

Practicalities of Shmita

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We find ourselves well into the Shmita year and some Israeli produce is finding its way in to the US market, so now is a good time to review some of the relevant halachos concerning Shmita produce. This article will focus on the practicalities we face here in the US.

During the Shmita year, as mentioned in our previous article, most farming activities are proscribed by the Torah. However, produce that grows on its own (but note exceptions below) is considered by *halacha* to be *hefker*, ownerless, and anyone can consume such Shmita produce – but only in *Eretz Yisroel*. The special nature of the Shmita year gives rise to some important particulars with regard to the consumption of such produce. Several factors must be considered in terms of Shmita produce, or products made from Shmita produce.

Kedushas Shevi'is

Fruits, vegetables, grains, herbs, etc. that grow during the Shmita year have a special *kedusha* inherent in them and therefore have restrictions placed on them even in cases where one acquires them in a permissible way. Produce cannot be wasted or used in a manner not typical of the item. Peels of fruits cannot be wasted; they are set aside until they become rotten before they can be discarded. In terms of typical use, for example, cucumbers which are customarily eaten raw cannot be cooked. Shmita produce cannot be removed from *Eretz Yisroel* and one may not conduct regular business with them (i.e., buying and selling in the market).

Biur

During the year, various crops come into “season” during which they are available in the fields. Once the season for a particular crop passes and no more of that crop remains in the field where animals could eat them, one may keep no more than three meals worth of that crop in their possession. The remainder of the crop must be declared ownerless (*hefker*) and anyone (including the original owner) can take from the crops. One can only reacquire their crops if proper Biur is made, and in such a manner that others could obtain them (practically, one must check with their Rav for guidance on how to properly do this). If Biur is not performed, the entire remaining crop becomes forbidden and must be destroyed (see Ramban).

Sefichin

Chazal found that people would plant vegetables during Shmita and claim that they were growing on their own. It is possible that some kinds of vegetables could grow on their own if during the previous (6th year's) harvest some seeds got left behind, but generally they have to be purposefully planted annually – an activity not allowed during Shmita. As a result of these practices, the Rabbonim made a prohibition on all annual crops no matter how they actually grow during Shmita. Such produce is called Sefichin. Note that this does not apply to fruits, as fruit trees definitely grow on their own each year and the concern doesn't apply to them.

What If I Find I Have Shmita Foods?

The major hashgacha agencies watch for Shmita issues and do not certify products that contain questionable fruits or produce. One way this can become evident is that some products that have a hechsher all the time may not bear the hechsher during or shortly after Shmita. This particularly applies to products made in Israel, and consumers need to watch labels carefully to see that one of the major

hechsharim still appear. As an example, at least one Israeli wine company has produced during Shmita in the past using grapes that are grown under a *heter mechira* or *otzar Beis Din* arrangement; the US certifying agencies did not accept these grapes (particularly since they are made for export from Israel) and removed their symbol from that year's wine. It is anticipated that similar situations will occur this Shmita.

When dealing with produce in the stores, it is common to find peppers, tomatoes, dates, grapes and herbs from Israel offered for sale in the US. Such produce is highly problematic and it is best to avoid buying these items. If possible, one should try to determine the country of origin of these items by checking the boxes they come in. When it is not possible to check, one may rely on the fact that the majority of produce sold in the area is not from Israel. Should a situation arise in which Israeli produce is definitely found in the Seattle area, the Vaad will alert consumers of the situation.

Should one come into possession of Shmita produce inadvertently, consult with your Rav as to whether the product is forbidden as sefichin and if not, how to properly treat the food with kedushas shvi'is and when and how to perform biur.