



Laws of *bi'ur* for *shemita* wine and grape juice in a nutshell

Rabbi Moshe Bloom and Shoshan Raiz. Nissan 5783

Introduction: What is *bi'ur*?

The Torah states (*Vayikra* 25:7): "And your cattle and beasts in your land may eat all its yield." *Chazal* learn from here: "As long as animals eat this type of produce in the field, you can eat it at home. Once it is finished for animals in the field, you must get rid of (*leva'er*) the type of produce from the home."

Once the time arrives for the *mitzva* of *bi'ur*, one must remove that particular type of *shemita* produce stored at home and declare it ownerless. It is meant for the poor and anyone else. *Chazal* determined that *erev Pesach* is *bi'ur* time for grapes and grape products.

Amount that requires *bi'ur*

The obligation to perform *bi'ur* on wine and grape juice applies only to those who own a **quantity** of produce that exceeds the amount needed for members of the household for three meals. For wine, the three meal amount includes wine needed for the first night and day of Pesach for **all seder participants, guests included**:

- Age **9 and up: 1 bottle per person** (most people drink the entire cup of 150-200 mL of juice or wine. This means that 600-800 mL is needed for 4 cups).
- **Young children** (who won't drink a *revi'it*): **1/2 bottle per person**.

Circumstances when *bi'ur* applies to *shemita* wine

***Bi'ur* does not apply to the following:**

- Ownerless wine
- Wine under the auspices of *otzar beit din*.
- This includes stores that sell *otzar beit din* wine (Otzar Ha'aretz stores, Osher Ad, other supermarkets selling Golan Heights wine), because they are considered *otzar beit din* agents.

When does *bi'ur* apply?

It does apply to produce taken from *hefker* or bought from the *otzar beit din* **before *bi'ur* time**. That is, if you bought several cartons of *otzar beit din* grape juice before *erev Pesach*, *bi'ur* would apply to the grape juice *erev Pesach*.

Bi'ur through *hefker*

The prevalent custom in Israel today is that the *mitzva* of *bi'ur* entails declaring the produce (here wine) ownerless to anyone who wants to take it. Preferably, one should remove the wine from one's home and declare it ownerless before three people (see below).

To these three people, say as follows: אַחֵינוּ בֵּית יִשְׂרָאֵל: כָּל מִי שְׁצָרִיךְ לְטַל יְבוֹא וְיִטֵּל
"Brothers of the House of Israel: Anyone who needs to take should come and take"

After performing the *mitzva* of *bi'ur*, it is best to wait 1/2 hour. Then it is permissible to claim the wine.



Witness identity for the *hefker* declaration

Three people are required to say the *hefker* declaration. They can be **related** to one

another but should not be dependent members of one's household. Guests can constitute the three *hefker* witnesses, provided that they are not part of your household. So can financially independent married children who live in their own homes. It is possible to declare the wine *hefker* in the presence of women (and *bat mitzvah* age girls). One can declare the produce ownerless before three friends, although they will not take it.

What happens if you won't be at home on *erev Pesach*?

Many people go away for Pesach and won't be at home at *bi'ur* time. Here are two options, in the order of halachic preference:

Early *bi'ur*

While best to perform *bi'ur* on time, if this is not possible, one may perform *bi'ur* ahead of time (a few days before), as follows: When taking the wine (or other produce) back into the home, intend not to claim it as yours until after the first day of Pesach.

Those who want to perform *bi'ur behiddur* can put up a sign on their door stating that anyone who wants the wine can contact them.

***Bi'ur* through an agent**

It is halachically problematic to appoint an agent to render one's property ownerless. What can be done?

Give the bottles to a friend as a gift.

Write up a note to this effect signed by two witnesses.

Then your friend can perform *bi'ur* at the proper time on your behalf (make sure to give them a key so they can access the wine).

What happens if it is difficult to bring the wine into the public domain?

If it is technically difficult to bring the wine/grape juice bottles to the public domain to perform *bi'ur*, it is permissible to put them in the stairwell of an apartment building or shared courtyard. If this is not possible, it is possible to invite three people into your house and declare the wine *hefker* in their presence.



Bi'ur for food cooked with *shemita* wine

If non-*shemita* food is cooked (or pickled) with holy wine (which imparts flavor to the non-holy foods), the entire dish will be subject to the laws of *bi'ur*.

Practically speaking, if you cook meat flavored with *shemita* wine sauce in large quantities for Pesach and freeze meat for *Shabbat chol hamo'ed* or *shevi'i shel Pesach*, the meat for the first *yom tov* will be exempt from *bi'ur* while the other meat for later meals will require *bi'ur*.

Miscellaneous laws

- Even after *bi'ur*, the wine continues to retain its holy status and should be handled accordingly.
- If *bi'ur* was performed on wine from a previous *shemita*, Rabbi Sheteinman and Rabbi Kanievsky maintain that *bi'ur* should be performed a second time. Rabbi Yehuda Amichay, head of Torah VeHa'aretz Institute, however, believes that the first *bi'ur* is sufficient.
- Those living abroad who have Israeli *shemita* wine (in the amounts of wine obligated in *bi'ur*) should perform the *mitzvah* of *bi'ur* on *erev Pesach*. It is forbidden to transport this wine from place to place.
- Cooking utensils used to cook or otherwise prepare food with *shemita* wine do not need to be *kashered* at the time of *bi'ur*.

What happens if you forgot to perform *bi'ur*?

If *bi'ur* was not performed on *shemita* wine on *erev Pesach*, it will be forbidden to drink the wine (some *posekim* hold that it is even forbidden to derive benefit from the wine; some hold that it is forbidden to the transgressor only).

If the wine owner could not perform *bi'ur* due to **circumstances beyond their control**, the wine will not be forbidden. This includes: if one was unaware that *bi'ur* is required, was not familiar with the laws and times of *bi'ur*, or didn't know that the wine was *shemita* wine. As soon as possible, *bi'ur* should be performed and then it will be permitted to drink the wine.

If a bottle of *otzar beit din* wine is received from a friend after *bi'ur* time and one is unsure whether it was rendered ownerless, it is possible to perform the *mitzvah* of *bi'ur* immediately, and then eat the produce (Rashas, Chazon Ish).

On the rationales for *bi'ur*, see [here](#).

Chapter 24: Halachic principles of *bi'ur*, see [here](#).

Chapter 25: The practical laws of *bi'ur*, see [here](#).

For our clip on *bi'ur*: <https://en.toroland.org.il/beit-midrash/videos/shemita/biur/>