

ספירי

סיעוא לציבור, פסקי הלכה, רכיבים, מארעות ומדע
 Updates for the cRc Kashrus Professional

סיעוא לציבור
 COMMUNITY

Ovens with Sabbath Mode

Nowadays, many appliances, especially ovens, are sold with a "Sabbath mode", and the following is an attempt to clarify how that mode is helpful to consumers.

The primary function of the Sabbath mode is to override the following features of modern ovens that conflict with the needs of a kosher home, including:

- Auto shutoff which shuts off the oven after 12 or 24 hours to conserve energy and/or prevent fires.
- Lights and signals that go on or off when one opens the door, food finishes cooking, the temperature is adjusted etc.

Once these features are overridden, the oven basically reverts to being an 'old fashioned' oven and the following halachos apply:

On Shabbos

- Fires cannot be turned on or off or adjusted up or down on the stovetop or in oven.
- Food cannot be placed on the stovetop or in the oven on *Shabbos*, whether it is put there to cook or warm. Consumers should consult with their Rabbis regarding permitted ways to warm food on *Shabbos* or leave it on the fire from before *Shabbos*, as the details of the halachos of *chazarah* and *shehiyah* are quite intricate.
- There are differing opinions as to whether one may open the doors of an oven when the oven is on but the fire is off, and Rav Schwartz has ruled that it is permitted.

On Yom Tov

- New fires cannot be turned on and existing fires cannot be turned off both on the stovetop or in the oven.
- A fire on the stovetop which is on, may be adjusted higher or lower to help cooking or prevent food from burning,

but not for other reasons (e.g. to save fuel).

- If the fire is visibly burning in the oven the thermostat may be adjusted higher, if the oven temperature is controlled by a non-electric dial (rather than with buttons).
- Some claim that since there's a random delay between one's turning adjusting the oven's thermostat and the flame's reaction, one may therefore adjust temperatures at will (on *Yom Tov*). However, this opinion is not widely accepted.
- There are differing opinions as to whether one may open the doors of an oven when the oven is on but the fire is off, and Rav Schwartz has ruled that it is permitted.
- Cooking and warming of foods is permitted.

If someone forgot to put their oven into Sabbath mode before *Shabbos* or *Yom Tov*, they should consult with their local Rabbi as to whether a non-Jew may do that for them.

For the upcoming *Rosh Hashanah*, *Succos* and *Simchas Torah* which occur on Friday, consumers are also reminded to create an *Eruv Tavshilin* before *Yom Tov* which permits them to do *melacha* (including cooking) on *Yom Tov* for *Shabbos*. Click [here](#) for a recent article by Rabbi Ephraim Friedman on the topic.



Shemittah 5768

Part 1 of 2

In the last 200 years, as Jews have once again settled *Eretz Yisroel*, we have once again had the opportunity to fulfill the *mitzvos* of *shemittah*, the Sabbatical year.¹ Most of the halachos of *shemittah* relate to

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* Unless otherwise noted, all references to *Rambam*, *Ra'avad* and *Derech Emunah* are in *Hilchos Shemittah V'Yovel*, and all references to *Mishnah* and *Chazon Ish* are in *Shevi'is*.

¹ Most *Poskim* hold that nowadays, the *mitzvah* of *shemittah* is *d'rabannan* since there is no *mitzvah* of *Yovel* (see *Tur* towards the beginning of Y.D. 331 with *Beis Yosef* ושבועית ד"ה, *Chazon Ish* 3:7-8, and the many opinions cited in *Derech Emunah*, *Tziun HaHalacha* 10:53-57).

farmers in Israel and those who use their produce, and this document will focus on those parts of *hilchos shemittah* which relate to those living out of *Eretz Yisroel*.

When is shemittah

The next *shemittah* year will be in the Jewish year 5768² which corresponds with September 13, 2007 to September 29, 2008. On a number of occasions this document will refer to "shemittah produce" and the *Gemara (Rosh Hashanah 13b)* tells us that the defining point as to whether an item is considered produce of the *shemittah* year depends on whether one is discussing a vegetable, grain or fruit. For vegetables the defining point for vegetables is harvest, which means that a pepper harvested after September 13, 2007 is considered a *shemittah* pepper even if it was planted and grew before *shemittah*. The defining point for grains is when they reach 1/3 of maturation, and most fruits are judged by when they reach *chanatah* (an early stage in the fruit's development).

As such, fresh *shemittah* vegetables will be on the market at the very beginning of 5768 but *shemittah* fruits won't be for sale until later in 5768 and into 5769. Processed foods, with an extended shelf life, such as wine and canned goods, will be on the market well into 5769 and possibly even beyond that point. As such, although the *shemittah* year lasts for one year, it affects consumers for longer than that.

General Halachos

The following is a brief overview of the basic *halachos* of *shemittah*:

1. Working the ground

One may not plow, plant, prune, water or otherwise cultivate items growing in *Eretz Yisroel*.³

2. Rights to the produce

Produce of the *shemittah* year is free for anyone to take, and the owner of the land may not restrict others from doing so.⁴

Contemporary *Poskim* rule that if someone works the ground on *shemittah* or restricts others from taking *shemittah*

produce, the produce itself remains permitted in spite of the person's violation of the halacha.⁵ Therefore, an American visiting Israel must be careful to not violate these halachos, but these two prohibitions are of little consequence for consumers purchasing Israeli products abroad. In contrast, the coming three halachos are quite relevant even in the USA.

3. *Kedushas shevi'is*

Fruits, vegetables, grains, herbs and spices which are *shemittah* produce are endowed with a holiness known as "*kedushas shevi'is*" and therefore cannot be wasted, used for an atypical purpose, transacted in the traditional manner or taken out of *Eretz Yisroel*.⁶ [See the footnote as to whether these halachos apply to flowers].⁷ In the event that food with *kedushas shevi'is* is sold, the money used in the transaction also acquires *kedushah* (and the food retains its original *kedushah*).⁸

4. *Biur*

Once there is no more of a specific type of *shemittah* produce (e.g. grapes, figs) left in the field for animals to eat, one may retain 3-meals worth of that type of food for each member of their family and the rest must be declared *hefker/ownerless*.⁹ This procedure is

⁵ *Chazon Ish* 10:6 (and *Tzitz Eliezer* VI:39:3), *Iggeros Moshe* O.C. I:186 and *Minchas Shlomo* I:44 מנאר ד"ה, accepting the opinion of *Rambam* 4:15 & 8:12 as opposed to *Ra'avad* 4:15 and *Rabbeinu Tam* (cited in *Tosfos, Succah* 39b ד"ה במה דברים אמורים), who are respectively *machmir* on these two issues. [See *Derech Emunah, Tziun HaHalacha* 4:316 for others who agree with *Rambam* and in 4:188 & 4:312 for other *Rishonim* who follow the strict approach].

⁶ These halachos are delineated in chapters 5-6 of *Rambam*.

⁷ [Much of the following is based on *Chazon Ish* 14:9]. *Mishnah* 7:6-7 says that there is *kedushas shevi'is* on flowers that are used to impart taste into foods. *Yerushalmi* 7:1 questions whether the same applies to spices which have a fragrance but no taste, and as *Yerushalmi* doesn't resolve the issue, it is generally accepted that one should treat them with *kedushas shevi'is* (see end of *Chazon Ish* *ibid*). Contemporary *Poskim* debate whether the aforementioned *Yerushalmi* is limited to spices whose primary use is for fragrance or even includes the many decorative flowers that happen to have a pleasant fragrance (see *Mishpatei Eretz* 14:2 and there in footnote 10 citing Rav S.Z. Auerbach as taking the former position and Rav Elyashiv as accepting the latter).

⁸ *Rambam* 6:1, 6 & 7. The money with *kedushas shevi'is* must be used to purchase food items, at which point the *kedushah* transfers off the money and onto the foods (and those foods must be treated with *kedushas shevi'is* as outlined in the text) (*ibid.*).

⁹ The halachos of *biur* are delineated in chapter 7 of *Rambam*. There are 3 opinions as to what the *mitzvah* of *biur* entails (see *Chazon Ish* 11:6-8 & *Derech Emunah* 7:17 for more details):

- *Ramban* (*Vayikra* 25:7) holds *biur* merely requires the person to declare the food *hefker* on the given day, and only if he doesn't do so does the food become forbidden.
- *Rambam* (7:3) holds that all food (other than 3 meals worth per person) must be destroyed on its respective day of *biur*.
- *Ra'avad* (*ad loc.*) holds that there are two forms of *biur*, an earlier one (when the food is unavailable in the cities) which is like *Ramban*, and a later one (when the food isn't available in the fields) where the *mitzvah* is as described by *Rambam*.

On this matter, *Ashkenazic Poskim* generally follow *Ramban's* position (see for example *Chazon Ish, Seder HaShvi'is* point #1 (reprinted after chapter 26 of *Chazon Ish, Hil. Shevi'is*)), while *Sephardim* accept *Rambam*.

² The first *shemittah* was shortly after the Jews entered *Eretz Yisroel* approximately 3,280 years ago, and has occurred every 7 years since then. Coincidentally, the year of *shemittah* is always divisible by 7 without a remainder (i.e. 5768 / 7 = 824).

³ These halachos are delineated in chapters 1-3 of *Rambam*.

⁴ *Rambam* 4:24.

known as 'biur'. [*Biur* is done differently by *Sephardim*, see the previous footnote]. Once *biur* is done, anyone – including the original owner – may take possession of the food and eat or use it as before, with *kedushas shevi'is*. Rabbinic groups in Israel produce lists of when the time of *biur* occurs for each type of fruit.

If one did not perform *biur* at the correct time, the food becomes forbidden and must be destroyed.¹⁰ There is a disagreement as to whether this last strictness applies even if *biur* wasn't performed due to a mistake or something out of the person's control,¹¹ and one should consult their Rabbi if they are faced with this question.

5. *Sefichin*

Chazal found that people were planting vegetables during *shemittah* and claiming that they had grown on their own, and therefore the Rabbis decreed that all items that are replanted annually – including vegetables, grains, herbs and spices – which grow during *shemittah* are forbidden.¹² This far reaching prohibition potentially affects many of the foods exported from Israel.

In summary, *Shemittah* obligates the landowner not to work his field and to allow anyone to take his produce, but if he neglected to do either of these the produce remains permitted. There are special halachos relating to the consumption of *Shemittah* produce, including not wasting it, taking it out of the country or doing business with it, and at a certain point there is also a *mitzvah* to declare the fruits *hefker*. In practice, these halachos are limited to fruits, as most annual produce grown during *Shemittah* – including vegetables, grains, spices and herbs – are completely forbidden as *sefichin*.

Clearly, most of these *halachos* are limited to those who reside in or visit *Eretz Yisroel*. However, much to the surprise of many consumers, the fresh herbs or vegetables found in their local American grocery are

possibly of Israeli origin,¹³ such that some of the halachos of *shemittah* apply to Jewish consumers in all countries. Towards this end, we must first consider how Israeli farmers and companies confront the aforementioned halachos of *Shemittah*, and then see if and how they apply to those of us who reside in other countries. These will be addressed in part 2 of this article.



Approved by
Rav Schwartz

INGREDIENTS

Crisped Rice

Is there a concern of *bishul akum* on crisped rice? The finished product is clearly not *oleh al shulchan melachim*, but we'll see that there's an interim stage in the production which raises an issue.

To create crisp rice, one must first inject water into the rice and then heat or puff it. In many companies, this is accomplished by first cooking the rice with steam or water, and then putting it into an oven to get it to 'pop' (like popcorn). Others add the moisture in a highly-pressurized container, and then they suddenly release the pressure which causes some of the water in the kernels to boil/expand thereby causing the whole kernel to "pop". This second method creates a somewhat less crunchy finished product than the first one does.

How cooked does the rice get during the first stage? Based on technical research and information from a knowledgeable person at a cereal company, we determined that after the first stage of creating crisped rice (described above), the rice has a "clean rice flavor" but is somewhat tougher than regular rice as it is hasn't yet absorbed as much moisture as traditional fully-cooked rice.¹⁴

Thus it seems that after the first stage, the rice is cooked *k'ma'achal ben drusai* and should be subject to the prohibition of *bishul akum* (as per *Shulchan Aruch* Y.D.

¹³ See for example <http://www.arv.co.il/eMall/shopDepartment.asp?sc=1760&id=51430&fid=11170>, <http://www.israflora.com/fresh-produce.htm>, <http://www.israflora.com/fresh-herbs.htm>, <http://www.israflora.com/fresh-herbs2.htm>, and <http://www.agrexco.co.il/home.asp> (in Hebrew) where 3 of Israel's export companies describe the vegetables, herbs and fruits that they export to Europe and North America, and which times of the year those products are available.

¹⁴ As rice cooks it absorbs water, starting at 12% moisture and reaching 58-64% moisture in a fully cooked rice product. In this sense, the moisture level is somewhat of an indicator as to how well cooked the rice is. After the first stage of creating crisped rice, the rice has a approximately 30% moisture. This explains why it is edible but not yet fully cooked.

¹⁰ *Ramban* *ibid*.

¹¹ Among the *Poskim* who've expressed opinions on this matter are *Chazon Ish* 14:13, who is strict regarding someone who בושגג או בנאגס didn't perform *biur*, and *Minchas Shlomo* (I:51 point 15 or 16 depending on the print) who is lenient.

¹² *Rambam* 4:1-3.

113:9). Does that mean that the rice crispies are also forbidden? [If the rice was cooked with live steam, then Rav Schwartz has ruled that there is no concern of *bishul akum*, and the question focuses on cases where the rice is cooked in water].

Some contemporary *Poskim* take the position that it depends on how the rice crispies are produced – if the two stages of production (cooking and crisping) are done in one long process then *bishul Yisroel* isn't required but if they are two separate processes then they must be *bishul Yisroel*. As noted, there are different methods of producing crisped rice, and according to this approach some would require *bishul Yisroel* and others wouldn't.

Others contend that since the company initially cooked the rice with the specific intention of creating a food that's not *oleh al shulchan melachim*, the food is permitted even though it passed through a stage when it was edible and potentially *oleh al shulchan melachim*.

The many halachic angles to this question require further research before a final determination can be made.



Pilot lights that don't always burn

A pilot refers to the small flame from which the boiler's main fires light, and there are two basic types of pilot – continuous and intermittent:

- A continuous pilot is a small flame or glow plug that burns all the time regardless of whether the boiler is or isn't on.
- An intermittent pilot serves the same function but only lights up when the main flames in the boiler are on.¹⁵

One method of creating *bishul Yisroel* is by having a Jew light the pilot in the plant's boiler. Clearly, this method will not work for a boiler that uses an intermittent pilot, for that pilot is engineered to go out regularly, and as soon as it does the *bishul Yisroel* in the plant will end.

In a recent situation, the plant's boiler used a continuous pilot and it seemed that *bishul*

Yisroel should be easy to setup. Not only did the company personnel guarantee us that the pilot never went out, they even provided us with a letter to that effect from the company that services their boiler. To make things even better, the company assured us that although they turn down their boiler every night the boiler never really gets very cold (which would give another basis for being lenient based on *Rema* 112:10).

The only real way to confirm these points was to come to the plant after they'd been closed for the night and were preparing to startup for the day. Unfortunately for the Mashgiach, that meant showing up at 3AM (to a plant that's 30 minutes from the closest hotel)!

Before visiting the plant, the Mashgiach was concerned that he wouldn't be able to tell if the pilot was continuous or intermittent, but once he peered into the boiler's porthole he found that these fears were unfounded. The small pilot flame was in front of and quite distinct from the boiler's main flames, such that he could easily tell whether the pilot and/or main flames were on at any given moment. [He had also been coached by an experienced *frum* plumber that if all else failed the Mashgiach should write down the model number of the gas valve and the plumber could use that information to figure out if the pilot was continuous or intermittent]

He found that the pilot is, in fact, of the continuous type, and stays on even if the boiler is turned off. However, it turns out that every night the company uses a master switch to turn off all electricity to the boiler and the coolers, and that causes the continuous pilot to go out. The other rationale for being lenient also didn't pan out, as the boiler had already cooled to 105° F after being off for just a few hours on a warm summer night.

To make the company suitable for certification, the company rewired the pilot to not be connected to the master switch, and the newly wired connection was sealed to make sure no one tampered with it.



¹⁵ Intermittent pilots can themselves be divided into two classes, those which stay on the entire time the boiler's main flames are on and those that turn off as soon as the main flames are lit.