



Tevel: Benefit and Sale

Tevel refers to produce and grain which has not had *terumot* and *maasrot* separated from it. Our Sages were extremely stringent regarding its use and therefore added various other prohibitions in addition to the Torah prohibition of consumption. Rabbinic prohibitions include not feeding *tevel* to one's animal (*Rambam Maaser* 13:15) and not giving *tevel* to a non-Jew for consumption, even though the non-Jew has no obligation regarding this mitzvah (*Tosfot Eruvin* 17:B). In addition, it is prohibited to fulfill any mitzvah using *tevel*, such as using an *etrog* for the four species or eating *matzah* on Pesach from which *terumot* and *maasrot* were not taken (see *Kedushat Haaretz* 4:17 and *Rambam Chametz Umatzah* 6:6).

What is the law regarding the sale of *tevel*? The *Mishna* (earliest Talmudic literature) in *Demai* (5:8) states:

"...one may not sell non-tithed produce except in the case of necessity."

Based on the *Mishna*, the sale of *tevel* is prohibited other than in a case of

necessity. The *Talmud Yerushalmi* (*Demai* 5:7) explains that a situation of "necessity" refers to the case of someone who has a mixture of mostly tithed and some non-tithed produce. In such a situation, it is impossible to distinguish between the non-tithed produce and the tithed. Due to the *tevel* found in the mixture, one is still obligated to separate *terumot* and *maasrot*. However, one unknowingly may separate from the produce that was previously tithed, leaving the issue of *tevel* unresolved. Due to this complex situation, our Sages allowed for the sale of (other) *tevel* to the person with the problematic mixture in order to enable him to clearly separate *terumot* and *maasrot*, thereby permitting the use of the entire quantity of produce. (This is accomplished by joining the bought *tevel* with the problematic mixture to make them one entity, and then separate *terumot* and *maasrot* from the bought-*tevel* produce.)

Even in a case where there is no such concern, our Sages did not differentiate between various situations, but rather, they made a blanket decree



Aside from the specific exception above, the sale of *tevel* is prohibited. Moreover, if *tevel* is sold to a buyer who will definitely not separate *terumot* and *maasrot*, the seller is directly causing the buyer to sin (see *Kedushat Haaretz* 4:22). A practical application is regarding a kashrut certification for a supermarket that plans to sell certain *tevel* products. Certification should *not* be given to such an establishment. According to later authorities (*Chazon Ish Demai* 6:10 *Derech Emuna*, *Maaser*

66), even if the seller were to inform potential purchasers that the produce being sold is *tevel*, the sale would still be prohibited. Halachic authorities go as far as to say that even giving *tevel* as a gift and informing the receiver that the fruit is *tevel* is prohibited (see *Shulchan Aruch* YD 331:117 and *Kedushat Haaretz* 4:26).

There are two different reasons given against the sale of *tevel*. According to some opinions (*Tosfot Yom Tov Demai* 5:8, *Torat Ha'aretz* 2:36), the basis for



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this ruling is out of concern that the **buyer** will in fact not take *terumot* and *maasrot*. Even in a case where there is no such concern, our Sages did not differentiate between various situations, but rather, they made a blanket decree. According to other halachic authorities (*Chalat Lechem* 2:21), the prohibition of selling *tevel* is because of the **seller's** wrongdoing. A farmer who grows produce has an obligation to separate tithes as determined by the Torah. However, if the farmer sells his non-tithed produce, he has undermined the Torah obligation of *terumot* and *maasrot*. When the buyer takes ownership of the *tevel*, it becomes his obligation to separate *terumot* and *maasrot*, but only on a rabbinic level. Thus, by selling *tevel*, the farmer has negated the Torah obligation that was only his to fulfill (see *Baba Metzia* 88:B).

Perhaps one should still refrain in order to avoid supporting establishments that sell non-tithed produce

Is there also a prohibition to buy *tevel*? According to the *Chalat Lechem*, by purchasing *tevel*, the buyer is enabling the

seller to cast away his Torah obligation of separating *terumot* and *maasrot*.

However, if the prohibition of selling *tevel* is because of the potential sin of the buyer who will not separate tithes, then based on this logic, a buyer who does separate *terumot* and *maasrot* should be permitted to purchase *tevel*.

Rav Chaim Kanievsky (*Derech Emuna*, p.236) writes and brings proof that the prohibition is only on the seller, not the buyer. He seems to conclude that one is allowed to buy *tevel*. Rav Dov Lior also rules that there is no prohibition to buy *tevel*, based on many sources from Talmudic times which show that one may purchase from a person who is known not to separate *terumot* and *maasrot* (see also *Mevo Leterumot Umaasrot* 11:13).

According to these *poskim* one is allowed to purchase from a market that is known to sell *tevel*. However, perhaps one should still refrain in order to avoid supporting establishments that sell non-tithed produce. The issue should be discussed with one's local orthodox rabbi.

In conclusion, the sale of *tevel* is prohibited. However, the purchase of *tevel* is permissible as long as it can be ensured that the buyer will indeed separate *terumot* and *maasrot*. ■



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