

Halachic guidelines from Torah VeHa'aretz Institute for Jews living abroad buying Israeli produce, regarding *orlah* and *terumot* and *ma'aserot*.

Orlah and *terumot* and *ma'aserot* for fruits and vegetables exported from Israel

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Abstract

Halachic guidelines from Torah VeHa'aretz Institute for Jews living abroad buying Israeli produce are as follows: one should separate *terumot* and *ma'aserot* without a blessing. There is no concern that exported fruit is *orlah*.

Terumot and *Ma'aserot* for Exports Today

For the Israeli Chief Rabbinate's fruits and vegetables export policies, click [here](#) and [here](#). It says that while the halachic guidelines for exporters are to separate *terumot* and *ma'aserot*, most packaging houses do not comply. Indeed, Rabbi Mordechai Biderman, head of the Department of National Kashrut – Mitzvot Related to the Land of Israel in the Chief Rabbinate of Israel, told me (5779) that today most exported produce is untithed. Such produce does not bear the Chief Rabbinate's kashrut certification. Exporters claim that most of the produce is sold to non-Jews, in any case, and they do not want to lose out on more than 1% of the produce!

Rabbi Biderman informed me that the Chief Rabbinate has not changed their guidelines and that they were the same in the past, in keeping with the consensus among most *poskim*.

How should *terumot* and *ma'aserot* be separated abroad? In principle, the standard procedure should be followed, but without a blessing. See the text by the Chief Rabbinate in Hebrew [here](#), and our text in English, [here](#).

Terumot and *Ma'aserot*: Halachic Survey

In practice, it is best to be stringent and separate *terumot* and *ma'aserot* without a blessing if one purchases Israeli imports. However, some are lenient *bedi'avad* due to *sfek sfeka* (see below).

Brief Halachic Survey – Exported Fruit

According to the **Ra'avad**, there is a rabbinic obligation to separate *terumot* and *ma'aserot*; according to the **Rambam** and the **Shulchan Aruch** this produce is exempt from *terumot* and *ma'aserot* (Rambam, *Hilchot Terumot* [1:22](#); Shulchan Aruch, YD [§331:12](#)).

Most *poskim* follow the Rambam and the Shulchan Aruch. What happens according to the Rambam's opinion if the produce is exported after *miru'ach*? That is, after *gemar melacha*—the produce completed its process of preparation for sale and it is already a finished product. Today, produce is generally exported after *miru'ach*.

There are three main interpretations of the Rambam and Shulchan Aruch:

- (1) According to the [Mishne Lamelech](#) (on Rambam, *ibid.*), [Radbaz](#) (on Rambam, *ibid.*), [Responsa Mabit \(2:196\)](#) – such produce is obligated in *terumot* and *ma'aserot*.
- (2) The [Maharsham](#) (Responsa [1:72](#)) obligates tithing only if *miru'ach* is performed without a specific intention. However, if processed with the specific intent to export abroad, then it is exempt.
- (3) The [Bach](#) (YD 331, incipit [ve'im nikbe'u lema'aser](#)) and [Mahari Kurkus](#) (Rambam, *Hilchot Ma'aser* 13:4) hold that this produce is exempt regardless.

The [Chazon Ish](#) (*Demai* [5:3](#), [15:4](#)) holds that one should be stringent and separate *terumot* and *ma'aserot*. Rabbi [Avraham Yitzchak HaCohen Kook](#) (Mishpat Kohan [46](#)) is stringent, but also writes that it is possible to be lenient in certain instances of doubt.

Rabbi [Shaul Yisraeli](#) ([HaTorah VeHa'aretz II](#)) rules that in practice one should be stringent and take *terumot* and *ma'aserot*, but without a blessing (due to the doubt). This is also the position of the [Minchat Yitzchak \(1:84\)](#), who was asked about oranges exported from Israel to England.

The Israeli Chief Rabbinate advises separating *terumot* and *ma'aserot* from produce exported from Israel.

Various Israeli rabbis told me that they had believed the Chief Rabbinate's instructions were not to separate *terumot* and *ma'aserot* from such produce. Perhaps these were old guidelines or possibly a misunderstanding. Rabbi Biderman told me that the official guidelines in the past were the same, but that the farmers and packaging houses simply did not comply with them. According to those who are lenient on the matter, I'm not sure if the main reason for the leniency is that most end-consumers abroad are non-Jews, or that they follow the opinion that this produce is exempt from *terumot* and *ma'aserot*. In any case, when separating *terumot* and *ma'aserot* from produce earmarked for export, a blessing is not recited.

Additional material is available on the topic below (in Hebrew):

- For a brief article by Rabbi Ehud Ahituv (5762), of Torah VeHa'aretz Institute, click [here](#).
- For a longer article with sources by Rabbi Yaakov Epstein (5770), of Torah VeHa'artez Institute, click [here](#).
- For a long article by Rabbi Shaul Yisraeli, HaTorah VeHa'aretz II (5751), click [here](#).

[Practical Guidelines for Separating *Terumot* and *Ma'aserot*](#)

The official guidelines of Israel's Chief Rabbinate are to separate *terumot* and *ma'aserot* from produce exported from Israel. However, it is possible that certain packaging houses do tithe this produce.

If purchasing Israeli produce abroad:

Lechatchila, separate *terumot* and *ma'aserot* without a blessing, since most probably this produce is untithed. Most *poskim* are stringent on the matter, following the Ra'avad's opinion. Today it is possible that the produce is exported after *gemar melacha*, so even the Rambam might agree that *terumot* and *ma'aserot* should be separated from Israeli exports.

However, there are those who are lenient *bedi'avad*, due to *sefek sefeka* (a double or multiple doubt) regarding the rabbinic prohibition. These doubts include: a halachic doubt as to whether Israeli exported produce is exempt from *terumot* and *ma'aserot*

when earmarked for export and a doubt as to whether the produce was tithed in Israel. Moreover, today the obligation to separate *terumot* and *ma'aserot* is rabbinic because the majority of Jews do not yet live in Israel (*bi'at kulechem*); customers are obligated to tithe only rabbinically. It is also possible that the produce grew in the *olei Mitzrayim* borders or in hothouses (here, there is a lesser-level obligation); the obligation to tithe produce other than grains, olives (and its products), and grapes (and its products) is rabbinic according to certain opinions, while the obligation to tithe vegetables is rabbinic according to all *poskim*.

Guidelines by Torah VeHa'aretz Institute

It is preferable to be stringent and separate *terumot* and *ma'aserot* without a blessing on produce meant for export.

Those living abroad purchasing Israeli produce should separate *terumot* and *ma'aserot* without a blessing (see the text [here](#)).

Orlah

For guidelines by the Israel Chief Rabbinate, Iyar 5777, click [here](#) (the same file for *terumot* and *ma'aserot*, above).

For the list of farmers under the Chief Rabbinate's supervision regarding *orlah*, as of Tishrei 5779 (winter and summer fruit, grapes, lemons, Valencia oranges), click [here](#).

Possible Orlah – from the Chief Rabbinate's Post

There are several types of fruits that are exported abroad, and in light of the current situation (Iyar 5777), it is possible to consume them without concern of the *orlah* prohibition. This is in light of the fact that they are packaged in large packing houses that are under rabbinate supervision, or due to the low percentages of *orlah* there. The following types of fruits can be eaten without concern of *orlah*:

All citrus fruits (oranges, grapefruit, easily-peelable fruits [tangerines], pomelos), persimmons, avocados, mangos, pomegranates, dates" (emphasis mine, MB).

However, it seems that *orlah* could be a problem for other types of fruit!

I was told that for other fruits such as grapes and exotic fruit like papaya and passionfruit, the rabbinate has less control. This is because they are packaged directly by the growers and do not pass through packing houses. This means that there might be an issue of *orlah* fruit. Of course, it is also linked to the percentage of *orlah* fruit, and the related halachic rulings in this context.

Most Israeli fruit exports do go through packaging houses, since at times they need to receive cold treatments or other treatments available only in packaging houses. The Chief Rabbinate does not allow any *orlah* fruit enter packaging houses whatsoever. During trees' *orlah* years, the Chief Rabbinate's kashrut supervisors remove the fruit from the trees before they develop.

Rabbi Yoel Friedemann of Torah VeHa'aretz Institute believes that one need not be stringent in this matter, and that stringency is unnecessary. In practice, the direction not to purchase fruits that do not appear on the list above in light of possible *orlah* is nearly unfounded – it is very rare, in any case.

Dr. Akiva London, the head agronomist of the Chief Rabbinate, also believes that there is no problem of *orlah* outside of Israel (and in Israel, too, he believes that there is no issue with the vast majority of fruits since more than 90% from the orchards are under the Chief Rabbinate's supervision. To export fruit, an export license is required for each country of export, and only major companies and packing houses hold this license (approximately 100; for the list of citrus exporters, see [here](#), and exporters for other types of fruit [here](#)). Most of these major companies are under rabbinate supervision. There are hardly any farmers who cultivate crops exclusively for export; farmers who grow crops for local sale need rabbinate supervision, and the rabbinate supervises all of the farmer's fields and orchards, not only crops for sale in Israel. Some 10–15 years ago, *orlah* fruit was permitted for export, but today this is no longer the case.

Orlah vis-à-vis papaya is under rabbinate supervision. For passionfruit, the rabbinate relies on the opinion that it is a vegetable, unless the end-customer requests otherwise. Grapes are examined comprehensively for all registered and major vinegrowers. Note that blueberries growing in Israel pose a serious issue of *orlah*! For this reason, blueberries grown in Israel should not be purchased without kashrut certification (in Israel or abroad).

From the official data of the Ministry of Agriculture on fruit and vegetable export, the fruits exported in large quantities are included in the Chief Rabbinate's list above of the fruits do not have *orlah* issues. Today, export is primary to Europe, China, Japan, Russia; small quantities are exported to the USA (mainly citrus fruit).

For data on the quantities of fruits and vegetables exported from Israel in 2018, see [here](#). The main fruits exported are: avocado, dates, mango, pomegranate, and persimmon—are all included in the list of *orlah*-free export fruit. The citrus fruits that are exported extensively are also on the Chief Rabbinate's "white list."

From the data, we see that there is no need for concern regarding *orlah* for fruit exported from Israel. Bon appetite!