



# Buying a Tree in a Nursery Outside of Israel, part I

**Question:** I am a rabbi of a community in Manchester. One of the congregants bought a tree in a nursery in September 2018, and planted it together with its clod of dirt. When can he eat the fruit?



*Photo: Torah VeHa'aretz Institute*

**Answer:** The tree was planted in Elul 5778. To simplify the answer, let's say that he planted a young sapling in his garden (not a tree from a nursery). Because the sapling came in a clod of earth, if planted by 29 Av, an *orlah* year would be "gained" (and without the clod of earth, by 15 Av). Then it would be

possible to eat the fruit that developed after 15 *Shvat* 5781.

Here the tree was planted during Elul, so it seems that only fruits that develop after 15 *Shvat* 5782 will be *netva revaya* and permissible to eat after redemption.

However, there is a dispute among the *Rishonim* on the status of trees planted between 15 Av and 15 *Shvat*. According to Rambam, three years are counted from Rosh Hashana, no more. That is, if a tree was planted in *Elul* 5778, according to Razah (Rabbi Zerachiah HaLevy) the tree is no longer *orlah* on 15 *Shvat* of 5782, while Rambam maintains that it is not *orlah* by *Rosh Hashana* 5782. Shulchan Aruch (YD §294:5) cites Rambam's opinion as the main opinion and Razah's as secondary. Rosh notes that in his time no tree developed fruit before 15 *Shvat*, so there is no practical difference between Rambam and Razah.

Outside of Israel we can be lenient like the Rambam and eat fruit that began to develop (*Chanata*) after *Rosh Hashana* 5782 (in Israel we'd wait until after 15 *Shvat* 5782).

Next week we'll see if we can be even more lenient because the tree grew in a nursery. ■