



KASHRUS KURRENTS

SUMMER 5782 - 2022 | VOLUME 45 NO. 3

THE OTZAR BEIS DIN: Shemita's Treasure Trove



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An *Otzar Beis Din* is literally 'a storehouse operated by *Beis Din*.' Why would *Beis Din* operate a warehouse? Before explaining more fully the true purpose of an *Otzar Beis Din*, which is a *halachically* approved method of distributing *Shemita* produce, we must first review the *halachos* of *Shemita*. These rules fall under two general categories:

(1) Laws of the Land

The Torah teaches that every seventh year is *Shemita*, and we are prohibited from working the land of Eretz Yisroel. One may not plow, plant, prune, or harvest one's grapevines as an owner, or perform most other agricultural work. Furthermore, one may not allow one's land to be worked during *Shemita*, even by an *aino Yehudi*.¹ One may perform activities whose purpose is to prevent loss, such as watering plants and trees so that they do not die.²

The landowner may not treat what grows during *Shemita* as his own; rather, he must allow others to enter his field or orchard and help themselves. They may take only as much as their family will eat, and the landowner himself may also take this amount.³ One may not sell *Shemita* produce in a business manner.⁴

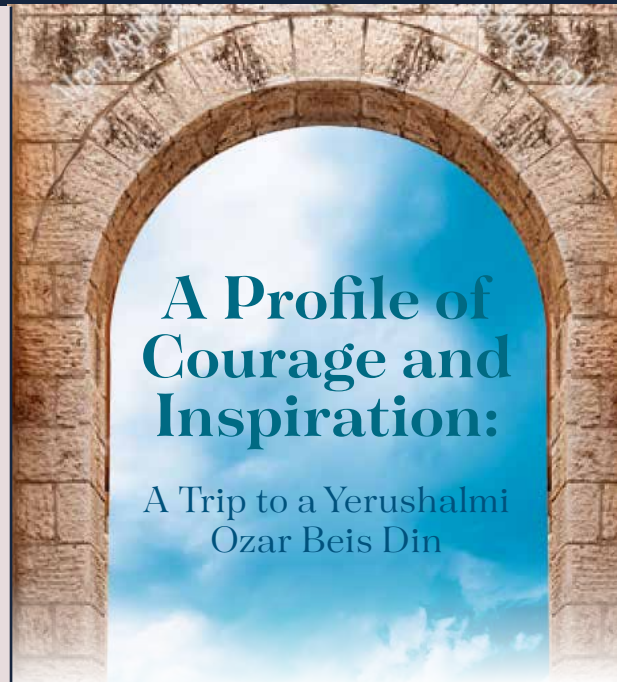
1. *Avodah Zarah* 15b.

2. *Moed Katan* 3b; Rambam, *Hil. Shemita* 1:10; Cf. *Chazon Ish, Shevi'is* 16:4, 21:14, who is more lenient.

3. Rambam, *Hil. Shemita* 4:1.

4. *Ibid.*, 6:1.

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A Profile of Courage and Inspiration:

A Trip to a Yerushalmi
Ozar Beis Din



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Anyone who has had the opportunity to visit *Yerushalayim Ir HaKodesh*, as I recently did, will tell you that a must-see experience is a trip to the Geula neighborhood on Erev Shabbos.

Rechov Malchai Yisroel could very well be dubbed the commercial heart of the Chareidi community. The stores pulsate with energy and electricity, while the streets teem with traffic tie-ups, both on and off the sidewalks. It could be termed a businessman's dream or nightmare, depending on one's ability to handle the sheer crush of consumers. The side streets, on the other hand, are a labyrinth of quiet residential apartments. One such quiet street is Rechov Yonah.

For six out of seven years, the Stern family's *mirpeset* (balcony) on Rechov Yonah looks like any other *mirpeset*, but this year is not like the others. During this year, *shnas haShemita*, the Stern's *mirpeset* undergoes an amazing transformation. Welcome to the *Otzar* of Bnei Brak – Jerusalem Branch!

In brief, the *Otzar Beis Din* is the legal entity that the rabbis have established to serve as

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A CONSUMER'S GUIDE TO SHEVI'IS PRODUCE



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The Torah commands us to refrain from working the land of Eretz Yisroel during *Shemita*. The *possuk* states that a person may work the land of Eretz Yisroel for six consecutive years but must allow it to lie fallow during the *Shevi'is* (seventh) year.¹ This seventh year is known as *Shemita*.² The mitzvah applies to both men and women.³ Even though time-bound positive commandments generally do not apply to women, this mitzvah is an exception and is equally incumbent upon them.⁴

The Torah also commands us to sanctify every fiftieth year as *Yovel*.⁵ However, the *Yovel* year does not occur nowadays. This is due to the fact that *Yovel* is sanctified only when the majority of Jews live in Eretz Yisroel.⁶ By the time of the destruction of the first Beis Hamikdash, the majority of Jews had been exiled from Eretz Yisroel and *Yovel* no longer occurred. Although Jews returned to Eretz Yisroel at the time of Ezra, some *shevatim* chose to remain in exile and did not return, which precluded *Yovel* from restarting.⁷

Although sanctification of the *Yovel* year no longer takes place, the *Shemita* cycle continues to occur, and every seventh year is *Shemita*. According to the majority of *poskim*, the Torah obligation of *Shemita* applies only when *Yovel* applies. As *Yovel* no longer occurs, the obligation to keep *Shemita* nowadays is Rabbinic (*mi'drabanan*).⁸ There is discussion in the *poskim* as to the count of the *Shemita* cycle, but the widely accepted view is that this year, 5782, is *Shemita*.⁹ *Shemita* began last Rosh Hashana and will continue until next Rosh Hashana.¹⁰

Fruit That Has *Kedushas Shevi'is*: What to Do If You Purchased an Orange?

Produce which grows during *Shemita* has *kedushas shevi'is*. This means that (a) the produce does not belong to the owner of the field and is available for others to take; (b) the produce cannot be sold for money;¹¹ (c) the produce cannot be discarded;¹² and (d) the produce cannot be removed from Eretz Yisroel.¹³ If it was wrongfully exported from Eretz Yisroel, it continues to retain *kedushas shevi'is*.¹⁴

A person may eat a fruit that has *kedushas shevi'is*, but any edible remainder such as the pit, seeds, or peel cannot be thrown away.

Rather, these should be set aside until they start to rot, after which they may be discarded.¹⁵

A fruit or vegetable may start growing in the sixth year and continue to grow in the seventh year, or start growing in the seventh year and continue to grow in the eighth year. In such cases, it needs to be determined whether or not the item has *kedushas shevi'is*. In general, fruit has *kedushas shevi'is* if the budding occurred during *Shemita*,¹⁶ whereas vegetables have *kedushas shevi'is* if they were harvested during *Shemita*.¹⁷

Fruit and the Requirement for *Biur*: What to Do If You Purchased Wine?

A person may own fruit that has *kedushas shevi'is* and store such fruit for future consumption, provided there is similar fruit still growing in fields in Eretz Yisroel that are available for other people to take.¹⁸ However, when similar produce ceases to be freely available in the fields, the fruit may no longer be stored. At that time, a person who owns and stores fruit with *kedushas shevi'is* should perform *biur* by declaring the fruit *hefker* in front of three men. He may then reacquire and continue to store the fruit.¹⁹ The consumer should consult a chart (available online) to ascertain the relevant date for any particular fruit.²⁰

If a person intentionally neglects to perform *biur*, the fruit may not be eaten and should be discarded after it has started to rot.²¹ The Chazon Ish holds that the fruit is forbidden even if *biur* was not performed because the person forgot or did not know to do so.²²

Produce grown during *Shemita* may be distributed through an *Otzar Beis Din*.²³ For example, wine produced from grapes grown during *Shemita* may be sold commercially through an *Otzar Bais Din*. The kashrus agency certifying the wine will note on the wine label if this is the case, and will also note if *biur* has been performed. Some are of the opinion that this wine no longer retains *kedushas shevi'is* after *biur* is performed, and may be exported from Eretz Yisroel.²⁴ However, the prevalent view is that the wine retains *kedushas shevi'is*, and the consumer should treat it accordingly.²⁵

1. שמות כג, י"א, ויקרא כה, ג-ז
 2. דברים טו, א
 3. ספר החינוך מצוה פד
 4. ע"י במנחת חינוך שם הטעם
 5. ויקרא כה, י"ב
 6. ערכין דף לב ע"ב
 7. רש"י גיטין דף לו ע"א, ועי' בתוס' שם ד"ה 'בזמן' שיטת ר' תם
 8. הבית יוסף יו"ד סי' של"א כתב שכל"ה דעת הרמב"ם, וכל"ה ב"י בשו"ת אבקת וכול סי' כד הובא בכסף משנה פ"ד מהל' שמיטה ויובל הל' כט, וחרזר ממש"כ בכ"מ שם פ"ט הל' ב ופ"י הל' ט שלדעת הרמב"ם שמיטה בזה"ל הוא מן התורה, והחזו"א שביעית סי' ג ס"ק ח הכריע שיש לסמוך שמיטה בזה"ל הוא מדרבנן
 9. רמב"ם שם פ"י הל"ז בשם הגאונים, וכן פסקו הבית יוסף חו"מ סי' סז ורמ"א שם סעי' א, ועי' בדרך אמונה
 10. שם ס"ק לה שלפ"י שנת 5754 הוא שנת השמיטה, ואח"כ שנת 5761 ושנת 5768 ושנת 5775 ושנת 5782 כולם שנת השמיטה
 11. ראש השנה דף ב ע"א ורמב"ם שם פ"ד הל"ט
 12. עבודה זרה דף סב ע"א
 13. פסחים דף נב ע"ב
 14. שביעית פ"ו משנה ה
 15. רמב"ם שם פ"ז הל' יב, ועי' בחזו"א שם סי' י ס"ק ו שאין הפירות נאסרים
 16. חזו"א שם סי' יד ס"ק י
 17. רמב"ם שם פ"ד הל' ט ומהר"י קורקוס שם, ועי' בחזו"א שם סי' ט ס"ק יז וסי' ז ס"ק טז ליתר הפרטים
 18. רמב"ם שם פ"ד הל' יב
 19. רמב"ם שם פ"ז הל' א
 20. רמב"ם שם פ"ז הל' א, וכן פסקו החזו"א שם סי' כו סדר השביעית וסי' א, ועי' דיני ביעור בדרך אמונה שם פ"ז ס"ק יז

20. For *Shemita* status dates of commonly available produce, refer to Rabbi Tendler's article, "Charting the Course of *Shemita*," on page 3.
 21. הרמב"ן שם כתב "אם עכבם בביתו אחר הביעור כדי לאכלן אסורין הם באכליה לגמרי"
 22. החזו"א שם סי' יד ס"ק יג כתב שהפרות נאסרים אם לא ביערם אף בשוגג או באונס
 23. For details of the *Otzar Bais Din* system, see Rabbi Kaganoff's article "The *Otzar Beis Din: Shemita's Treasure Trove*," on page 1 of this issue.
 24. חזו"א שם סי' יא ס"ק ו
 25. חזו"א שם סי' כו סוף סדר השביעית ודרך אמונה שם פ"ט ס"ק יז, וכתב הדרך אמונה שם בביאור ההלכה סוף פ"ו שהחזו"א חזר בזה ממש"כ בסי' יא ס"ק ו

Vegetables and the Prohibition of *Sefichin*: What to Do If You Purchased Carrots?

During the time of Chazal, there were people who wrongfully planted vegetables during *Shemita* and deceitfully claimed that the vegetables grew by themselves. In order to discourage this, Chazal enacted the prohibition of *sefichin*, which forbids the consumption of vegetables that grew during *Shemita*.²⁶ There are Rishonim who opine that vegetables grown in the sixth year are not included in the *issur* of *sefichin* even if they were harvested during *Shemita*, and the Chazon Ish accepts this view. These vegetables may be eaten and would have *kedushas shevi'is*.²⁷

The prohibition against the consumption of *sefichin* applies only to vegetables and grains but not to fruit, and applies only to produce grown in areas of Eretz Yisrael that were inhabited by Jews at the time of the Second Beis Hamikdash.²⁸ In theory, vegetables grown in other parts of Eretz Yisrael may be eaten with *kedushas shevi'is*. However, due to uncertainty regarding these boundaries, the prohibition of *sefichin* applies in all areas of Eretz Yisrael.²⁹

The prohibition of *sefichin* does not apply to vegetables grown during *Shemita* in the field of a non-Jew.³⁰ These vegetables may be consumed,

and the *poskim* debate whether they have *kedushas shevi'is*.³¹ Some *rabbonim* accept the view that this produce does not have *kedushas shevi'is*, and advocate that farmers should sell their fields to a non-Jew for the duration of *Shemita*. This suggestion is known as the *heter mechira*.³² However, the Chazon Ish rejects this position, and *paskens* that such produce would still have *kedushas shevi'is*.³³ Others *paskens* that this produce may not be eaten at all, as the laws of *shevi'is* were not followed in these fields.³⁴

As per these criteria, carrots grown in Eretz Yisroel during the *Shemita* year may be forbidden for consumption due to the prohibition of *sefichin*. Unless it can be determined that this is not the case, they should be treated as *sefichin* and not be eaten. If they were accidentally used as an ingredient in cooking, they should be treated as equivalent to a non-kosher ingredient.³⁵ If the store from which they were purchased is willing to refund them, Rabbi Moshe Heinemann *sblit" a paskens* that they may be returned.³⁶

Vegetables that grew during *Shemita* remain forbidden even if they are harvested in the subsequent year. For this reason, the *issur* of *sefichin* continues until Chanuka 5783.³⁷ ☆

34. בדרך אמונה שם פ"ד ס"ק קפד כתב בענין שדה משומר באיסור שאפשר לסמוך על המקילין שהפירות מותרים ומי שיכול להחמיר תבא עליו ברכה, ועי' שם בציון הלכה ס"ק שז"ו וס"ק שיח מש"כ בזה, ועי' בציון הלכה ס"ק קפז לגבי שדה שנעבד באיסור, וע"ע בחזו"א שם ס"י י"ס"ק ו, ואם לא נמכר השדה באופן המועיל א"כ הירקות אסורים משום ספיחין
35. בדרך אמונה פ"ד ציון הלכה ס"ק כג כתב "הורה מרן [החזו"א] לאחד שהתארח אצל מי שאין זהר מספיחין ובשילו בקדרה שבשילו בה ספיחין שאם הכלי אחר מעת לעת לא נאסר התבשיל בדיעבד וכ"ז בשעת הדחק אבל לכתחלה צריך הגעלה"
36. שמעתי ממו"ר ר' היינעמאן שליט"א
37. רמב"ם שם פ"ד הל' ו

26. רמב"ם שם פ"ד הל' ב
27. כ"ה דעת הרמב"ן ויקרא כה, וכן פסק החזו"א שם ס"י ט"ס"ק יז
28. רמב"ם שם פ"ד הל' כו
29. דרך אמונה שם פ"ד ס"ק קצ
30. רמב"ם שם פ"ד הל' כט
31. לדעת הבית יוסף אין קדושת שביעית ביבול נכרי ולדעת המב"ט יש לו קדושת שביעית, עי' בשו"ת אבקת רוכל ס"י כב-כה ושו"ת מב"ט ח"א ס"י יא וס"י כא וס"י ריז
32. הרא"ה קוק בספר שבת הארץ
33. חזו"א שם ס"י כ"ס"ק ז

CHARTING THE COURSE OF SHEMITA



RABBI SHOLOM TENDLER
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Eretz Yisroel is known worldwide for its high-quality produce. During non-*Shemita* years, a wide selection of Israeli produce items – among them carrots, citrus fruits, herbs, peppers, and radishes – are exported to North American markets. The typical concern is to ensure that proper *terumos* and *maasros* are taken. During *Shemita*, *terumos* and *maasros* are not typically applicable¹, but there is significant concern that the produce may be from *Shemita*. If someone purchased Israeli produce from *Shemita* and paid cash (as opposed to by check or credit card), returning it to the store may also potentially violate the prohibition of doing business with *Shemita* produce. If this happens by mistake, a *rav* should be consulted.²

While it can be assumed that all *vegetables* currently on the market are from the *Shemita* year, not all Israeli *fruits* yet on the market are from the *Shemita* year. **The Halacha is that the *Shemita* status of fruits is determined by when they blossomed – not when they are picked.** (Vegetables are determined by when they are picked). Therefore, although we are already several months into *Shemita*, many fruits

coming into the market now actually blossomed in the sixth year and do not have *kedushas shevi'is*.³ Consequently, next year, when *Shemita* is over, fruits that blossomed during *Shemita* and have *kedushas shevi'is* will remain an issue for some time longer.

Flowers

While the majority of the flowers in North America do not come from Israel, some do. The question of whether flowers have *kedushas shevi'is* is a complex issue. Rav Shlomo Zalman Auerbach *zt"l* ruled that flowers harvested primarily for display do not have *kedushas shevi'is*. Since most flowers are used primarily for display purposes, they would not be subject to the laws of *Shemita*. This seems to be the accepted *minhag* regarding the status of flower imports from Israel in *chutz la'aretz*. ☆

Refer to the chart on the back page for *Shemita* start dates of common fruits imported from Eretz Yisroel that are now available in North American markets.

1. Although there are some *poskim* who maintain that *terumos* and *maasros* are applicable to produce that was not made *hefker* properly.
2. See also R' Frankel's article on this topic beginning on page 2.
3. There are published charts (available online) that indicate when given items are assumed to be from *Shemita*.



The Otzar Beis Din: Shemita's

CONTINUED FROM PAGE 1

(2) Laws of the Fruit

Shemita produce is imbued with special sanctity called *kedushas shevi'is*. The Torah provides specific rules that govern how one treats it. These laws fall under the following categories:

a. Commerce with *Shemita* Produce

One must be careful not to sell *Shemita* produce in a way that implies that one is its true owner. For this reason, *Shemita* produce may not be sold by weight or measure⁵ nor sold in a regular store.⁶ Instead, it should be distributed in a way that implies that this is a *division* of produce rather than a *sale*.

One may not export *Shemita* produce to *chutz la'aretz*.⁷ The later *poskim* dispute whether one may even ship *esrogim* to *chutz la'aretz* for people to fulfill the mitzvah of *Arba Minim*.⁸

b. *Sefichin*

The Torah permits eating produce that grew by itself without working the field during *Shemita*. However, Chazal felt it necessary to prohibit grains and most vegetables that happened to grow on their own during the *Shemita* year or were planted in violation of the laws of *Shemita*. This was because even in the days of Chazal it was unfortunately common to find Jews who deceitfully ignored *Shemita* laws. One practice of enterprising, unscrupulous farmers was to plant grain or vegetables and market them as produce that grew on their own.

To discourage this illegal business, Chazal forbade even grains and vegetables that grew on their own, a prohibition referred to as *sefichin* (literally, 'plants that sprouted'). Several exceptions were made, including produce grown in the field of an *aino Yehudi*, who has no obligation to observe *Shemita*.⁹

c. *Hefker* – Ownerless

Since all *Shemita* produce is *halachically* ownerless, every consumer has the *halachic* right to 'help oneself' to whatever his family might eat. The *poskim* dispute whether one has the right to do this if the owner refuses entry.

The Otzar Beis Din

With this introduction, we can now discuss an *Otzar Beis Din*.

The owner of a vineyard is not required to produce wine for me, only to allow me to harvest the grapes for myself. If I do not have the equipment or expertise to press and process grapes into wine or olives into oil, I will be unable to utilize my rights to these fruits. Similarly, although I have a right to travel from Yerushalayim to pick citrus, mangos and bananas grown along the coast or in the northern part of the country, it is not that convenient for me to go. How then can I possibly utilize the benefit of *Shemita*?

Enter the *Otzar Beis Din*. The *Beis Din* represents the consumer and hires people to gather the fruit; crush the grapes and olives into juice and oil; ferment the juice into wine; package the product; and then distribute it to the consumer. The *Otzar Beis Din* acts as the

consumer's agent and hires pickers, truckers, and other laborers; rents wine production equipment; purchases the bottles; produces *Shemita* fruits, wines and oils; and delivers them to a convenient distribution center near my house.

Obviously, the *Otzar Beis Din* cannot expect the pickers, truckers, and other laborers to work as unpaid volunteers, nor can they use the production equipment without paying rent. Similarly, the managers who coordinate this project are also entitled to a wage for their efforts. The *Otzar Beis Din* divides these costs among the consumers. However, no charge is made whatsoever for the fruit, since they are *hefker*; the charges are only for the labor and other costs involved. Thus, *Otzar Beis Din* products cost much less than regular retail prices for the same items.

Similarly, the farmer is required to allow anyone to enter his field and help himself to his crops. However, since it is inconvenient for a resident of Yerushalayim to travel to an orchard in the northern part of Israel or along its coast to pick oranges and bananas, the *Otzar Beis Din* picks and transports the fruit to the consumer. All the other *halachos* of *Shemita* apply to this produce.

The Development of a 'Modern' Otzar Beis Din

The *rabbonim* and *Beis Din* of Yerushalayim organized the first 'modern' *Otzar Beis Din* over 110 years ago. In 5670 (1910), Rav Tzvi Hirsch Cohen, a *talmid chacham* from Rechovot who owned vineyards and orchards, came to the *rabbonim* of Yerushalayim requesting that they function as his *Beis Din* to distribute the wine and fruit from his orchards for the coming *Shemita*. The written contract, signed by Rav Chayim Berlin, Rav Yosef Chayim Zonnenfeld, Rav Pesach Frank, Rav Yisroel Yaakov Yaavetz and Rav Moshe Nachum Wallenstein, enabled Yerushalayim residents to receive wine and fruit from Rav Cohen's orchards.

Someone had to arrange to harvest the fruit, process the grapes into wine, and transport the products to Yerushalayim. Since Rav Cohen was the most qualified person to take care of these arrangements, the *Beis Din* appointed him to be their representative on behalf of the general public. As an agent, he was entitled to a wage for his work, as

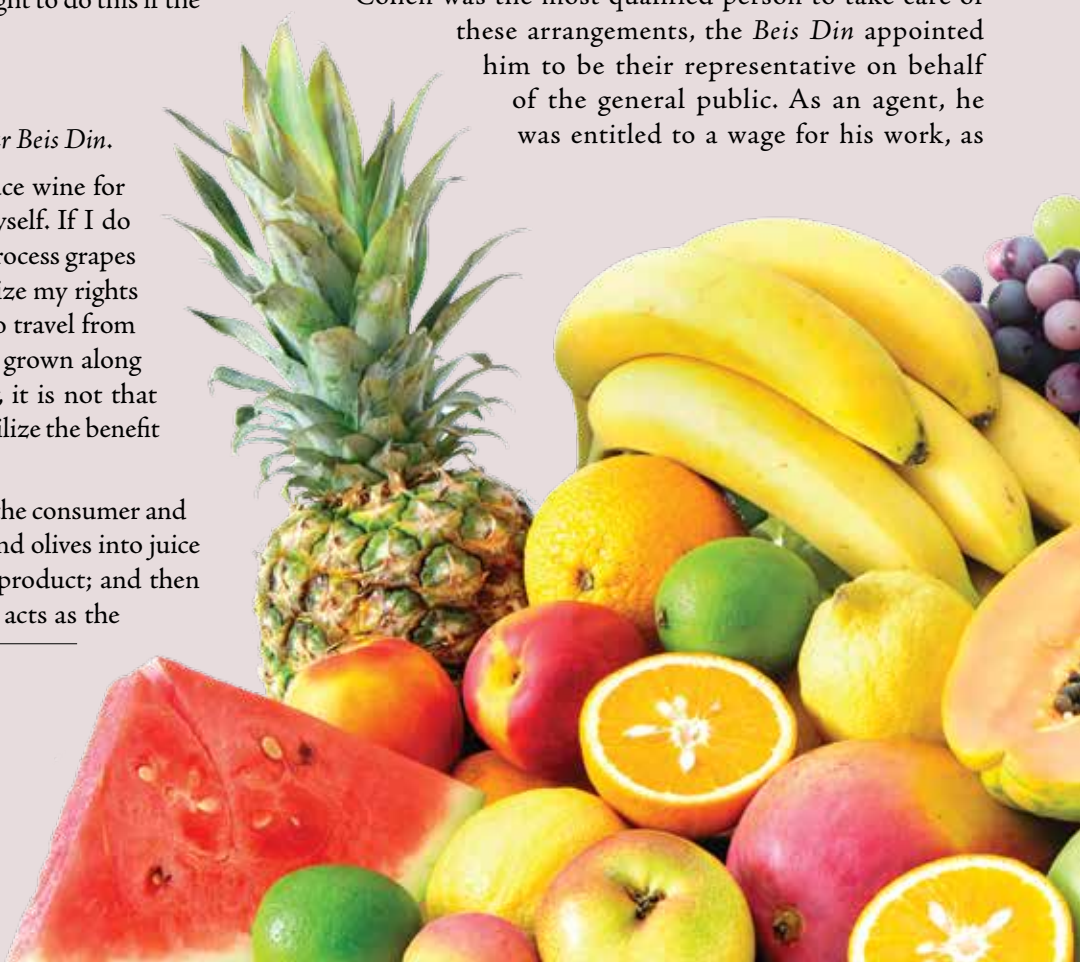
5. *Mishnah Shevi'is* 8:3.

6. *Yerushalmi Shevi'is* 7:1.

7. *Mishnah Shevi'is* 6:5.

8. *Beis Ridbaz* 5:18; *Igros Moshe, Orach Chayim* 1:186.

9. Rambam, *Hil. Shemita* 4:29.



Treasure Trove

were the other employees who harvested, crushed, packaged, and transported the crop, but no one was entitled to any profits from the produce.

The *Beis Din* established several rules to maintain that the laws of *Shemita* were scrupulously kept in this arrangement, and to guarantee that Rav Cohen was paid as a *manager* and not as an owner of the product. For one thing, they predetermined the price that the consumer would pay for the wine and fruits, guaranteeing that it was significantly lower than its usual market price.¹⁰

Because of the laws governing the harvest and use of *Shemita* products, the *Beis Din* also insisted on the following rules:

- The wine and fruits could be distributed only to people who would observe the *Shemita* sanctity of the products.¹¹
- The vineyards and orchards had to be available for any *Shemita*-observant person to enter and harvest for his own needs.¹²
- The products were not distributed through stores, but were divided as a communal distribution of bulk product.
- The products were not weighed or measured. Each individual who participated in dividing the *Shemita* produce paid Rav Cohen as *Beis Din's* agent, for which the consumer was entitled to 'shares' of wine and produce, which were delivered in bulk containers without an exact weight.
- The actual harvest of the product was performed by *ainam Yehudim* and in an atypical way.¹³

In his analysis of the procedure of an *Otzar Beis Din*, the Chazon Ish follows a more lenient approach than that of the above-mentioned *Beis Din* of Yerushalayim.¹⁴ He ruled that representatives of an *Otzar Beis Din* may harvest in the normal way and use Jewish labor. Thus, the *Otzar Beis Din* of a modern farm following the Chazon Ish's ruling allows Jewish staff to use tractors and other equipment to harvest and process the *Shemita* produce.¹⁵

In addition, the Chazon Ish permitted weighing and measuring produce sold through *Otzar Beis Din*. In his opinion, the prohibition against weighing and measuring *Shemita* produce is only because this indicates that I am the owner of the produce. However, weighing and measuring *Otzar Beis Din* produce is to determine a fair division

of costs involved in supplying the produce, and not to demonstrate ownership.

Today, in a modern *Otzar Beis Din*, the grower plants everything before *Shemita* and is given extremely detailed instructions regarding what he may and may not do during *Shemita*. The grower must allow any *Shemita*-observant person to enter the field or orchard and help himself to the produce.¹⁶

The Heter Otzar Beis Din Controversy

The modern term, *Heter Otzar Beis Din*, is used pejoratively. The purpose of an *Otzar Beis Din* is to service the consumer, not the producer, as explained above.

Unfortunately, unscrupulous individuals sometimes manipulate the rubric of *Otzar Beis Din* to allow a 'business as usual' attitude and violate both the spirit and *halacha* of *Shemita*. I know of farms that call themselves *Otzar Beis Din* but in reality bar free entry to their fields during *Shemita*, or where the field owner treats the produce as completely his own and charges accordingly.

Since this contradicts the meaning of *Otzar Beis Din*, these cases are called *heter Otzar Beis Din*, meaning permissibility based on an *abuse* of the concept of *Otzar Beis Din*. Because of these concerns, some *hechsheirim* discourage the use of *Otzar Beis Din*. Thus, in practice, *Otzar Beis Din* becomes a *michshol* when it degenerates into a *heter Otzar Beis Din*. Indeed, as with every 'treasure,' one must make every effort to ensure its principle stays intact. How much more so with the principles of the *Otzar Beis Din*!

All too often we find a wide chasm between what should be in theory and what exists in reality. It is truly remarkable, then, that during *Shemita* in Eretz Yisroel, where you have the *zechus* to live, breathe, and experience *kedushas shevi'is*, you can visit that unassuming *Otzar Beis Din* quietly nestled in Geula's Rechov Yonah, and see for yourself where *halachic* theory becomes a *halachic* reality.¹⁷

Chazak ve'ematz! ☆



10. *Sefer Minchas Yerushalayim*, 161.
11. *Ibid.*, 163; see also *Tosefta Shevi'is* 6:11.
12. *Sefer Minchas Yerushalayim*, 181.
13. *Katif Shevi'is*, 125.
14. *Shevi'is* 11:7 s.v. *b'mashekasavti*
15. *Sefer HaShemita*, 21.
16. *Mishpetei Aretz*, 103.
17. See Rabbi Rosen's article, "A Profile of Courage and Inspiration," on page 1 of this issue, which describes the *Otzar Beis Din* on Rechov Yonah.

A Profile of Courage and Inspiration: A Trip to a Yerushalmi Otzar Beis Din

CONTINUED FROM PAGE 1

the legitimate agent to pick and *halachically* distribute the produce of farmers who are observing *Shemita k'hilchasa*. Farmers cannot engage in normal commercial endeavors, such as planting, harvesting and marketing produce, as they normally do. Their produce may be eaten, albeit with strict adherence to the laws of *Shemita*. Additionally, the land may be maintained so that it will not fall into ruin.

To meet all the *halachic* restrictions, the Yerushalmi *Otzar Beis Din* is set up on this residential *mirpeset*. Agents of the *Otzar Beis Din* tell the farmer that they will send their community representatives to pick and distribute the produce. The *Otzar Beis Din* also establishes fixed costs for the produce; additionally, it covers the costs of labor, delivery and distribution, since the produce cannot be sold in a typical commercial manner – not by weight nor by count. A fixed container price list is posted on the railing of the Stern's *mirpeset*.

The *Otzar Bais Din* pays the farm workers a set fee for their efforts in the field. These costs include picking and packing the produce into sturdy corrugated boxes, shipping the produce to the Stern home, and maintaining the *Otzar Bais Din*. Trucks can transport a thousand cases of produce per delivery and, according to Yidel Stern, Mrs. Stern's son, there can be up to four deliveries a day!

Walking by the Stern's *mirpeset*, one can view a tower of empty cartons piled high to the sky, ready to be sent back to the farm to be refilled. Produce arrives from a variety of destinations; the major shipments are currently coming from the Golan.

Yidel Stern notes, "We get some of the best fruit that you won't see during the other six years of the cycle, because they are generally exported. This year, the produce must stay within *Eretz Yisroel*."

The fixed prices for containers of premium-quality plums, pears, apples and mangoes are often a fraction of the regular market price.

Both *minhag* Yerushalayim and *minhag* Bnei Brak follow the custom to eat produce grown on land and in orchards owned by non-Jews, *yivul nochri*. According to *minhag* Yerushalayim, this produce is not vested with *kedushas shevi'is* and so does not require special handling; *minhag* Bnei Brak follows the ruling of the Chazon Ish, which considers *yivul nochri* to be vested with *kedushas shevi'is*. (Produce imported from *chutz la'aretz*, outside *Eretz Yisroel*, is not vested with any special sanctity.)

According to both customs, produce purchased from the *Otzar Beis Din* is vested with *kedushas shevi'is* and must be treated with special sanctity. Disposing of any portion of produce with *kedushas shevi'is* is not a simple matter. One must be careful to wait until the produce rots before depositing any peels, pits and leftovers into a special *pach Shemita*, a dedicated *Shemita* garbage pail. One may actually purchase ready-made, fully waxed and lined disposable *Shemita* containers for this purpose, sold in packs of six, ready for the garbage in a day and a half.

The selection of produce offered by the *Otzar Beis Din* varies. While you won't find the cornucopia of fruits and vegetables available in Machane Yehuda, what you will find is an array of gorgeous and delicious produce supplied by a select group of champion farmers who strictly adhere to the laws of *Shemita*. The *Otzar Beis Din* facilitates the distribution of rarely available, top-quality produce throughout *Eretz Yisroel*.

When asked why she and her family have undertaken such a daunting task, Mrs. Stern answers simply, "I was born and raised on *Komemiyut*, and my father *z"l* was unbelievably dedicated to the mitzvah of *Shemita*. In fact, he was able to convince other farmers to observe *shevi'is k'hilchasa*, and through their adherence to this precious mitzvah they became 100% observant *Yidden*. I want to preserve my father's legacy, and that is why I maintain the *Otzar Beis Din*."

Yidel Stern chimes in, "Anyone who wants to see the *Otzar* in action really should come by on *Erev Shabbos*." I would wholeheartedly second that! ☆





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CHARTING THE COURSE OF SHEMITA

SEE COMPLETE ARTICLE ON PAGE 3

Shemita Dates of Common Fruits Imported from Eretz Yisroel		
FRUIT	BEGINNING	END
Citrus*	Aug 21, 2022	Aug 21, 2023
Date	Sept 9, 2022	Sept 9, 2023
Fig	Apr 8, 2022	Apr 8, 2023
Guava	Jun 22, 2022	Jun 22, 2023
Lemon	May 24, 2022	May 24, 2023
Lime	Jun 12, 2022	Jun 12, 2023
Nectarine	Feb 1, 2022	Feb 1, 2023
Pomegranate	Jul 15, 2022	Jul 15, 2023
Sabra Fruit	Nov 30, 2021	Nov 30, 2022

*These include: Grapefruit, Oranges, Tangerines, and Mandarins

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This publication is dedicated to the memory of
Mr. and Mrs. M. Leo Storch
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\$10 (USD) annually for 4 issues - USA & Canada

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