



Shemita Wine For The Four Cups

As wine from the *shemita* year remains present on store shelves, the question arises whether it may be used for the four cups of wine at the *pesach seder*.

Shemita fruit in the eighth year

Although the *shemita* year concluded on *Rosh Hashanah* 5783, fruits can still maintain *Kedushat Shevi'it* well into the eighth year. This is due to the fact that the status of holiness for fruit goes by the point at which it blossoms rather than the time it is picked. Therefore, fruit that blossomed in the seventh year maintains its *shemita* holiness well into the eighth year. Such fruit must not be wasted, business must not be conducted with it and it may not be brought overseas.

Grapes which grew during the *shemita* year and were harvested either right before or immediately following *Rosh Hashanah* maintain the status of *shemita* fruit. The most common way of distributing *shemita* wine is through a system called *Otzar Beit Din*.

Otzar Beit Din

The source of *Otzar Beit Din* (literally “the Rabbinical court treasury”) appears in the *Tosefta* (*Shevi'it* 8:1-2), one of the earliest Talmudic sources. In the times of the *Mishnah* our sages made a decree that the Rabbinic courts in all cities would create a *shevi'it* storage system, known as *Otzar Beit Din*. Authorities (see *Minchat Yerushalayim* p.213) instituted the system of basic payment for harvesting and delivery of *Otzar Beit Din* products. This is clear based on the wording of the *Tosefta* that the Rabbinical court would employ workers to harvest and produce the final product in the case of wine and oil.

The development and legitimacy of *Otzar Beit Din* has been disputed for centuries. Rav Mordechai Gross *Shlit”a*, (one of the OU *Poskim*) supports the *Otzar Beit Din* solution and allows the distribution of such produce. *Otzar Beit Din* products can be found at special distribution depots in predominately religious cities. Such produce may also be found in large super market chains and is sold over the internet by various suppliers. *Otzar Beit Din* produce should have proper certification. When purchasing at a supermarket, the label or box should have the words *Otzar Beit Din* (אוצר בית דין) or *kedushat shevi'it* (קדושת שביעית). When receiving *shemita* wine from someone other than *Otzar Beit Din*, one should consult with a rabbinical

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authority in regards to the various halachic implications.

Performing a mitzvah with *shemita* fruit

The *Talmud Yerushalmi* (*Pesachim* 10:1) discusses the topic of using *shemita* wine for the four cups of wine at the *seder*. The *gemara* implies that such use may be problematic. Later authorities discuss what possible issues there might be in using such wine for the mitzvah of the four cups. However, the *Yerushalmi* concludes that there is no issue using holy *shemita* wine for the four cups. The *Ridba*"z (*Hagahot Al Peat Hashulchan* 5:18) and others (see *Eretz Vehilchoteha* 7:1) rule that it is even preferable to use holy *shemita* wine for the four cups as it connects both mitzvahs.

***Biur* on *shemita* wine**

The Torah commands that once a type of produce is not readily available in the field for animals, (meaning it has been completely harvested), an additional mitzvah must be performed with the produce, known as *biur* (see *Torat Kohanim* 25:7). Authorities dispute whether *biur* is performed by destroying the fruit or completely relinquishing ownership by putting it in a public domain for anyone to take. It is accepted by later authorities that relinquishing ownership is the accepted form of *biur* (see *Shenot Eliyahu Shevi'it* 9:2). In order to carry out the mitzvah of *biur*, one should remove the remaining fruit

from his house and place the fruit in front of three designated people. He must then recite, "Our brothers, Beit Yisrael, everyone who needs to take can come and take." The fruit then becomes ownerless, and he himself or any of the others present may take possession of it. If one can't take the fruit out of his house, he may bring three people into his house and make the food *hefker* in front of them. Even after *biur* has been performed, the produce remains holy and the laws regarding holy produce still apply.

It is clear from early sources that the time for *biur* of grapes is *Erev Pesach* (the day before Pesach). In a case where one has wine with *kedushat shevi'it* on *erev pesach*, halachic authorities dispute whether *biur* is required. According to Rav Mordechai Gross *Shlit"a*, if one only has a few bottles of *shevi'it* wine, *biur* is not required (see *Torat Hasadei* on *Sde Mordechai*, 108). According to other authorities, *biur* is required even for a minimal amount. In such a case, one should advise with a competent halachic authority. If one mistakenly forgot to perform the mitzvah of *biur*, there is certainly room to be lenient and consume the holy *shemita* wine at the *pesach seder* (see *Eretz Vehilchoteha* *ibid*). ■

Kashrut Questions in Israel?

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