

Kedushas Sheviis Produce

Rabbi Yehuda Spitz

Parashas Behar introduces us to the requirements of observing Shemittah every seventh year. One of the most imperative aspects of Shemittah observance, concerns the proper treatment of produce that has Kedushas Sheviis, Shemittah sanctity. Not a simple task; the halachos governing these 'holy' fruits are many and quite complicated.[1] Although most know that all standard produce that grew in Eretz Yisrael during the Shemittah year is actually halachically hefker, considered ownerless, nonetheless, that important detail is only 'the tip of the iceberg'. There are rules governing the growing, picking, acquiring, eating, how long it may be kept in your house, and even the disposing of these Peiros Sheviis. This article sets out to address some of the lesser known aspects of these halachos.

Which Fruits Are Which?

First of all, it is important to note that not every fruit that one acquires during Sheviis has Kedushas Sheviis. For example, if it were picked in the sixth year (Shishis), it would have no Kedushas Sheviis, and can be eaten regularly, even if bought during Shemittah.

An additional factor in determining whether or not the produce will contain Kedushas Sheviis would depend on the type of crop. Generally speaking, although the Shemittah year starts and ends on Rosh Hashana h, nevertheless, the deciding factor determining Kedushas Sheviis for fruits is that it follows its Chanatah, blossoming, when it is first considered edible, roughly when the fruit is one-third grown.[2] Any fruit that reaches this stage prior to the onset of Shemittah does not have Kedushas Sheviis, even if acquired during Shemittah. On the other hand, Kedushas Sheviis for vegetables follows its picking, Lekitah, regardless of when they started to grow.[3] Kedushas Sheviis for most legumes, as well as olives, grapes, and the five grains, is determined by when they are one-third grown, no matter when actually picked, plucked, or procured.[4] The Kedushas Sheviis status of rice, millet, poppy seed, and sesame, on the other hand, follows when it is fully ripened.[5]

Kedushah Customs

One of the interesting halachos pertaining to fruits with Kedushas Sheviis is that they may not be taken out of Eretz Yisrael.[6] Additionally, one may not give Kedushas Sheviis fruit to a non-Jew,[7] nor to utilize such produce, if fit for human consumption, for a medicinal or health related purpose,[8] or even to feed animals.[9] Another important rule is that these 'holy' fruits must be treated with respect, and even the leftovers and residue must be disposed of in a proper manner, not simply dumped in the trash. A separate Pach Sheviis, a clean place where the food waste is left until decaying, is preferred. After that, the waste matter may be transferred, wrapped, into a garbage can.[10] A sixth fascinating and unique halachah pertaining to Kedushas Sheviis fruits is that they are subject to the law of Biur. This term refers to taking said produce out of the house to a public place and giving up all rights to the fruit, announcing it as 'hefker' in front of three people. Every type of fruit has its own specific Zman Biur, time of year when this must be performed, as it depends on when each species of fruit is no longer commonly available in the fields.[11]

Kedushah Crop Consumption

What is interesting is that Chazal gleaned all of these halachos from several pesukim in Parashas Behar. The Torah, referring to the Shemittah year, states (Vayikra Ch. 25: 6 and 7): "V'haysa Shabbos Ha'aretz Lachem L'achlah...V'livhementachah V'lechayah Asher B'artzechah Tihyeh Kol Tevuasah Le'echol - And the Resting of the Land should be for you to eat... and for your domesticated animals and the wild animals in your fields, all the produce should be for consumption".

Chazal derive several essential Shemittah halachos pertaining to preserving the sanctity of Kedushas Sheviis produce from these verses:

1.L'achlah- for you to eat, and not for hefseid, letting go to waste. In other words, one may not needlessly waste fruits containing Kedushas Sheviis. This is why one may not throw the Peiros Sheviis directly into a garbage can or rubbish bin. (Pesachim 52b)

2. L'achlah- for you to eat, and not for sechora, merchandise or commercial use;[12] this restriction includes paying a debt.[13] Basically, one may not purchase Kedushas Sheviis fruits in the normal manner. (Avodah Zarah 62a and Bechoros 12b; see also Mishnayos Sheviis Ch. 8, Mishnah 3)

3.L'achlah- for you to eat, and not for refuah (or melugma), or medicinal purposes. This is why one may not use regular edible Shemittah produce as a bandage or poultice. (Sukka 40a and Bava Kamma 102a; see also Mishnayos Sheviis Ch. 8, Mishnah 1)[14]

4.Lachem- for you, and not for a non-Jew. A good reason not to gift your non-Jewish doctor with a nice bottle of Shemittah wine. (Sifra, Parashas Behar Ch. 25: 6)[15]

5.V'livhementachah V'lechayah Asher B'artzechah Tihyeh Kol Tevuasa Le'echol - animals may consume Kedushas Sheviis produce by themselves (ex. their taking such fruits off the tree and eating), but one may not actively feed them such food that is fit for human consumption. (See Mishnayos Sheviis Ch. 8, Mishnah 1 and Rambam, Hilchos Shemittah V'Yovel Ch. 5: 5)[16]

6. B'artzechah - in your land, and not in Chutz La'aretz. Meaning that Kedushas Sheviis produce may not be taken out of Eretz Yisrael. (Mishnayos Sheviis Ch. 6, Mishnah 5; see commentaries ad loc. - some maintain that this is Derabbanan)

7. V'lechayah Asher B'artzechah -the fact that the Torah stressed that Shemittah produce is also relevant to wild animals teaches us that one may partake of such produce in his own home, but only as long as it is still available to the animals in the wild. After that time, one must remove such produce from his home and relinquish all property rights to the fruit. As mentioned previously, this action is known as Biur. (Taanis 6b, Pesachim 52b, Nida 51b, and Sifra / Toras Kohanim, Parashas Behar 1: 7)

Achilas Mitzva?

Another interesting inference from the above pesukim, though made by a minority opinion, is that Lachem L'achlah, for you to eat, is teaching us that there is an actual Mitzvah incumbent upon us (Mitzvah Chiyuv) to partake of Kedushas Sheviis produce. Although not the actual halachah, there are still those who maintain that one does indeed fulfill a Mitzvah by eating fruit imbued with Shemittah sanctity (Mitzvah Kiyumis) even though he is under no obligation to eat specifically that fruit. According to this opinion, if one can ensure that all Shemittah halachos are being strictly adhered to (including proper disposal of remains), and has the option to choose a Shemittah fruit or a similar non-Shemittah fruit, it seems that there would be a preference to do so.[17] Just one of the fringe benefits of living in Eretz Yisrael, the King's Courtyard.

Note: This article is not intended to serve as an exhaustive guide, but rather to showcase certain aspects of the intricate and myriad halachos of produce imbued with Kedushas Sheviis.

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For any questions, comments or for the full Mareh Mekomos / sources, please email the author: yspitz@ohr.edu.

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[1] Tosafos (Sukka 39a s.v. she'ain). See also the introduction to the Chochmas Adam's sefer on Mitzvos Hateluyos Ba'aretz, Shaarei Tzedek, as to the importance of properly learning the halachos of Eretz Yisrael, the King's Courtyard. In fact, according to the well-known Gemara in Sota 14a, being able to keep these special Mitzvos is the very reason why Moshe Rabbeinu wanted to come to Eretz Yisrael!

[2] See Mishnah Bikkurim (Ch. 2, Mishnah 6), Gemara Rosh Hashanah (13b; and Rashi and Tosafos ad loc 12b), Rambam (Hilchos Shemittah V'Yovel Ch. 4: 9), Shulchan Aruch (Yoreh Deah 331, 125 and 126), Chazon Ish (Sheviis 7: 12), and Derech Emunah (vol. 4, Hilchos Shemittah V'Yovel Ch. 4: 86). Another understanding of this term is the first blossoming of the fruit after its flower has fallen off.

[3] Gemara Rosh Hashanah (13b - 14b). See Tosafos (ad loc s.v. achar and on Sukka 39b s.v. ul'Sheviis), Rambam (Hilchos Shemittah V'Yovel Ch. 4, 12), Rash (Sheviis Ch. 5: 3; Ch. 6: 4; Ch. 9: 1), and Chazon Ish (Sheviis 14: 9 s.v. u'veteshuvos). Another understanding of this term is when it stops growing and fit to be picked, even if not yet actually picked. However, it is important to note that vegetables that started growing during Shemittah may not be consumed at all, due to the Rabbinic prohibition of Sefichin. Sefichin literally means after-growths, referring

to plants that grew by themselves in the Shemittah year, ostensibly from leftover seeds that took root after the previous year's harvest. Biblically, there is a Mitzvah that these growths may not be harvested in the proper manner during Shemittah: 'Es Sefiach Ketzircha Lo Siktzor' (Parshas Behar, Vayikra Ch. 25: 5), yet, their consumption is permitted. However, Miderabbanan, all Sefichin are strictly prohibited to be eaten. The Rambam explains that this Gezeiras Chazal was instituted due to 'Ovrei Aveirah', transgressors, who, not being able to withstand the temptation would secretly plant such produce (those with a relatively quick growing period, such as vegetables and legumes - a.k.a. 'annuals'), but when questioned, would pass it off merely as Sefichin that grew spontaneously with no human aid. Due to these concerns, the Chachamim prohibited outright all produce that can be considered Sefichin. See Mishnayos Sheviis (Ch. 9, Mishnah 1), Gemara Pesachim (52b), Gemara Menachos (5b), Yerushalmi (Bava Basra Ch. 5, Halacha 1), Sifra / Toras Kohanim (Parshas Behar 1: 3), Tosafos (Taanis 19b s.v. Rabban), Rambam (Hilchos Shemittah V'Yovel Ch. 4: 2 and 3), Sefer Hachinuch (Parshas Behar, Mitzvah 328), Shaarei Tzedek (16: 3), Pe'as Hashulchan (Ch. 25: 1- 3), Torah Temimah (Parshas Behar Ch. 25: 110), Sefer HaShemittah (Ch. 6: 5, footnote 2), and Chazon Ish (Sheviis, 9: 17). Rav Moshe Sternbuch (Shemittah Kehilchasa Ch. 2: 1, footnote 1) explains that although we hold that the prohibition of Sefichin is strictly Derabbanan, that is only regarding to actual after-growths that grew by themselves. However, when referring to produce intentionally grown during Shemittah contrary to the halacha, many Rishonim are of the opinion that the proscription is indeed M'Deoraysa. It is also important to keep in mind that even Sefichin contain Kedushas Sheviis and still must be according the proper respectful treatment, as delineated in this article. These issues were discussed at length in an article titled 'The Case of the Contraband Carrots'.

[4] Gemara Rosh Hashanah (12b - 13b), Rashi and Tosafos (12b s.v. v'hazeisim), Tosefta (Sheviis Ch. 2: 10), Yerushalmi (Sheviis Ch. 2, Halachah 5), Rambam (Hilchos Shemittah V'Yovel Ch. 4: 9), Chazon Ish (Sheviis 7: 15 s.v. tevuah).

[5] See Mishnayos Sheviis (Ch. 2, Mishnah 7), Gemara Rosh Hashanah (13b), Rambam (Hilchos Shemittah V'Yovel Ch. 4: 11), Ritva (Rosh Hashana 13a), Tosafos Yeshanim (Rosh Hashana 13b), Bartenura (Sheviis Ch. 2, Mishnah 7), Chazon Ish (Sheviis 7: 19 s.v. orez), and Derech Emunah (vol. 4, Hilchos Shemittah V'Yovel Ch. 4: 79). There is some debate among the Rishonim cited about whether the Mishnah was referring to the rice et al. being fully ripened (gemar pri) or taken root (hashrashah) to contain Kedushas Sheviis. The halachah follows the former opinion, which is the Rambam's shitta.

[6] Mishnayos Sheviis (Ch. 6, Mishnah 5; see also the Rash's and Vilna Gaon's Shnos Eliyahu commentary ad loc.), Sifra / Toras Kohanim (Parashas Behar 1: 9; see also the commentaries of the Raavad, Rash MiShantz, and Gr"a ad loc.), Tosefta (Sheviis Ch. 5: 1), Rambam (Hilchos Shemittah V'Yovel Ch. 5: 13), Pe'as Hashulchan (24: 18), Shaarei Tzedek (17: 24), Aruch Hashulchan Ha'Asid (Hilchos Shemittah V'Yovel 24: 25), Chazon Ish (Sheviis 13: 4 s.v. Pesachim), Shemittah Kehilchasa (Ch. 3: 17), and Mishpetei Aretz (Sheviis, 20: 2).

[7] Tosefta (Sheviis Ch. 5: 14), Rambam (Hilchos Shemittah V'Yovel Ch. 5: 13), Shaarei Tzedek (17: 24), Chazon Ish (Sheviis 10: 14 and 13: 26), Sefer HaShemittah (Ch. 7: 2, 1), Derech

Emunah (vol. 4, Hilchos Shemittah V'Yovel Ch. 5: 103), Shemittah Kehilchasah (Ch. 3: 17), and Mishpatei Aretz (Sheviis, 21: 16). See also Shu"t Igros Moshe (Yoreh Deah vol. 3: 124, 1), who qualifies this prohibition, explaining that once the produce is no longer fit for regular human consumption it certainly may be given to a non-Jew. He avers that this halachah cannot be any more severe than the similar one regarding animals. In fact, as he points out, the Tosefta puts these two halachos adjoining each other, implying that they share common guidelines.

[8] Mishnayos Sheviis (Ch. 8, Mishnah 1), Gemara Sukka (40a) and Bava Kamma (102a), Yerushalmi (Sheviis Ch. 8, Halachah 2), Rambam (Hilchos Shemittah V'Yovel Ch. 5: 10 & 11), Pe'as Hashulchan (24: 14 and 17), Minchas Chinuch (Parashas Behar, Mitzvah 329, 6), Shaarei Tzedek (17: 20), Aruch Hashulchan Ha'Asid (Hilchos Shemittah V'Yovel 24: 22), Sefer HaShemittah (Ch. 7, 4: 9), Chazon Ish (13: 6 and 7).

[9] Tosefta (Sheviis Ch. 5: 13), Sifra / Toras Kohanim (Parashas Behar 1: 7), Rambam (Hilchos Shemittah V'Yovel Ch. 5: 5), Raavad (commentary to Toras Kohanim, Parashas Behar ad loc.), Shaarei Tzedek (17: 15) Aruch Hashulchan Ha'Asid (Hilchos Shemittah V'Yovel 24: 11), and Sefer HaShemittah (Ch 7, 2: 1 and 4: 8 and 10). See also Mishnayos Sheviis (Ch. 8, Mishnah 1) and the Bartenura's commentary ad loc.

[10] See Chazon Ish (Sheviis 14: 10), Derech Emunah (vol. 4, Hilchos Shemittah V'Yovel Ch. 5: 13), Shemittah Kehilchasah (Ch. 3: 3), Mishpatei Aretz (Ch. 23: 1), Dinei Sheviis Hashalem (5775, Ch. 16, Sheirios 1), and Yalkut Yosef on Sheviis (Ch. 15: 10, pg. 368). However, if stuck, one may wrap the leftovers nicely and place directly in a garbage can. According to Rav Yitzchak Berkovits (as heard from Rabbi Yehoshua Pasternak), the reason why the need for a 'Pach Sheviis' is only cited by later authorities is that a garbage can is not what it used to be. With the advent of garbage trucks that compress all garbage, merely placing unwanted Shemittah produce in a garbage might possibly be a question of hefsek, as one knows that it will soon be crushed, quite possibly before it will begin decaying. This is why letting the unwanted 'holy' fruit residue properly rot in a 'Pach Sheviis' prior to placing in a garbage can is the contemporary preferred option.

[11] See Mishnayos Sheviis (Ch. 9, Mishnah 4), Yerushalmi (Sheviis Ch. 9, Halachah 3), Rashi (Parashas Mishpatim, Ch. 23: 11 s.v. v'nitashta and Yoma 83a s.v. tevel), Tosafos (Pesachim 52b s.v. ad and Chullin 12b s.v. heicha), Rambam (Hilchos Shemittah V'Yovel Ch. 7: 1), Raavad (ad loc. Halacha 3), Ramban (Parashas Behar Ch. 25: 7), Rosh (Shviis Ch. 9, Mishnah 8: 5), Rash (ad loc.), Minchas Chinuch (Parashas Behar, Mitzvah 329: 7), Shaarei Tzedek (19: 4), Pe'as Hashulchan (27: 3), Pnei Yehoshua (Pesachim 52b), Aruch Hashulchan Ha'Asid (Hilchos Shemittah V'Yovel 27: 8), Beis Ridbaz (Sheviis, Ch. 12: 7), Chazon Ish (Shemittah 11: 6 and 7), and Shemittah Kehilchasah (Ch. 3: 20). There is some debate among the Rishonim cited (and in the Acharonim's understandings of the Rishonim's shittos) whether the Mitzvah of Biur is actually Deoraysa or Derabbanan. The Gemara (Pesachim 53a) mentions the Biur dates of four types of fruit: dried figs on Chanuka, dates on Purim, grapes on Pesach, and olives on Shavuot (all in the eighth year). Although the Mishnah (Sheviis Ch. 9: 2 and 3) divides Eretz Yisrael into nine different 'zones' for Biur, nowadays since the exact locations are unclear and all types of

fruit are readily available throughout Eretz Yisrael, the consumer must keep abreast of the actual Biur dates publicized in newspapers by the experts in the Agriculture industry. Nevertheless, when the Zman Biur for a specific fruit arrives, the Mishnah (Sheviis, Ch. 9, Mishnah 8) teaches us that one may still keep enough of that particular fruit for three meals worth for every member of the household. Once one properly performs Biur he may actually reacquire the fruits himself [as the halachah follows Rabbi Yosi's opinion - see Mishnayos Sheviis (ibid.), Tosefta (Sheviis Ch. 8: 4); Yerushalmi (Sheviis Ch. 9, Halacha 4), Chazon Ish (Hilchos Sheviis 11: 6 and 26, Seder HaSheviis 1 s.v. pri), and Shu"t Minchas Shlomo (Tinyana 123: 10 and vol. 3: 132, 13).] However, there is another opinion, that of the Rambam (Hilchos Shemittah V'Yovel Ch. 7: 1 - 3) that Biur refers to actually destroying said produce when it is no longer available in the field. As mentioned, this is not the normative halachah and Ashkenazim certainly follow the shittah of the Rosh, Rash, and Ramban, of removing it from the house and making it hefker, as cited by the aforementioned poskim. [Interestingly, the Chochmas Adam (Shaarei Tzedek Ch. 19: 4 and 6) expresses preference to fulfilling Mitzvas Biur al yedei Sereifah, like the shittah of the Rambam.] However, whether Sefardim need be machmir for the Rambam's shittah is a matter of dispute between contemporary Sefardic authorities, with Rav Ben Tzion Abba Shaul zt"l (Ohr L'Tzion on Sheviis, Ch. 3, Question 4) ruling to be machmir and Rav Ovadiah Yosef zt"l (Ma'ohr Yisrael vol. 2, pg. 105 and Yalkut Yosef on Sheviis, Ch. 21: 1, pg. 468) maintaining that making the produce hefker is sufficient.

[12] Therefore one may only obtain Kedushas Sheviis produce in a non-standard way. Potential solutions include purchasing "B'havla'ah", "swallowing," or incorporating Kedushas Sheviis items as part of a package deal with non-Shemittah produce, and Otzar Beis Din. The institution of Otzar Beis Din and all related issues were discussed at length in a previous article titled 'Using Arbah Minim of Sheviis'. Basically, it is based on the Tosefta (Sheviis Ch. 8; 1 - 3) that explains that during Shemittah, Beis Din has the right to gather (hefker) Kedushas Sheviis produce to store and distribute it as they see fit in small quantities. Although one may not actually pay for Kedushas Sheviis produce, as it is halachically hefker, and there is an 'Issur Schoirah' on business transactions with Shemittah produce, nonetheless, the Otzar Beis Din workers may get paid for their time and effort as well as distribution costs. However, this means that the price one pays for Otzar Beis Din Kedushas Sheviis produce must be significantly and substantially less than one would generally pay for such produce in an ordinary year. Additionally, such produce may not be bought in the regular manner, but rather acquired (as one is not actually purchasing, but rather receiving a distribution, with payment exclusively reserved for necessary operating costs) on credit or in advance, with no regard to the actual weight or amount of each individual item. Of course, since Otzar Beis Din produce contains Kedushas Sheviis it must be treated as such, with all of the nuances that entails. However, many poskim are wary of accepting 'Otzar Beis Din' as a practical means of allowing distribution of Kedushas Sheviis produce, as the system regrettably can lend itself to abuse by unscrupulous individuals, especially if it is not run properly. These issues, as well as those regarding havla'ah, were discussed at length in the aforementioned article.

[13] Avodah Zarah (62a) and Bechoros 12b; see also Mishnayos Sheviis (Ch. 8, Mishnah 3 and 4), Tosefta (Sheviis Ch. 7: 6), Rambam (Hilchos Shemittah V'Yovel Ch. 6: 1 & 10), Bartenura's

commentary on the Mishnah (ad loc.), Pe'as Hashulchan (24: 56), Shaarei Tzedek (17: 24), and Sefer HaShemittah (Ch. 8: 1). The Aruch Hashulchan (Ha'Asid, Hilchos Shemittah V'Yovel Ch. 25) dedicates an entire siman to the many nuances of the Issur Sechorah of Peiros Sheviis.

[14] However, if the Kedushas Sheviis produce is only suitable for fodder it may be then used for medicinal purposes for humans, as this is not considered hefsek. See the Pnei Moshe's commentary on the Yerushalmi (Sheviis Ch. 7, Halachah 1), Pe'as Hashulchan (Ch. 24: 17), Chazon Ish (Sheviis 13: 6 and 7 and 27: 3), and Sefer Dinei Sheviis Hashalem (Ch. 16: Kilkil V'hefsek 24). This is also implied by the Rambam (Hilchos Shemittah V'Yovel Ch. 5: 11). Similarly, as taught by the Yerushalmi (Sheviis Ch. 7, Halachah 1; and not as implied in Ch. 8, Halachah 1) and cited by many Acharonim including the Chazon Ish (Sheviis 14: 5), Har Tzvi (Shu"t, Zeraim vol. 2: 55), Minchas Yitzchak (Shu"t vol. 8: 101), and Minchas Asher (Sheviis, Tinyana 29: 2 and 3), any produce that is grown exclusively for medicinal purposes does not contain Kedushas Sheviis. [On the other hand and quite interestingly, there are several Acharonim including the Tiferes Yisroel on Mishnayos Sheviis (Ch. 7, Mishnah 2: 20) and Shu"t Minchas Shlomo (Tinyana, 123: 2), who seem to infer from the Yerushalmi's question in Ch. 8, that even such produce can contain Kedushas Sheviis.]

[15] See footnote 7. However, according to many poskim, there is an important exception to the rule: non-Jewish guests, who may be served Kedushas Sheviis produce. This is based on the wording of the Tosefta (Sheviis Ch. 5: 14) and Rambam (Hilchos Shemittah V'Yovel Ch. 5: 13) whom, when teaching that one may not give a non-Jew Shemittah produce include that 'u'ma'achilin es ha'achsanya peiros Sheviis', implying that they are qualifying the issur by allowing non-Jewish guests to partake as well. The Sifra / Toras Kohanim (Parashas Behar 1: 7) and Yerushalmi (Demai Ch. 3: 1) also explicitly mention that an achsanya may partake of Shemittah produce. This would also apply to long term non-Jewish workers who are considered part of the household (as opposed to short term workers who go home daily). See the Mahari Korkos's explanation of the abovementioned Rambam, Pe'as Hashulchan (Ch. 24: 58), Sefer HaShemittah (Ch. 7, 2: 1), Torah Temimah (Parashas Behar Ch. 25: 29), Chazon Ish (Sheviis 13: 26 s.v. sham), Shu"t Minchas Shlomo (Kamma vol. 1, 46: 1 s.v. amnam), Derech Emunah (vol. 4, Hilchos Shemittah V'Yovel Ch. 5: 103), Shemittah Kehilchasah (Ch. 3: 17), Mishpatei Aretz (Sheviis Ch. 20: 1 and footnote 3), and Sefer Dinei Sheviis Hashalem (Ch. 16: Ha'achalah L'Nochri, 1 and 2).

[16] The Aruch Hashulchan (Ha'Asid, Hilchos Shemittah V'Yovel 24: 11) adds another diyuk from the pasuk to prove this - Lachem - for you, and not for an animal, akin to Chazal's diyuk of the same words regarding Hilchos Yom Tov (see Gemara Beitzah 21a).

[17] The Megillas Esther on the Ramban's additions to the Rambam's Sefer HaMitzvos (Mitzvas Asei 3) writes that he understood the Ramban to mean that he held eating Kedushas Sheviis produce is a Mitzvah Chiyuv. However, most other authorities disagree with his assessment, maintaining that there is no Mitzvah to specifically consume Shemittah produce. In fact, many other poskim, most notably the Chazon Ish (Sheviis 14: 10, s.v. v'lamdanu; based on the Tosefta, Sheviis Ch. 6: 1), understand that the Ramban would even agree with this as well. See

also Aruch Hashulchan Ha'Asid (Hilchos Shemittah V'Yovel 24: 6), Shu"t Seridei Aish (new edition; Yoreh Deah 90: 1), Derech Emunah (vol. 4, Hilchos Shemittah V'Yovel Ch. 5: 2 and Biur Halachah ad loc.), Ohr L'Tzion on Sheviis (Ch. 2: 1), Mishmeres HaSheviis (Ch. 15, footnote 37), and Sefer Dinei Sheviis Hashalem (Ch. 16: 1) whom all rule similarly. However, see Toras Ha'Aretz (vol. 1: 8, 26), Sefer HaShemittah (Ch. 7, footnote 2), and Shu"t Shevet Halevi (vol. 4: 232, 4; printed at the end of the sefer), who nevertheless maintain that one still fulfills a Mitzvah Kiyumis upon consuming Peiros Sheviis. This also seems to be the opinion of the Ridbaz (Beis Ridbaz glosses to Pe'as Hashulchan, Sheviis, Ch. 5: 18, haghah; cited in Dinei Sheviis Hashalem, Ch. 32: 1, 4) regarding his preference on making Kiddush and Havdallah with Shemittah wine. See also Kovetz M'Bais Levi (vol. 16, pg. 34, footnote 3) who posits that based on this and with all other factors being equal, it is preferable to eat a fruit containing Kedushas Sheviis than eating one that does not, especially if by choosing the other one, the 'holy' fruit might not get eaten and possibly go to 'waste'. In a similar vein, see Chut Shani (Shemittah pg. 344) and Minchas Asher (Sheviis, Tinyana 10), who conclude that the Chazon Ish's shittah is indeed correct in the Ramban's opinion and there is no inherent Mitzvah incumbent upon us to eat Kedushas Sheviis produce. Yet, they posit from the fact that the Torah stressed 'L'achlah', nevertheless shows that Hashem wants these fruits to be eaten and not to go to waste.

Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda.