

SHOFAR AT THE HEAT EXCHANGER

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Reprinted from The Daf HaKashrus Volume 10, No. 2.

A story of Mesiras Nefesh for Kashrus

On the night of *Rosh HaShanah*, as you walk home from Shul with your precious children by your side, you reflect upon the tranquility of *Yom Tov*. You imagine with great anticipation the scene at your home...the *L'Shana Tova* greetings...the fragrance of all your favorite foods...the shimmering of the array of silver and flame in honor of one of the most awe inspiring days of the year. You can't envision someone without this experience in their life!

But in a factory, in a small town in eastern Washington State, there is another experience, another scene. After *davening* by yourself, you walk from one side of a little room, where a crock pot and a hot plate are stationed, to the other side of the room. There are no children by your side; no one to say "*Gut Yom Tov*" to, no greetings from your wife. You sit down to a desk set with one place setting of your best paper plates. You too imagine. You imagine what it will be like to blow *shofar* by yourself...not to hear the Torah being read and what you are going to do for three days, for this year Shabbos follows *Rosh Hashanah*. The only thought that comforts you at this moment is that your associate ten miles down the road is in the same situation. This scene is replayed over and over again on *Yom Kippur*, *Sukkos* and *Simchas Torah*. I can't convey to you in words what it's like to sit alone in a *sukkah* in a factory parking lot, as the diesel exhaust drifts in because the train is parked right outside and the engine is idling for four days.

"Why?" you ask. Who would commit to such a thing? What could be so urgent it can't wait until after *Yom Tov*? The answer is *THE GRAPE HARVEST!!* The concord grapes are usually ready to be harvested by September 15. The harvest continues throughout October. The processing plants process 7 days a week, 24 hours a day, until the last grape is squeezed, filtered and concentrated; *the Mashgichim have to be on site*. Neither rain nor sleet nor dark of night changes this. Families usually can't be with their fathers because either the factory is too far, they can't afford to bring the whole family or there aren't adequate accommodations.

But it was different for Rabbi Eliezer Shernofsky that year. Living close by in Seattle, his family drove in to be together for *Rosh HaShanah*.

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PRACTICAL SHMITA

Rabbi Dovid Bistricher, Rabbinic Coordinator

Every seven years, we have a special opportunity in Eretz Yisroel to fulfill the mitzvah of shmita. During this sabbatical year, agricultural fields are not worked, while fruits and vegetables become public property. According to the *Sefer Hachinuch*¹, laying the lands fallow is an affirmation that one's sustenance is truly from the Almighty.

There are many details regarding shmita observance. This includes certain permissible allowances that one may follow, but still properly observe shmita. This article will focus on some of the more common, possible exceptions to the rule.

1) **Sourcing produce from non-Jewish owned fields.** There are certain kashrus agencies that permit without shmita restrictions, produce from Arab owned fields in the West Bank. This is based on the position of the Beis Yosef² that produce grown nowadays in non-Jewish owned lands in Eretz Yisroel does not contain *kedushas shviis*. However, the *Mabit*³ disagreed and maintained that all produce grown in Eretz Yisroel contains *kedushas shviis*, even from lands owned by a non-Jew. Later authorities, such as the Netziv⁴, R' Avraham Yitzchok HaKohen Kook, and R' Tzvi Pesach Frank⁵ followed the Beis Yosef's position. However, the Beis HaLevi⁶, Rogatchover⁷ and Chazon Ish⁸

accepted the position of the *Mabit*. The accepted custom in Yerushalayim and most of Eretz Yisroel is to follow the opinion of the Beis Yosef. Nonetheless, the custom in Bnei Brak is to follow the opinion of the *Mabit*.

2) **Heter Mechira.** This entails temporarily selling Jewish owned lands to non-Jews, with produce from those fields not subject to shviis restrictions. The acceptability of this practice partially depends on the issue above, but also touches on other issues. This includes:

- Is shmita nowadays a Torah obligation or Rabbinic?
- Is it proper to avoid shmita observance by transferring ownership of Jewish owned fields?
- Is it permissible to sell lands in Eretz Yisroel to a non-Jew?
- Is such a sale valid if it does not conform to legal requirements of the governmental body?

Under dire economic conditions, R' Avraham Yitzchok HaKohen Kook permitted *heter mechira*.⁹ The basic reasoning behind this position was based on the majority opinion that shmita nowadays is Rabbinic and under extenuating circumstances it is permissible to transfer ownership of Jewish land to non-Jews for Jewish benefit. Although some raised an objection that legally binding property sales must

be formally registered with the Israeli government, R' Tzvi Pesach Frank maintained that not doing so would not invalidate a sale intended to avoid transgressing a prohibition¹⁰. Many authorities, including the Beis HaLevi, Netziv¹¹ and Chazon Ish opposed *heter mechira*¹². One of the earliest supporters of *heter mechira* was the posek hador, R' Yitzchok Elchonon Spektor of Kovno¹³, and discussions about the validity of these sales have already overlapped three centuries. Nevertheless, it is note-worthy that R' Kook, who formally institutionalized *heter mechira*, required a reevaluation of the need prior to each shmita year.

3) **Sourcing produce from Ever HaYarden.** There are agencies that permit produce from certain areas of Eretz Yisroel that are considered part of the Jordan Valley, which may not have been inhabited when Ezra returned from the Babylonian exile. These areas could be viewed differently and considered outside the normative borders of Eretz

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Published by the ORTHODOX UNION,
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Yisroel where land related precepts apply fully. The *Minchas Yitzchok*¹⁴ writes that since shmita nowadays and land related mitzvos immediately outside normative Eretz Yisroel boundaries are both rabbinic obligations, one can permit produce from areas that may have not been inhabited at the return of the Babylonian exile. However, the *Chazon Ish*¹⁵ maintained that the Jordan Valley has the same status of any other area in Eretz Yisroel.

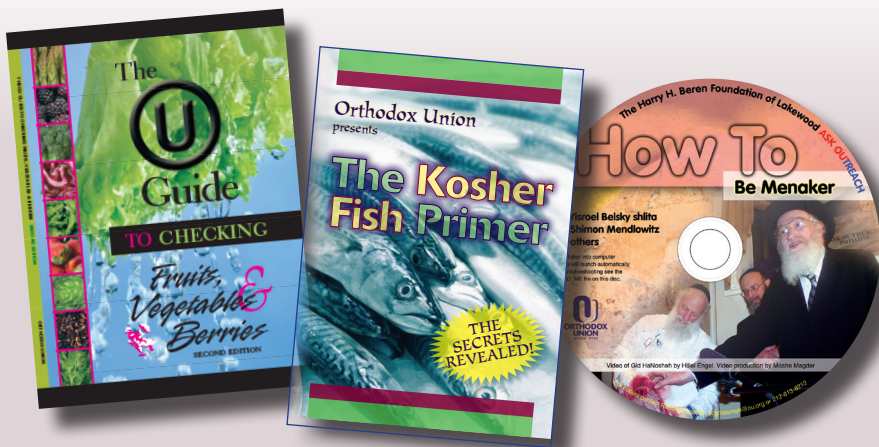
4) **Otzar Beis Din.** This involves a beis din acting on behalf of the community by appointing agents during shmita to harvest and distribute produce from Jewish owned fields. This practice was supported by the *Chazon Ish*¹⁶ and is based on a *tosefta*¹⁷ that is quoted by the Ramban¹⁸. Unlike heter mechira, *Otzar Beis Din* is not a transfer of field ownership. To the contrary, all the shmita restrictions with the harvesting, distribution, and usage of shviis produce apply. *Otzar Beis Din* produce cannot be sold through regular retail channels and contain *kedushas shviis*.

5) **Matza Menutak.** There are two separate discussions whether: 1) produce grown indoors¹⁹ and 2) produce grown in bins are subject to *shmita* restrictions²⁰. There is basis to assume that shmita restrictions only apply to fruits and vegetables grown in an open field and/or directly in the ground. Consequently, several authorities permitted a situation where both conditions exist.²¹ This is practically relevant to greenhouse vegeta-

bles that are grown in bins placed in the ground. Nevertheless, some oppose this leniency on the assumption that these two exceptions are only intended for irregular growing conditions. However, this would not apply to greenhouse growing that is considered a normal agricultural practice.²²

Fruits and vegetables containing *kedushas shviis* are subject to certain limitations. For example, they may be eaten, but they may not be sold or wasted. They also may not be brought outside of Eretz Yisroel. This is especially relevant with esrogim, although according to some opinions there are leniencies with restrictions²³. It is therefore incumbent to realize that with each of the above situations, there are practical differences how certain fruits and vegetables should be handled. Typically, either the package or store's kosher certificate should state whether the produce comes from a source where any of these situations would apply.

1 84	14 8:94-95
2 Avkas Rochel 24	15 Shviis 3:25, 32
3 Shut Mabit 1:21	16 Shviis 11, 12
4 Meshiv Davar 2:56, Kuntres Hashmita	17 Shviis 8:1,2
5 Har Tzvi Zeraim 2:39	18 Bamidbar 25:7
6 3:1	19 Yerushalmi Orlah 1:2
7 Tzafnas Paneach Hachadashos 94	20 Sefer Hashmita p. 15, Chazon Ish Shviis 26:4
8 Shviis 20	21 Sefer Hashmita p. 16, Even Yisroel 8:74, Masa Ovadia p. 90-97
9 Mishpat Kohen 58, 63, 68	22 Chazon Ish Shviis 20:6, Chut Shani Shviis p. 79, Derech Emunah Shmita 1:106
10 Har Tzvi Zeraim 2:49	23 Chut Shani Shviis p. 283
11 Ibid 4	
12 Shviis 24	
13 Sefer Hashmita p. 67	



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SHOFAR

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Accommodations were made, food was prepared, and silver and flame were placed. Instead of chlorine, the delicious aroma of the Yom Tov meal, beautifully prepared by his wife, wafted into the processing room to entice one and all with the holy smells. Yom Tov was beautiful that Rosh HaShanah night. Song and joy filled the factory... but at Tekias Shofar it was a different story...

At the factories which produce OU certified grape juice in Washington State, there is a very important piece of equipment. It is called *The Rabbi Divert*. The function of *The Rabbi Divert* is the following: when the grape "must" is boiled in the heat exchanger, valves permit the flow of the "must" from the heat exchanger to the next stage which is the mash tank (enzyme reaction tank). In the brisk mornings when the grapes are cold, the temperature of the juice in the heat exchanger will go below the temperature required to make the grape juice *mehvushal*. That's when *The Rabbi Divert* goes into action. The divert valves will automatically divert the juice from going forward in the process and will recirculate the juice until the juice reaches the correct temperature. Then, and only then, will "The Rabbi Divert" allow the juice to continue as before. The recording chart automatically records all temperatures and valve actions.

When we *daven*, we do so toward *Yerushalayim* and the *Mokom HaMikdash*. However, when *The Rabbi Divert* computer broke that Rosh

HaShanah morning, Rabbi Shernofsky was compelled to *daven* facing *The Rabbi Divert* chart controls. He blew *shofar* toward the heat exchanger and in *shmoneh esrei* bowed toward the divert valves.

Maybe he would dare to slip out for a moment. After all, his family was eating their *seudah* in an adjacent room. *No!* Maybe the temperature would go down the instant he left... But there was no one to see him leave and probably the temperature would not go down... *No!* The *Ribbono Shel Olam* would know. Everyone, as well, who would drink this tainted juice *chas vesholom* would, after 120, demand an explanation from him as to why they couldn't attain a higher *madragah* in *shamayim* because they unknowingly drank that juice... *No!* Rabbi Shernofsky had no doubts. He was prepared to remain at his post and do whatever it took for the sake of *KASHRUS*. He kept his eyes fixed on the chart *for 8 hours!*

He did it because you need him. He did it because you trust him. He did it so you could sit down with your family and friends and confidently proclaim *Baruch Ato Hashem Elokanu Melech Haolam Borai Pri Hagefen*.

The amazing thing is that this story is not so unique. These stories of unsung heroes are common among mashgichim. So, next time you are at your Yom Tov table or enjoying a hearty *cholent* at the *shul kiddush*, give the mashgichim a little wink.

*RFR stands for Rabbinic Field Representative = Mashgiach

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