



Determining The Status of Shemita Produce

Shemita produce maintains special laws, which require different handling than that of regular produce. These include, ownership being relinquished from *shemita* produce, no halachic tithes are taken and the special manner in which *shemita* produce is handled. As crops do not all grow at the same time, and in certain stores or even gardens *shemita* and regular produce can get mixed, it is important to understand the halachic implications of *shemita* produce. Halachically, the point of growth that the produce has reached upon the start of the New Year, determines whether the produce is classified as sixth or seventh year produce. Additionally, according to Torah law the stage of growth, which qualifies the produce as *shemita* produce depends on the type of crop.

Fruit

The stage, which determines whether

tree fruits have *kedushat shevi'it* (holy *shemita* produce) is called “*chanitah*”. The Hebrew term generally refers to the formation of fruit. However, there is a dispute amongst halachic authorities regarding the exact meaning of the halachic term. According to the *Rambam* (*Shemita Veyovel* 4:9), once the fruit has reached a size which would render it edible (even if it's not especially tasty) it becomes holy *shemita* fruit. In practice, this is about a third of the actual size of the fruit when it's ripe. The *Rash* (Rav Shimshon of Sens) ruled that the stage, which renders fruit as having *kedushat shevi'it* is much earlier. The *Rash* rules that once a bud is visible the status is established. This dispute has very practical applications. According to the *Rash*, if the fruit started to bud before *Rosh Hashanah*, it is considered from the sixth year (and has no holiness). According to the *Rambam*, however, the fruit would be considered holy *shemita* fruit as it grew to a third of its actual size **during** *shemita* itself. In addition, not only does this dispute effect fruit during the *shemita* year, it would also affect fruit during the eighth year, as well. If fruit started to blossom near the end of the *shemita* year (end of *Elul*), according to the *Rash* the fruit would have *kedushat shevi'it*, while according to the *Rambam* the fruit has no holiness since the critical stage of growth only occurred during the eighth year.

Refuah Shleima to אלה בת רחל
who was seriously injured in the Bnei Akiva bus accident



The *Chazon Ish* (7:11-12) discussed the dispute yet does not write a concrete ruling. Some have quoted later authorities like Rav Shlomo Zalman Auerbach and Rav Shaul Yisraeli as being stringent according to both opinions (see *Katif Shevi'it* p.119). Various kashrut certifications in Israel rule regarding fruit based on their opinions. Regarding a tree in a private garden one should consult with a competent halachic authority.

Lemons

Erogim for *shemita* have a unique status and even though they are fruit from a tree, once they are picked, they have the status of holy *shemita* fruit even if they were completely ripe prior to *Rosh Hashanah*. Authorities debate whether lemons have the same status of *etrogim* regarding *shemita*. Rav Shlomo of Siriloi (*Yerushalmi Shevi'it* 9:4) ruled that lemons are like *etrogim* and once they are picked they have *kedushat shevi'it*. Rav Mordechai Eliyahu ruled in the same fashion. In practice, most *poskim* are lenient. Rav Shlomo Zalman Auerbach, for example, brings that the *Rambam* only mentioned *etrogim* as the unique exception. If lemons had the same ruling, the *Rambam* would have mentioned other similar fruit, as well. The more lenient ruling is accepted by later authorities (see *Sefer Hashemita* p.11 and *Kedushat Ha'aretz* p.306). All other citrus fruit such as oranges and pomelos are

categorized like other fruit trees and only if *chanitah* occurred after *Rosh Hashanah* are they considered holy *shemita* fruit (*Mishpetei Eretz* 15:8).

Mixtures of fruit on the tree

In certain cases, the same tree could have fruit that is both from the sixth and seventh year. In such a case, it is recommended to indicate with a recognizable sign (liking wrapping a ribbon) in order to differentiate between the fruit that is *kedushat shevi'it* and the fruit that is not (see *Katif Shevi'it* p.118). The same situation can arise at the end of *shemita* in which the tree could simultaneously have *shemita* and eighth year fruit.

Generally in halacha when there is a mixture between kosher and non-kosher food there are laws of nullification. However, regarding a mixture of *shemita* fruit (such as on a tree) the halacha is different. In a case where the owner of a tree has a mixture of *shemita* and non-*shemita* fruit then the classic rule of majority applies. If the majority of the mixture is non-*shemita* fruit then all the fruit is not required in the laws of *shemita* (even those holy fruit mixed unintentionally).

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However, if *shemitah* fruit was mixed up and cooked with other non-*shemitah* fruit, then the entire dish must be treated as holy *shemitah* fruit. The *Rambam* (on *Mishnah Avodah Zara* 5:8) explains that since there is a possibility to eat all the produce in a holy manner there is no need for nullification. Therefore, for cooked fruits, even if one fruit that has *kedushat shevi'it* is mixed in the dish, we rule stringently and all fruit must be treated in the appropriate manner (see *Derech Emuna* 7:144).

In Summary

Fruit that has reached the level of “*chanitah*” before *Rosh Hashanah* maintains the status of holy *shemitah* produce

There is a dispute what is considered *chanitah*. Most kashrut certifications rule stringently both at the beginning and end of *shemitah*.

Lemons, as opposed to *etrogim*, are classified like fruit trees and only have *kedushat shevi'it* if they blossomed after *shemitah*.

It is recommended to make an indication to differentiate between sixth and *shemitah* year fruit on trees.

In the case of a mixture of *shemitah* and non-*shemitah* fruit, if the majority of the mixture is non-*shemitah*, then all the fruit is considered non-*shemitah* fruit and does not have *kedushat shevi'it*.

If the fruit was cooked, no matter how minimal the *kedushat shevi'it* content, the entire dish must be treated as holy produce. ■

Kashrut Questions in Israel?

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