

If I Hire a Singer for My Wedding and the Agency Sends Me the Wrong Singer, What Are My Options?

Rav Yosef Greenwald, Rav of Khal Dexter Park and Dayan in the Bais HaVaad

Question: Reuven is making a bar mitzvah for his oldest son. He plans on making a lavish event and intends on hiring the most sought-after singer to entertain his guests. He calls an agency and tells them to send their top star. When the big night comes, he discovers that the agency sent a singer who is not a “big name”, and who is relatively new to the industry. Is that a *mekach ta'os*?

Answer: The simple definition of *mekach ta'os* is that when I buy a product, I expect to receive that specific product. If I receive something else, which is of lower quality, that is not what I agreed to buy; therefore, the entire deal is null and void because there never was a sale to begin with for this inferior product.

If Reuven would make a deal with the agency to have them send him Singer A, and they send him Singer B, that would certainly be a *mekach ta'os*, as he never contracted with them for Singer B. This means that Reuven has the option to send Singer B home and render the entire deal null and void. Even if Reuven would come to terms with the situation and agree for Singer B to perform at the bar mitzvah, it would be a new deal, with no connection to the original contract; therefore, he would not have to pay the amount he signed to pay for Singer A, and would only have to pay the value of Singer B.