

ליקוטי ופסקי הלכות

"חוקי חיים"

ותלמוד
"חוקי חיים"
לעשות רצונך
בלבב שלם



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

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

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The Gift of Eretz Yisroel

Conditional on Keeping the Torah

1. It says in the parshah (ויקרא כ"ה, א-ב'), "Hashem spoke to Moshe on Har Sinai saying ... When you come to the land that I give you, the land shall rest a Shabbos for Hashem." The mefarshim explain that Hashem gave Eretz Yisroel to our ancestors, but the gift was not complete until we received the Torah at Har Sinai and promised to keep it. A prerequisite for the gift of Eretz Yisroel is keeping the Torah there (אור החיים הק').
2. Har Sinai is mentioned together with the topic of shemita to teach us that just as the halachos of shemita were told to us at Sinai with all of their principles and details, similarly all the mitzvos and halachos were told to us at Sinai with their principles and details. This also teaches us that keeping each and every mitzvah – not just shemita – down to its details and fine points is a prerequisite for receiving the gift of Eretz Yisroel (שם). [For this reason, we say in the Haggadah, "Had Hashem given us the Torah but not taken us to Eretz Yisroel, it would have been enough" – unfortunately some people think it's the opposite, that it would have been enough had Hashem taken us to Eretz Yisroel but not given us the Torah...!]

Kedushas Shevi'is

3. We wrote (Issue 236, par. 14 and on) that "kedushas shevi'is" does not mean that shemita produce is actually holy, but rather we say it has kedushas shevi'is because there are halachos and limitations regarding its treatment. The halachos include: the issurim to close off a field or to waste (see Issue 243 at length) or do business with shemita produce; the transfer of kedushah onto money used to buy shemita produce; the chiyuv to do biur; and the status of produce from a field that was guarded or worked. We explained all of these in that issue.

Produce with Kedushas Shevi'is

4. Before discussing how to treat produce with kedushas shevi'is, the ways one may prepare it for eating, and the like, one must always determine if the produce actually has kedushah. This depends on several factors, as we have explained in the past. We will go through them briefly now.
5. **Fruit.** The status of tree fruit is determined based on chanatah [a stage at the beginning of the fruit's development]. If chanatah happened in shemita, the produce has kedushah; if it happened in the 6th or 8th years, it does not. Thus, fruit picked from a tree at the beginning of the shemita year does not have kedushah; fruit picked at the end of the shemita year or the beginning of the 8th year has kedushah (see Issue 236, par. 21 and on).
6. As of late, there are already several types of fruit on the market with kedushas shevi'is. In the coming season, many types of fruit will begin to have kedushas shevi'is, each type depending on its picking season and the nature of its crop.
7. **Vegetables.** The status of vegetables is determined based on its picking. Thus, any vegetable picked between Rosh Hashanah of shemita and Rosh Hashanah of the 8th year is shemita produce. However, most vegetables are assur d'rabanan due to the issur

sefichim (see Issue 236, par. 38); this is only relevant to produce not subject to the issur, e.g., produce at the beginning of shemita that began growing in the 6th year and only finished in shemita, which Ashkenazim are meikel on (ibid., par. 46).

8. **Non-Jewish owned produce.** It is also relevant to produce of a non-Jew that grew in Eretz Yisroel, which is not subject to the issur sefichim. However, the poskim argue about its status. The minhag in Yerushalayim is to treat it without kedushah, so it has no limitations. Some people treat it with kedushas shevi'is in accordance with the minhag of Bnei Brak (see Issue 237).
9. **Otzar beis din.** We wrote (Issue 242) that there is a way to distribute hefker fruits and vegetables through otzar beis din. Although one may take produce from such a distribution and pay just to cover the expenses incurred throughout the process, of course the produce has kedushas shevi'is and must be treated accordingly.
10. **Heter mechirah produce.** We wrote (Issue 244) that heter mechirah produce on the market may not be eaten or wasted. We wrote at length and gave multiple reasons why heter mechirah produce may not be eaten. However, it still has kedushas shevi'is and may not be directly disposed of. Thus, if one mistakenly bought heter mechirah produce, he cannot throw it out, nor can he give it to someone who is meikel on heter mechirah produce. He must treat it in accordance with its status.
11. **Chutz La'aretz.** People in Chutz La'aretz must also be careful, as lots of produce from Eretz Yisroel is imported and sold in supermarkets. In a regular year, the potential for the issur of tevel can be offset by taking off terumos and maasros, but there is nothing to do in a shemita year since generally, the produce was guarded or worked: it may not be eaten, but it may not be directly disposed of because it has kedushas shevi'is.

Various Types of Fruit

12. In Iyar, several types of fruit with kedushas shevi'is begin to reach stores [because they underwent chanatah during shemita]. We will now go through various types of fruit. (As appears in the Eidah Chareidis's Kashrus Guide for 5782)
13. **Lychee.** Lychees ripen and reach stores in Iyar. The same goes for mulberries.
14. **Apples.** The earliest variety of apples to ripen is the Anna variety – these apples ripen in Iyar. The Granny Smith, Jonathan, and Red Delicious varieties reach stores starting in Tamuz. Golden Delicious apples ripen in Av.
15. **Plums.** Fresh, Japanese variety plums begin reaching stores in Iyar. European varieties come in Tamuz.
16. **Pears.** The earliest variety to ripen is the Gentile; it is picked starting in Iyar. The popular Spadona variety, when not in refrigerated storage, ripens around Tamuz.
17. **Persimmons** ripen in Av through Tishrei.
18. **Peaches** already ripened and reached stores in Shevat and Adar.
19. **Citrus fruit.** Citrus fruits, e.g., grapefruits, pomelos, "pomelit" [oroblanco], oranges, and clementines, ripen in Av.
20. **Lemons** that underwent chanatah in shemita already appeared in stores in Nisan.

21. **Mangoes.** Fresh mangoes begin ripening in Sivan.
22. **Nectarines** already ripened starting in Adar Alef.
23. **Grapes.** Some varieties already ripened in Nisan. All varieties of wine grapes ripen in the months of Av, Elul, and Tishrei.
24. **Olives.** Olives are fruits, not vegetables. The more basic varieties ripen starting in Av. The Manzanilla variety, which canned olives generally are, ripens in Av.
25. **Apricots.** Fresh apricots are only in stores between Nisan and Sivan.
26. **Figs.** Early figs ripen in Nisan and Iyar. However, most of the crop ripens starting in Tamuz. One must be very cautious about bugs when it comes to figs.
27. **Dates.** The ripening season depends on the variety and region. They start in Av and go through Cheshvan and Kislev.

Preparing Foods with Shemita Produce

Eating Produce Raw or Cooked

28. Shemita produce may not be eaten in an unusual way (רמב"ם פ"ה (ה"ג). Simply speaking, the reason for this is that eating shemita produce in an unusual way is considered wasting its primary form (ר"ש פ"ח מ"א, רש"י ברכות דף ל"ח ע"ב ומ"ב סי' ר"ב ס"ק ס"ד לענין ברכות).
29. **Usually eaten raw/cooked.** Therefore, one may not cook something usually eaten raw, e.g., an orange, avocado, or radish, as that is not how it is usually eaten. Likewise, something usually cooked, e.g., a potato, peanut, or quince, may not be eaten raw.
30. **Eaten either way.** If the main way to eat a food is one way, but most people (מג"א סי' ר"ה סק"ג, מ"ב סק"ג) or at least a sizable number of people (חיי אדם סי' נ"א ס"ב) eat it the other way, it may be eaten either way since both ways are considered normal. Certainly if a food is eaten both ways with equal frequency, one may eat it either way.
31. **Raw onion.** One may not eat a raw onion plain, as that is not the normal way onions are eaten. Although it is normal to eat raw onion mixed in a vegetable salad, it is not normal to eat raw onions on their own (בית דוד ח"ב פ"ו אות ב').
32. **Compote.** One may make a compote from fruits normally used for that purpose, e.g., peaches, apricots, apples, and pears. Although these fruits are most often eaten raw, since most people also eat them cooked in a compote, that is considered a normal way to eat them (בית דוד שם).
33. **Pickled vegetables.** One may pickle vegetables that are commonly pickled, e.g., cucumbers, peppers, carrots, and cauliflower. Something normally eaten raw may not be pickled if it is not normal to do so. Something normally pickled may not be cooked; pickling is only equated to cooking ["כבוש כמבושל"] as a chumra, not a kula (הגר"ש, משפטי הארץ פכ"ב אות ג').
34. **Baking, cooking.** Baking, roasting, and cooking are all considered one manner of preparation. For example, if something is normally baked, it may be roasted or cooked and vice versa, as long as doing so does not ruin it (שם).
35. **Banana cake.** One should not bake a cake with bananas that have kedushas shevi'is since bananas are not usually eaten cooked or baked.
36. **Freezing bananas.** One may cut bananas into slices and put them in the freezer to eat them as a snack since doing so does not change the bananas or their manner of consumption (השמיטה (והלכותיה פ"ד אות ו').

Juicing Various Fruits

37. One may not alter the natural form of shemita produce, i.e., from a food to a drink (רמב"ם פ"ה ה"ג). Therefore, one may not make juice from a fruit's flesh except in certain cases, as will be explained.
38. **Apples, pears.** One may not juice apples or pears. Even though that is a normal way to consume them, since it alters their natural, intrinsic form, the fact that it is common is irrelevant. Also, when one juices a fruit, the fruit is thrown out. All he enjoys is the juice; the body of the fruit is disposed of without being consumed (חזו"א סי' כ"ה סק"ב ד"ה ויש).



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39. **Carrots.** One may not make carrot juice from shemita carrots since doing so alters their natural form (פוסקי ומנינו).
40. **Shriveled fruit.** If a fruit is shriveled and only barely edible for humans, and it will likely not be eaten, even though one may not throw it out, it may be juiced. That is better than leaving it alone and waiting until it is inedible or giving it to an animal (ע"פ חזו"א סי' (כ"ז סק"ג, הגר"נ קרליץ).
41. **Olives, grapes.** Everyone agrees one may squeeze olives or grapes to make oil or wine. We derive from the posuk's mention of תירוש and יצהר when discussing terumah that the juice is considered to be the fruit itself; this is not called altering its natural form (רמב"ם (פ"א תרומות ה"ב, פ"ה שביעית ה"ג).
42. **Citrus fruits.** Most poskim allow juicing citrus fruits, e.g., lemons, oranges, and grapefruits. In other fruits, the juice comes out of the flesh, and the flesh is discarded – this juicing is forbidden. In citrus fruits, however, the flesh itself becomes a liquid and mixes into the juice; all that is left are the membranes and the peel. Juicing citrus fruits is just crushing the actual fruit, not squeezing the juice out; hence, their natural form is not altered (ע"י (חזו"א סי' כ"ה סק"ב ד"ה מן, ע"י (מנחת שלמה סי' מ"ו).

Crushing Shemita Produce

43. Produce that most people will also eat crushed, e.g., banana, mango, apple, potato, carrot, beet, or tomato, may be crushed or ground. This is not altering its natural form, but rather another way to eat the produce. Even if it is most commonly eaten without being crushed, it may be crushed if most people sometimes eat it that way.
44. **Smoothie.** One may make smoothies with banana, mango, strawberry, blueberry, and the like, since it is normal to do so and most people enjoy smoothies with these fruits.
45. **For a baby.** One may mash for a baby any fruits or vegetables which are commonly mashed for babies (א"ת סי' ט"ו).

Juiced or Cooked Produce Usually Eaten Raw and Intact

46. **Juiced.** If one juiced fruits which may not be juiced (above, 38), he must treat the juice with kedushas shevi'is (ד"ה (הושביעית).
47. **Cooked produce usually eaten raw.** Likewise, if one cooked something that is not normally cooked or if one made any other change, the food still has kedushas shevi'is. This is no different than juicing fruit (מ"ר בעל שבט הקהתי, בית דוד ח"ב פ"ו הע" 5).

Taking Produce to Chutz La'aretz

Issur to Remove from Eretz Yisroel

48. One may not take shemita produce to Chutz La'aretz even if he plans to return it to Eretz Yisroel (משנה שביעית פ"ו מ"ה). Some say the reason is so that it is not mixed up with Chutz La'aretz produce and treated accordingly (ר"ש משאנץ ת"כ פ' בהר פ"א ה"ט, ראב"ד); others say eating shemita produce specifically in Eretz Yisroel gives it a degree of importance (חזו"א סי' י"ג סק"ג).
49. **Food for the trip.** If a person traveling to Chutz La'aretz needs to take some food for the trip and only has shemita produce, some say he can take it with him (סדר שביעית לר"ז שפירא סי' ז, משפטי הארץ פ"כ ס"ב).

Took Produce Out

50. Some say that if one wrongly took shemita produce to Chutz La'aretz, the produce becomes assur and may not be eaten (ראב"ד (על ת"כ פ' בהר א', ט', הגר"א שם והרש"ס פ"ו מ"ה (רידב"ז פ"ה ס"ח, חזו"א סי' י' סק"ו ד"ה ואם שולחין) assur).

Esrogim for Sukkos

51. Some say one may take esrogim to Chutz La'aretz and transfer them to the public via otzar beis din (see Issue 242 regarding otzar beis din produce) [that is the only way to provide the public with esrogim from Eretz Yisroel in a shemita year, and the Eidah Chareidis also relies on otzar beis din to distribute esrogim to the public] if there is a concern that otherwise, people will not be able to fulfill the mitzvah of daled minim (ד"ה פסחים) (חזו"א סי' י"ג סק"ד ד"ה פסחים). Accordingly, it is better to use an esrog from Chutz La'aretz if possible.
52. **Taking a single esrog.** A person taking a single esrog for a relative has more of a heter, as an esrog is less than three meals' worth of food and there is no concern about the chiyuv biur (15 (בית דוד פ"ד הע" 15).

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