

ליקוטי ופסקי הלכות

# "חוקי חיים"

ותלמוד  
"חוקי חיים"  
לעשות רצונך  
בלבב שלם



שע"י "חדר הזרעה" שכונת מנחת יצחק פעיה"ק ירושלים תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

Halochohs compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

## Halochos of Shmita

# Treatment of produce

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# ליקוטי ופסקי הלכות

## "חוקי חיים"

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לעשות רצונך  
בלבב שלם



שע"י "חדר הוראה" שבנות מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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read during  
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Krias HaTorah

Issur to Waste Shemita Produce [Shemita 5]

Vaveira 5782

243

### Kedushas Shevi'is

- We wrote (Issue 236, paragraph 24 and on) that while shemita produce does not have kedushah in the typical sense, since it is subject to halachos and restrictions, we say it has "kedushas shevi'is." As we mentioned, these halachos include: the issurim of closing off the field, wasting produce, and doing business; that kedushah takes hold on money received for produce; the chiyuv of biur; and the status of a field that was guarded or worked.

#### Knowing If It Has Kedushah

- This year, one cannot just go into any store and buy any produce. Similarly, one cannot eat everywhere he usually eats. Everyone must be alert and aware of the origin of produce he wishes to buy or eat and what hashgachah it is under, as there is lots of confusion on the topic.
- Before discussing how to treat shemita produce with kedushah, what to do with leftovers, etc., one must always determine if any produce has kedushas shevi'is, which depends on multiple factors:
- Fruits.** Tree fruits are determined by their chanatah [when the flower falls off and the fruit begins to grow]. If the chanatah was in the shemita year, it has kedushah; if it was in the sixth or eighth year, it does not. Thus, fruit picked shortly after this past Rosh Hashanah does not have kedushah, whereas fruit picked in the beginning of the eighth year does (see Issue 236, par. 21 and on).
- Vegetables.** Vegetables are determined by when they are picked. Thus, any vegetables picked between the Rosh Hashanahs of the seventh and eighth years has the status of shemita produce. However, for the most part, all vegetables are assur derabanan due to the issur of sefichim (see *ibid.*, par. 38). The only vegetables not subject to the issur of sefichim are vegetables that began growing in the sixth year and only finished in the seventh, which Ashkenazim are meikel on (*ibid.* par. 46). This is relevant at the beginning of the shemita year.
- Produce from a non-Jew.** Additionally, produce from non-Jews in Eretz Yisroel is not subject to the issur of sefichim, but there is a machlokes about its status. The minhag in Yerushalayim is that it does not have any kedushah or restrictions. However, some people follow the minhag of Bnei Brak and do treat produce from non-Jews with kedushas shevi'is (see Issue 237).
- Otzar beis din.** We wrote (Issue 242) that there is a way to run a distribution of hefker fruits and vegetables through "otzar beis din." Although one may take produce from these distributions and pay money to cover the expenses involved, the produce definitely has kedushas shevi'is and must be treated accordingly.
- Heter mechirah produce.** B'ezras Hashem we will write in the future that "heter mechirah" produce may not be eaten for multiple reasons. In any event, this produce has kedushas shevi'is and may not be directly disposed of. Therefore, if one accidentally bought heter mechirah produce, he may not throw it in the garbage or give it to someone who is meikel on heter mechirah produce. He must treat it according to its status.
- Produce in chutz la'aretz.** People in chutz la'aretz must also be careful about this, as lots of produce from Eretz Yisroel is exported and sold in supermarkets there. In a regular year, tevel issues can be solved by separating terumos and maasros, but in a shemita year, there is nothing to do since the produce usually has been guarded and worked. It is therefore assur to eat, but it may not be directly disposed of since it has kedushas shevi'is.

### Is There a Mitzvah to Eat Shemita Produce?

- Some say there is a mitzvah kiyumis [non-obligatory] to eat shemita produce (לפי גי' מגילת אסתר ברמב"ן, השלמת העשין לרמב"ן מ"ג).
- However, nearly all other poskim hold there is no mitzvah to eat shemita produce (גריסתינו ברמב"ן, רמב"ם). It is on an even lower level than terumah and maaser sheini, as evidenced by the fact that there is no birchas hamitzvah for eating it as there is for terumah and maaser sheini. Even if shemita produce will rot and go to waste if it is not eaten, there is no issur to leave it since it does not have kedushah like terumah (חזו"א סי' י"ד סק"י) – it only has "kedushah" in the sense that it is subject to restrictions and halachos, such as the issur to directly dispose of it.

### Wasting Produce

#### Issur to Waste

- One may not waste shemita produce, as Chazal derive from the posuk (פי בהר, כ"ה, ו'), "The produce of the Shabbos of the land will be yours to eat" – "To eat, not to waste." One may not even waste a small amount (גמ' בכורות דף י"ב ע"ב, מהרי"ט) (אלאגזי הל' חלה סק"ב ד"ה והנה לפי כתב).
- Therefore, edible shemita produce may not be thrown directly into the garbage since putting it in a filthy place will make it filthy, and no one takes things out of the garbage.
- Protecting from damage.** There is no obligation to protect shemita produce from getting damaged; the issur is just to actively waste it, or perhaps to indirectly waste it (15). Thus, one does not need to put shemita produce or dishes containing shemita produce in the fridge to preserve them (בית דוד ח"ב פ"ד אות ו').

#### Indirectly Wasting

- Some poskim say the issur is only to actively waste shemita produce, but one may indirectly cause it to be wasted (מהרי"ט ח"א (סי' פ"ג, רידב"ז סי' ה' סק"א, תורת הארץ פ"ה ס"ק ל"ז-מ"ד).
- Others say one may not cause shemita produce to be wasted משמרת הבית על הרידב"ז בשם רמב"ם בפיה"מ, מקדש דוד סי' נ"ט אות ה' ד"ה (הנה). Many poskim rule that lechatchilah, one should be machmir if possible, but in a pressing situation or where it is difficult to be careful about this, he may rely on the meikel poskim (הגר"ש"א, משנת) (הגר"ש"א פ"ז סעיפים ו' ט' נ"ד).
- Leftovers in a bag in the garbage.** An example of indirectly causing shemita produce to be wasted is putting leftovers in a bag and putting the bag in the garbage. Since it is in a bag by itself, it does not get ruined by touching any garbage. Later, the city's sanitation workers who empty the dumpsters and compress all the garbage together actively ruin the produce, but the one who put it in a bag in the garbage only caused this indirectly.
- Some are meikel and allow putting leftovers in a bag into a regular garbage can (הגר"ש"א פ"ש, אור לציון פ"ב ס"ג); others are machmir (הגר"ש"א מנחת שלמה ח"ג סי' קל"ב אות י', חוט שני פ"ה ס"ק ס' אות ח').

#### Havdalah on Shemita Wine

- When making Havdalah on shemita wine, one should not make the cup overflow in a way that wine goes to waste, as is customary every week as a sign of brachah (רמ"א אור"ח סי' רצ"ו ס"א). Instead, one should put the cup on a plate: if an amount of wine that a person would normally drink spills, he should drink what spilled; if less than that spills, he can rinse it as usual (חוט שני פ"ה סק"ד אות ט').

20. One should not extinguish the flame with the Havdalah wine, as doing so is wasting shemita produce. Similarly, even a small amount of wine should not be placed over the eyes or in the pockets as a segulah; it is considered wasting even if it is for a mitzvah purpose.
21. **Mohel for metzitzah.** It is also considered wasting for a mohel to use shemita wine for metzitzah. However, he may give the baby shemita wine to suck on.

### Leftovers

22. A large part of the difficulty with guarding the kedushah of shemita produce stems from not knowing what to do with leftovers or what types of leftovers may be thrown into the garbage and what types may not. Thus, we saw a need to explain this in a clear fashion.

### Definition of "Food"

23. **Commonly saved.** There are some leftovers that frugal people save and reuse at another opportunity, e.g., food remaining on the table that is not leftovers on someone's plate or. No one may throw these types of leftovers into the garbage even if he personally would normally throw them out (דרך אמונה פ"ה סק"ג). They must be put in a specific place until they are no longer edible and may then be thrown in the garbage.
24. **Commonly thrown out.** Leftovers that are normally thrown out, e.g., a small amount of food remaining on a person's plate that even frugal people throw out, may be thrown in the garbage; they are not subject to the issur of wasting ( בית דוד (ה"ב פ"ה אות ב' ובהע"א).
25. **Safeik.** If one is unsure whether his leftovers are the type that are normally thrown out or not, he may put them in a bag by themselves and put the bag into the regular garbage can. Since it could be that they are normally thrown out, he can rely on the poskim who are meikel on indirectly wasting (above, 15).
26. **Designated spot – shemita pail.** When the poskim talk about putting leftovers in a designated spot ["מקום מוצנע"], they are referring to what we call a shemita pail. We will now discuss this.

### Shemita Pail

27. When putting leftovers in a shemita pail, one must make sure not to put good leftovers with leftovers that have started going bad, as contact with the bad leftovers causes the good ones to rot quicker. Similarly, leftovers of cooked food should not be placed on leftovers of fresh produce, as doing so causes the fresh produce leftovers to go bad more quickly ( בית דוד פ"ה אות ג' ).
28. **Plastic bag.** The solution for this is as follows: every time there are leftovers, those leftovers should be placed in their own plastic bag, which can be placed in the shemita pail. This way, there is never contact between the different leftovers and nothing will go bad faster than it would have on its own.
29. **Emptying the shemita pail.** Leftovers should be left in the shemita pail until they are no longer fit for human consumption – usually after two days – at which point they may be thrown out in a regular garbage can. It is not necessary to wait for them to be unfit for animal consumption since it is not common in our time and location to give leftovers to animals ( סוף סק"י ).

### Cutting a Section of a Fruit/Vegetable

30. **Eating half a fruit.** One may cut a fruit/vegetable even if he only plans to eat half of it and cutting it will make the remaining half go bad faster. This is because his intention is to eat half; the effect brought about by eating the fruit is not a problem (משפטי הארץ פ"א אות י"א).
31. **Removing a blemish.** One may remove a blemished section of a fruit – if that is the common practice – and put it in a bag in the garbage. If some people would eat the blemished section or one took off more than just the blemished section, he should put the section he cut off into a bag, which he should put in a shemita pail.

### Peels

32. **Edible peels.** Edible peels, e.g., the peels of **apples, pears, or cucumbers**, may not be thrown in the garbage. They have kedushas shevi'is and must be placed in a shemita pail.
33. **Inedible peels.** Peels that are never eaten by people do not have kedushas shevi'is and may be thrown straight in the garbage. Some examples: the peels of **oranges, grapefruits, lemons** (זו"א מעשרות), **potatoes, carrots, squash, melons**, etc. However, this is assuming all that is left over is the peel and an amount of edible flesh that is normal to leave over; if some of the flesh came off with the peel, it must be put in a shemita pail.

### Seeds

34. Inedible seeds that do not have flesh attached to them do not have kedushas shevi'is and may be thrown in the garbage. Similarly, a fruit's stem or pits [e.g., of grapes] may be thrown out.
35. However, if an amount of flesh that people normally eat is attached to them, they must be put in a shemita pail until they are no longer fit for consumption (רמב"ם פ"ה הכ"א, פ"יא תרומות ה"י).
36. **Apple/pear core.** If one leaves more flesh on the core of an apple or pear that is normally left on, the core must be placed in a shemita pail.

### Washing Dishes

37. If there is an amount of leftover food on a tray, cup, plate, food processor, etc. that is not normally saved, there is no issur to waste it; one may wash the dish as usual. If more than that was left over, the leftovers must be collected and placed in a shemita pail until they are no longer fit for consumption (משפטי הארץ פ"ג אות י').

### Eating at Someone Else's House

38. **Treats non-Jews' produce with kedushah.** If someone who treats non-Jews' produce with kedushah is hosted by someone who does not, the guest does not need to worry about his leftovers since he is not obligated to protect them (above, 14). The guest should not actively waste them, and the host can follow his personal minhag.
39. **Yeshiva bochurim.** The same is true of bochurim who treat non-Jews' produce with kedushah learning in a yeshiva that does not. These bochurim are not responsible for what is done with their leftovers (משנת הגר"ש פ"ז סעי' מ"ח).
40. **Yeshiva dining room.** If a yeshiva bocher leaves over food with kedushas shevi'is on his plate, he does not need to collect his leftovers to prevent the non-Jewish workers from throwing them out since leaving them there is merely a lack of protection. The yeshiva staff must instruct the workers not to throw out the leftovers, but if the workers do so anyway, the staff already fulfilled their obligation.
41. **Caterer, restaurant.** The same is true of someone eating at a catered event or a restaurant: the diner is not responsible for what happens with his leftovers as long as he does not actively waste them.

### Food Cooked with Shemita Produce

42. Food cooked or fried together with shemita produce [e.g., schnitzel fried in shemita oil, chicken baked with shemita plums, or a vegetable soup containing one shemita vegetable] receives kedushas shevi'is. It may not be wasted and its leftovers have the same rules as shemita leftovers.

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