that תוספות disagrees with רש"י (and requires a greater degree of spoilage).

² The גמרא cites a ברייתא which states that if bread (of תרומה) became unfit for human consumption (but a dog can eat it); it is to be burnt together with תרומה טמאה before פסח. It is evident from that גמרא that if the food is מאכילת כלב; it has to be burnt before פסח and it is certainly מותר בהנאה after איסורו.

³ See (אור החמה) ברכת אברהם אות ד.