Trumos and Maasros

OVER THE LAST FEW MONTHS, THE SHAILATEXT RABBINIC TEAM HAS DEALT WITH A LARGE NUMBER OF CASES WHERE ISRAELI PRODUCE WAS INADVERTENTLY PURCHASED. THESE *SHAILOS* ON TITHING THE PRODUCE WERE ANSWERED WITH A DETAILED SET OF INSTRUCTIONS. THIS RECENT SPATE OF CASES HAS SPARKED INTEREST IN A SPECIALISED TOPIC – REDEMPTION OF MAASER SHENI, AND THE CHALLENGES THIS PRESENTS IN PRACTICAL *HALACHA*.

Have you recently bought potatoes only to discover that they were grown in Israel?

Were you one of the many who decided to discard them, because of the issues of Teruma and Maaser?

The specially prepared Maaser Sheni coin with the grapes used in its preparation

PHOTOS: SHULI SMUS

Dayan Y D Hool, who is spearheading the MaaserText project

How to use MaaserText for fruit and vegetables grown in Eretz Yisroel

There are four simple stages:

1 PREPARING THE FOOD Separate slightly more than 1% of the edible part of the produce. Each type of food (eg avocados, potatoes) needs to be *maasered* separately. WARNING – ensure you don't separate less than the required amount

2 TEXT 'MAASER' to **07800 006 913** to receive permission to use the Federation's coin. Text again for each individual food you are separating from.

3 DECLARATION Upon receiving confirmation, make the following declaration:

"I hereby separate the required Terumos and Maasros, according to the Federation Beis Din's nusach, and I hereby redeem any Maaser Sheni and Revai onto the coin that has been set aside for this by the Federation Beis Din in accordance with the Beis Din's nusach, and the terms of usage of the coin."

4 The small amount of food separated, which is now Teruma and Terumas Maaser should be WELL WRAPPED AND THROWN AWAY.

The rest of the produce may now be eaten.

The Federation's Beis Din, seeking to ensure that *shmiras halacha* is always within arm's reach, has risen to the challenge and has now launched a new service, MaaserText, after consultation with Rav Yosef Efrati *shlita* (the world-renowned expert in this area of *halocho*) and in conjunction with Keren Ha'Maasros of England, which was the first to be established in the UK over 16 years ago. Read on to find out how to treat Israeli produce and make use of this new service, in an article written by Dayan Yehonoson Dovid Hool of the Federation Beis Din, in conjunction with Rabbi Yisroel Moshe Guttentag of ShailaText.

FORBIDDEN FRUITS–*TEVEL*

Amongst the *mitzvos* that the Torah instructs regarding Eretz Yisroel is the directive that all fruits and vegetables that grow in Eretz Yisroel must be tithed before they are consumed. This means that certain amounts of produce must be separated and given out to other parties, as will be explained.

Fruit and vegetables that have not been tithed are called *tevel* and it is forbidden to eat them before tithing. In the seventh year - *shemitta*, no Terumos or Maasros are required to be separated at all. The fruit, however is holy and subject to an entirely different set of restrictions, which we will not elaborate on here.

HOW MUCH MUST BE SEPARATED?

Firstly, a small amount must be separated and given to a Kohen. This is called Teruma. It may not be consumed by anyone other than a Kohen or his family. Although in Temple times, we were taught to give generously, nowadays as the Kohanim are unfit to eat the Teruma (until such time that we have a Poroh Adumoh), it must be destroyed, and to minimise the amount destroyed, Chazal said that we should only separate a minimal amount in the first place.

After separating Teruma, a further ten percent of the produce is separated and given to a Levi. This is called Maaser Rishon. Maaser Rishon is unique as it may be eaten by the Levi, or indeed by anyone that the Levi gives it to, even if they are in a state of *tumah* (ritual impurity). (According to the Chazon Ish, as nowadays we cannot be absolutely sure who is a Levi, one need not give the Maaser to a Levi at all and one can eat it oneself.)

The Levi himself tithes the Maaser that he has received, by separating ten percent of the Maaser. This 10 percent is called Terumas Maaser, and must be given to a Kohen, just like Teruma. As such, it cannot be consumed nowadays, because we are all considered to be *tomei*.

Having separated Maaser, a further ten percent is separated. The coming paragraphs will deal primarily with the challenges presented by this next tithe. What to do with this further ten percent depends on the year from which the produce comes. In the first, second, fourth and fifth year of the *shemitta* cycle, this tithe is called Maaser Sheni, and carries a unique status; in the times of the Beis Hamikdosh, it must be brought up to Yerushalayim and eaten there by the owner or anyone else with whom he wants to share it. With produce from the third and sixth year, however, this second ten percent is given to the poor, and is called Maaser Oni. (Israeli produce in the UK tends to be of a *sofek* (ie doubtful) status (because although most exported produce is not tithed, some actually is) and as such although one may not eat the fruit until the Maaser Oni has been separated, the Maaser Oni itself can then be eaten and one need not actually distribute it to the poor.)

MAASER SHENI: FROM FOOD TO COIN

Maaser Sheni may be eaten by the owner of the produce or anyone he wants to share it with. However, it carries unique *kedusha* (holiness) status which dictates that it may only be eaten in Yerushalayim, in a state of personal *tahara* – this is not possible nowadays, since we are all *tomei*.

Not being able to eat the Maaser Sheni doesn't condemn it to being left to rot. Maaser Sheni is different from Teruma and Terumas Maaser, in that the Torah allows the *kedusha* of Maaser Sheni to be transferred onto money. In the times of the Beis Hamikdosh, one did not have to actually bring all of one's Maaser Sheni to Yerushalayim, but could transfer the *kedusha* onto coins which would then be brought up to the city. Once there, the coins would be used to purchase food, at which point the *kedusha* in the coins would transfer onto the food. This food would then be eaten in Yerushalayim by anyone who was in a state of *tahar*a.

(Incidentally, if the money that the Maaser Sheni is being redeemed onto belongs to the owner of the produce, one must add a fifth of the value of the Maaser Sheni. This is not required if redeeming onto someone else's coins.)

Adapting this method, nowadays too one could transfer the Maaser Sheni *kedusha* onto a coin. One would then need to destroy the coin, as prevailing circumstances mean that we won't be able to eat in a state of purity. In fact, nowadays Chazal permit one to redeem all of one's Maaser Sheni – at times worth vast sums of money - onto a coin of minimal value.

(Revai: Fruit that comes from the fourth year of a tree's growth is called Revai and has the same status as Maaser Sheni. This means that nowadays it too must be redeemed onto a coin before consumption.)

WHICH COIN SHOULD BE USED?

Even large amounts of Maaser Sheni can be redeemed onto a coin that is worth no more than a *prutah* (a coin of minimal value in the times of Chazal).

How much is a *prutah*? The value of a *prutah* is the equivalent of the value of a very small amount of pure silver, and there is some variance in the views of the *poskim* as to the exact weight of silver involved. Fluctuations in the price of silver add further uncertainty, but the consensus is such that at the time of writing this article, a *prutah* is worth at the very most about four pence.

One can use a coin of a value that is more than a *prutah* and declare that you are transferring the *kedusha* of Maaser Sheni onto only one *prutah* of the coin. Here in the UK one could use a prutah in a £1 coin, leaving behind many *prutahs*' worth 'spare' to be used again to redeem another batch of Maaser Sheni. So assuming that a *prutah* is worth 4p, one can redeem Maaser Sheni up to 25 times onto a £1 coin.

SHAILATEXT
TEXT 07860 017 641

What should I do if I just realised the carrots I cooked in my chicken soup were from Israel. Can I eat the soup?

If you still have any carrots left, you need to take Terumos and Maasros from them. Text the word MAASER to 07800 006 913 for one off use of the Federation's coin and for instructions on how to do this. Don't forget to add into to the *hafrosho* declaration that "the Terumos and Maasros should also cover the flavour absorbed in other foods and utensils" If there are no carrots left to take Maaser from, please contact us with the exact circumstances.

I'm in the supermarket and they only have Israeli potatoes on sale. Am I allowed to buy them?

Yes. As potatoes have not been *shemitta* produce for many months this is permitted. According to some this is even a *mitzva* and to be encouraged. Remember to take Terumos and Maasros. Using MaaserText will help you do this. Text MAASER to 07800 006 913 for full instructions and permission to use our Maaser coin.

DESTRUCTION OF THE MAASER SHENI COIN

The coin that has had any amount of Maaser Sheni redeemed onto it must be set aside and cannot be used for anything. A record should be kept of the number of times the coin has been used. Once it has been 'filled up' with Maaser Sheni *kedusha*, it cannot be used further. (Whether it is filled up or not, any coin containing *kedushas* Maaser Sheni must be destroyed on Erev Pesach of the fourth year of the *shemitta* cycle, or Erev Pesach of the *shemitta* year itself, whichever comes first).

When destroying the coin, it is not sufficient to throw it away, because someone else might find it and use it unknowingly. Therefore, the coin must be crushed or bent out of shape and then disposed of. (In the UK, under the Coins Act 1971, it is illegal to destroy a coin, and therefore a different method of disposal must be used, such as Chazal's chosen method of throwing it into the depths of the Dead Sea.)

MAASER SHENI VALUED AT LESS THAN A PRUTAH

A unique situation arises if the value of the Maaser Sheni is less than a *prutah*. Then, one may not transfer the *kedusha* onto a coin, unless that coin itself has already had Maaser Sheni transferred onto it to the value of a *prutah*. So, assuming again that the current value of a *prutah* is 4p, if you have untithed fruit or vegetables that cost, say, 20p, your Maaser Sheni when separated will be worth around 2p, which is less than a *prutah*. When redeeming it onto a coin, you can only use a coin that has previously been used to redeem at least a *prutah*'s worth of Maaser Sheni.

MAASER SHENI HALACHIC CHALLENGE – FINDING THE RIGHT COIN

Can any coin with attached *kedusha* (holiness) be used? A number of halachic challenges arise in preparing a coin usable for all Maaser Sheni.

For example, produce which is subject to a *sofek* – doubt as to whether it has been tithed - must also be tithed. The resultant Maaser Sheni would need to be redeemed onto a coin. But even if the value of the Maaser Sheni is more than a *prutah*, the coin used would not be able to serve as a coin for future Maaser Sheni redemption (of less than a *prutah's* value). This is so, because if it turns out that the tithes on that produce had in fact been separated beforehand (perhaps by the farmer or a responsible exporter or Kashrus organisation) then the produce now separated was not *halachically* considered to be Maaser Sheni. In which case, the coin remains unused and totally empty of *kedusha*.

Further complications arise when considering the fact that produce can differ as to its initial level of obligation to be tithed. *Tevel* can be of a stringent level or a more lenient level. The resultant Maaser Sheni would also vary in its stringency. The strictest form of Maaser Sheni is that of Israeli-grown five grains (wheat, barley, oats, spelt and rye), grapes (or wine) and olives (or olive oil). These would have required tithing *min hatorah* in the times of the Beis Hamikdosh. All other fruits and vegetables grown in Israel require tithing *miderabanan*. Even produce of the above species loses its primary Torah *tevel* status, if it has been gifted or purchased.

Kedusha of a low level is considered inconsequential when compared to *kedusha* of a higher grade. Therefore, when redeeming Maaser Sheni that is worth less than a *prutah*, onto a coin that already has on it a *prutah*'s worth of Maaser Sheni, that *prutah*'s worth must be of a comparable or greater stringency than the Maaser Sheni now being redeemed.

PRUTAH CHAMURA – THE DESIGNATED MAASER SHENI COIN

It is for cases of Maaser Sheni worth less than a *prutah* that use of a *prutah chamurah* is advisable. This coin will have had redeemed on it the highest possible level of Maaser Sheni, hence its name, a 'stringent *prutah*', and will allow for any Maaser Sheni to be redeemed onto it.

MAASERTEXT – A *PRUTAH CHAMURAH* ACCESSIBLE FOR ALL

Most people, of course, will not own their own *prutah chamurah*. Should they discard Israeli produce? Many people will choose not buy it in the first instance, fearful of not being able to correctly fulfill the *mitzvos* involved.

This need not be the case. With the right instruction, Terumos and Maasros can be taken without difficulty. It is not even necessary to own one's own coin and use of someone else's *prutah chamurah* coin is permitted, as long as the owner of the coin allows this.

It is with this in mind that the Federation has launched its MaaserText service. Its aim is to provide clear and easy step-by-step instructions for tithing – *hafroshas* Terumos and Maasros, whilst providing the necessary arrangements so that a *prutah chamurah* is always readily available.

HOW DID THE FEDERATION ARRANGE A PRUTAH CHAMURAH?

Finding *tevel* was a challenge. We asked Rabbi Avrohom Buterman, a Talmid Chochom from Beitar Illit, Israel, to give us grapes from his privately-owned garden. The grapes grew in the first year after *shemitta*, and had not been tithed. As such, the grapes were *vadai tevel* and would produce a high level of Maaser Sheni. Mindful of the fact that gifted or purchased produce is only subject to rabbinical-level *tevel*, we agreed that the grapes would remain under Rabbi Buterman's ownership. Rabbi Buterman then appointed Dayan Yehoshua Posen to separate Terumos and Maasros on his behalf, and to redeem the Maaser Sheni on his behalf too. We ensured that there were sufficient grapes to allow for Maaser Sheni that was worth well over a *prutah*, and then the Dayan redeemed the Maaser Sheni onto a *prutah's* worth of a £2 coin. This coin can now be used for the redemption of all classes of Maaser Sheni, whether fruit or vegetables, bought or gifted, *sofek* or *vadai*.

For an extra measure of halachic certainty, we were careful to follow the ruling of R' Elyashiv that the *prutah chamurah* must be privately owned; in keeping with this, the Federation's *prutah chamurah* is owned by Dayan Posen.

Once the Federation's coin has been used enough times to 'fill it up' with Maaser Sheni, we will redeem the whole coin, apart from the *prutah chamurah*'s worth that was there from the beginning, onto another coin, allowing the first coin to be reused.

PRACTICAL SUMMARY

If you buy Israeli produce, even here in England, you cannot eat it until you have separated Terumos and Maasros. (Most produce that is exported from Israel has not been tithed, and one should separate the Terumos and Maasros; but taking into account the possibly that produce has been tithed, one should not make the *brochos*, as they are only recited on tithing *tevel vadai*.)

[See sidebar on page 8 and separate flowchart on page 11 for both the full and abridged guide to separating Terumos and Maasros.]

If the produce comes from the first, second, fourth or fifth years of the *shemitta* cycle, or even if it's not certain but it might have come from those

The Ultimate Terumos and Maasros Guide

STEP BY STEP GUIDE TO SEPARATING TERUMOS AND MAASROS

Separate a little more than 1/100th of the produce from which you need to take Teruma and Maaser. If you have different types of fruit or vegetables (eg avocados and potatoes) you should separate a little more than 1/100th of each type. The food separated should be taken solely from the edible part.
WARNING – ensure you don't separate less than the required amount.

1 Initial Preparations

2 Choose the long version or the shortened version

FULL TEXT

"Of the produce that I have separated, that which is more than 1/100th of all the produce I hereby make Terumah on the north side"
when tithing different types of produce, add "for each type of produce."

3 Terumah Declaration

"The 1/100th that is left, together with another nine equivalent parts on the north side of the produce, I hereby make Maaser Rishon"
when tithing different types of produce, add "for each type of produce."

4 Maaser Rishon Declaration

"That 1/100th that I made Maaser Rishon I hereby make Terumas Maaser."

5 Terumas Maaser Declaration

6 Which year does the food come from? Deciding which Maaser to take

If the produce comes from the first, second, fourth or fifth year of the *shemitta* cycle

"I hereby make Maaser Sheni on the south side of the produce" when tithing different types of produce, add "for each type of produce."

If the produce comes from the third or sixth year of the *shemitta* cycle

"I hereby make Maaser Oni on the south side of the produce" when tithing different types of produce, add "for each type of produce."

If in doubt from which year the produce comes

"If this produce requires separation of Maaser Sheni, I hereby make Maaser Sheni on the south side of the produce, and if it requires Maaser Oni, I hereby make Maaser Oni on the south side of the produce" when tithing different types of produce, add "for each type of produce."

SHORT METHOD

"I hereby separate the required Terumos and Maasros, according to the Federation Beis Din's nusach"

7 Maaser Sheni / Oni Declaration

REDEEMING THE MAASER SHENI

USING ONE'S OWN COIN

If the original food was worth at least 45p you can use your own coin. Set aside a coin and keep it in a safe place. Record on a list how many times it gets used.
If it is a £1 coin, it will be good for up to 25 cases of taking Terumah and Maaser.
Once used 25 times, it should be kept safely and destroyed on Erev Pesach of *shemitta* or Erev Pesach of the fourth year of the *shemitta* cycle, whichever comes first.

Say the following [adding in the parts in brackets if the coin and the produce belong to the same person]: "I hereby redeem the Maaser Sheni present, [together with its requisite fifth,] and any Revai present, [together with its requisite fifth,] on one prutah's value of this coin that I have set aside."

USING MAASERTEXT

Text MAASER to the Federation on 07800 006 913 and wait to receive confirmation that you can use the Federation's *prutah chamurah*

Say "I hereby redeem any Maaser Sheni and Revai on the coin that has been set aside for this by the Federation Beis Din, in accordance with the Beis Din's nusach and the terms of usage of the coin."

Wrap the produce that was separated (1/100th plus) in a bag and discard it. The remaining food may now be eaten.

Remember to check that the produce is not of *shemitta* year origin

years, one must separate Maaser Sheni too, and then redeem it onto a *prutah*'s worth of a coin set aside for this purpose. This coin must not be used afterwards for any other purpose.

If the value of the Maaser Sheni is less than 4 pence worth, one must redeem it onto a *prutah chamurah*, i.e. a coin that has previously had redeemed on it a *prutah*'s worth of Maaser Sheni from *tevel vadai*.

The Federation's MaaserText service makes available a *prutah chamurah* for use by members of the public. When redeeming Maaser Sheni, one can redeem all types of Maaser Sheni onto the Federation's coin.

To use the coin, you need to text the code MAASER to 07800 006 913. In doing so, you let the Federation know each time that you are about to redeem Maaser Sheni. Use of the service entitles you to redeem onto one *prutah* of our designated coin. No matter the value of your Maaser Sheni, use of this coin is advisable as it safely ensures that the coin will be dealt with in the appropriate manner.

You will then receive an automated response which will direct you (either by web link or by giving you the option to forward your email address) to read a list of instructions for tithing the produce and redeeming the Maaser Sheni. You will then receive an automated response which will direct you (either by web link or by giving you the option to forward your email address) to read a list of instructions for tithing the produce and redeeming the Maaser Sheni. ○

NB Terumos and Maasros must not be separated on Shabbos or Yom Tov.

Dayan Yehoshua Posen pictured separating trumos and maasros, in his capacity as appointed agent of the grapes' owner to separate *trumos* and *maasros* and prepare the special coin

בס"ד

DO YOU HAVE A SHAILA? ASK THE **FEDERATION**

SHAILATEXT

TEXT 07860 017 641

PERSONAL & CONFIDENTIAL RESPONSE TO SHAILOS ON ANY TOPIC WITHIN FOUR WORKING HOURS

Wherever possible it is preferable to take shailos to your own Rav who knows you personally. ShailaText is not intended to be used as substitute for a Rav but *L'zakos es horabim*

For more information visit **www.federation.org.uk**
For sponsorship opportunities email **info@federation.org.uk**

A COMMUNITY SERVICE OF THE FEDERATION BEIS DIN

לע"נ DAYAN GERSHON LOPIAN זצ"ל

קהלה קדושה חברת בני ישראל
FEDERATION