

Introduction:

Even though Shemitoh came to an end with the onset of Rosh Hashonoh 5783, and from that time onwards the land of Eretz Yisroel was allowed to be cultivated again as normal, shemitoh produce of Eretz Yisroel has a different timeline. This is because the year for trees for both terumos, maasoros and Sheviis depends upon the year in which chanotoh¹ took place, whereas the year for plants depends upon the Jewish calendar year in which they were picked(לקיטה).

Vegetables will be shemitoh produce only if they were *picked* during the Shemitoh year, whereas fruit will be shemitoh produce only if they *started growing* during Shemitoh, even if they were only picked in the eighth year.

For vegetables, a Rabbinic extension to the year of Shemitoh was introduced, forbidding their consumption until Chanukoh of the eighth year, in order to prevent Shemitoh produce being sold as eighth year produce.

Hence for

Vegetables

א) Where it is known that they were sown and picked during Shemitoh, they may not be eaten due to the Issur Sefichin², which remains indefinitely even after Shemitoh.

ב) Where there is no knowledge that they were picked during Shemitoh:-

1) Vegetables that grow quickly: The Shemitoh concern ends when enough time has elapsed for that type of vegetable to have been sown/planted and fully grown after Shmitoh.

2) From the beginning of Chanukoh, all vegetables can be assumed to be Shemitoh free, unless you know (or can ascertain) that they were actually picked during Shemitoh.

Even vegetables that take more than 12 weeks to grow are permitted according to the Chazon Ish. However some are stringent and forbid the produce until enough time has elapsed for that type of vegetable to have grown from beginning to end, after Shemitoh. It would be prudent to avoid buying these vegetables until this time. However if they have been bought already, or where there is a case of need, one certainly has the Chazon Ish upon whom to rely.

3) Tinned vegetables without a reliable hechsher: One needs to check the date of production (printed code on every tin). If the production was during the Shemitoh year, we will need to bear in mind four issues with respect to the contents of the tin. (i) Kedushas Sheviis, (ii) Shomur Vene'evod, (iii) Issur Sefichin and (iv) Zman Habiur. (see definitions in footnote³ below)

¹**Chanotoh** - An early stage in the fruit's growth

²**Issur Sefichin** - The prohibition to eat produce that was sown/planted during Shemitoh. It only applies to annuals and not to perennials.

³**Kedushas Sheviis** - Seventh year produce of Eretz Yisroel has various restrictions as to its use, known as Kedushas Sheviis.

Shomur Vene'evod - Where the field was locked or worked upon against the Halochoh during Shemitoh. Some forbid the produce to be eaten. According to all, one should refrain from buying it in the first place.

The vegetables will almost certainly be Sefichin and may not be eaten at all, unless the production date is so early that the vegetable concerned could not have been sown during Shemitoah. Even then they will still have kedushas Sheviis and will need to be treated as such. In addition, attention still needs to be given to the possibility of it now being after the Zman Habiur. Due to the long lasting nature of tinned foods, it is very likely that this time has already elapsed before it reaches the customer. In such a case the likelihood of the tins having been in the ownership of Jewish people at the time of Biur is very high. Consequently, the contents will now be forbidden to eat, because one must assume vegetables were not declared hefker at the time.

4) Frozen vegetables have the same concerns as tinned vegetables, in that they can be kept for a long time, albeit not as long as tins.

5) Where there is no concern of any of (1) Kedushas Sheviis (2) Issur Sefichin (3) Zman Habiur, there will be a need to take terumos and ma'aseros as in normal years.

6) If a person mistakenly bought vegetables from Eretz Yisroel before Chanukoh of this year, although they may not be eaten, the Chazon Ish holds that these same vegetables will become permitted from the beginning of Chanukoh (as long as it isn't known that they were picked before Rosh Hashonoh 5783). Alternatively, they may be returned to the shop for a refund or replacement⁴ unless there is reason to suppose that they were picked before Rosh Hashonoh 5783.

7) In all cases where the vegetables may not be eaten, it is not clear whether they may be returned to a non-Jewish shop. If opened, they should be left to go bad and then discarded as normal. If unopened, it may simply be discarded inside the closed tin.

Fruit :

- 1) The Issur Sefichin does not apply to fruits because they are perennial, but Kedushas Sheviis, Shomur Vene'evod and Zman Habiur do apply.
- 2) As mentioned above, the year for trees for both Terumos, Ma'asoros and Sheviis depends upon Chanotoh⁵, whereas for plants, it depends upon the Jewish calendar year in which they were actually picked(לקיטה).

Zman Habiur - The time after which no produce of its type remains in the field*. At this time any produce owned by a Jew must be declared *hefker*. Failure to do so on that day, will permanently render that produce forbidden to eat.

* The Chazon Ish adopts a lenient interpretation of this as being the time where this type of produce would have shriveled/rotted had it been left on the tree.

⁴ Since there seems to be a sfek sfaikoh. The Chazon Ish has a sofek whether they have Kedushas Sheviis and also has a sofek whether something that is both Sefichin and has Kedushas Sheviis, needs to be preserved.

⁵ Chanotoh - An early stage in the fruit's growth

- 3) Consequently, fresh fruits from Eretz Yisroel have Kedushas Sheviis at present, until fruits of that type, that have reached the Chanotoh stage in the eighth year, ripen. This will be much later on in the eighth year.
- 4) In English we use the term 'fruit' to mean the sweet and fleshy product of a tree or other plant. In Halochoh, however, fruits are only those that grow on a tree. A tree is only considered a tree according to Halochoh, if the same branch produces fruit year after year. In contrast, those fruits that grow on a plant are regarded as vegetables. In Halochoh a plant is only considered as such, if the 'fruit' grows on a new branch or stalk every year.
- 5) Bananas, strawberries and rhubarb are regarded as growing on plants, and therefore anything on the fresh market now, will have been picked after Sheviis, and is regarded as eighth year produce (peiros sheminis). Even before Chanukoh, the Issur Sefichin does not apply to them. This is because although they grow on plants, these plants are perennials and therefore not subject to the Issur Sefichin (see footnote 2). It should be noted that as these 'fruit's are regarded as eighth year produce, there will be a need to take Terumos and Maaseros.
- 6) When exactly is the Zman Habiur? The answer is that the time will be different for each fruit or vegetable. The Mishnah gives us a predetermined date for some fruits, whilst for others it seems to depend on the actual situation in the region of Eretz Yisroel from which they originate.
- 7) Nowadays, fruit is usually picked before it ripens and then kept in cold storage for varying periods. Nonetheless, HaGaon HaRav Soriel Rosenberg Shlita is of the opinion that even taking into account cold storage, the Zman Habiur won't take place whilst fresh fruit of that type is still available in the shops (due to the Chazon Ish's lenient opinion about Zman Habiur as quoted at the end of footnote 3).
- 8) The concern of Shomur Veneevod remains until eighth year produce of that fruit reaches the market.

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