

Tevel: Benefit and Sale

Tevel refers to produce and grain which has not had terumot and maasrot separated from it. Our Sages were extremely stringent regarding its use and therefore added various other prohibitions in addition to the Torah prohibition of consumption. Rabbinic prohibitions include not feeding tevel to one's animal (Rambam Maaser 13:15) and not giving tevel to a non-Jew for consumption, even though the non-Jew has no obligation regarding this mitzvah (Tosfot Eruvin 17:B). In addition, it is prohibited to fulfill any mitzvah using tevel, such as using an etrog for the four species or eating matzah on Pesach from which terumot and maasrot were not taken (see Kedushat Haaretz 4:17 and Rambam Chametz Umatzah 6:6).

What is the law regarding the sale of tevel? The Mishna (earliest Talmudic literature) in Demai (5:8) states:

"...one may not sell non-tithed produce except in the case of necessity."

Based on the Mishna, the sale of tevel is prohibited other than in a case of necessity. The Talmud Yerushalmi (Demai 5:7) explains that a situation

of "necessity" refers to the case of someone who has a mixture of mostly tithed and some non-tithed produce. In such a situation, it is impossible to distinguish between the non-tithed produce and the tithed. Due to the tevel found in the mixture, one is still obligated to separate terumot and maasrot. However, one unknowingly may separate from the produce that was previously tithed, leaving the issue of tevel unresolved. Due to this complex situation, our Sages allowed for the sale of (other) tevel to the person with the problematic mixture in order to enable him to clearly separate terumot and maasrot, thereby permitting the use of the entire quantity of produce. (This is accomplished by joining the bought tevel with the problematic mixture to make them one entity, and then separate terumot and maasrot from the bought-tevel produce.)

Aside from the specific exception above, the sale of tevel is prohibited. Moreover, if tevel is sold to a buyer who will definitely not separate terumot and maasrot, the seller is directly causing the buyer to sin (see Kedushat Haretz 4:22). A practical application is regarding a kashrut certification for a supermarket that plans to sell certain tevel products. Certification should not be given to such an establishment. According to

later authorities (Chazon Ish Demai 6:10 Derech Emuna, Maaser 66), even if the seller were to inform potential purchasers that the produce being sold is tevel, the sale would still be prohibited. Halachic authorities go as far as to say that even giving tevel as a gift and informing the receiver that the fruit is tevel is prohibited (see Shulchan Aruch YD 331:117 and Kedushat Haaretz 4:26) .

There are two different reasons given against the sale of tevel. According to some opinions (Tosfot Yom Tov Demai 5:8, Torat Ha'aretz 2:36), the basis for this ruling is out of concern that the buyer will in fact not take terumot and maasrot. Even in a case where there is no such concern, our Sages did not differentiate between various situations, but rather, they made a blanket decree. According to other halachic authorities (Chalat Lechem 2:21), the prohibition of selling tevel is because of the seller's wrongdoing. A farmer who grows produce has an obligation to separate tithes as determined by the Torah. However, if the farmer sells his non-tithed produce, he has undermined the Torah obligation of terumot and maasrot. When the buyer takes ownership of the tevel, it becomes his obligation to separate terumot and maasrot, but only on a rabbinic level. Thus, by selling tevel,

the farmer has negated the Torah obligation that was only his to fulfill (see Baba Metzia 88:B).

Is there also a prohibition to buy tevel? According to the Chalat Lechem, by purchasing tevel, the buyer is enabling the seller to cast away his Torah obligation of separating terumot and maasrot.

However, if the prohibition of selling tevel is because of the potential sin of the buyer who will not separate tithes, then based on this logic, a buyer who does separate terumot and maasrot should be permitted to purchase tevel.

Rav Chaim Kanievsky (Derech Emuna, p.236) writes and brings proof that the prohibition is only on the seller, not the buyer. He seems to conclude that one is allowed to buy tevel. Rav Dov Lior also rules that there is no prohibition to buy tevel, based on many sources from Talmudic times which show that one may purchase from a person who is known not to separate terumot and maasrot (see also Mevo Leterumot Umaasrot 11:13).

According to these poskim one is allowed to purchase from a market that is known to sell tevel. However, perhaps one should still refrain in order to avoid supporting establishments that sell non-tithed

produce. The issue should be discussed with one's local orthodox rabbi.

In conclusion, the sale of tevel is prohibited. However, the purchase of tevel is permissible as long as it can be ensured that the buyer will indeed separate terumot and maasrot.

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