

If Someone Accidentally Eats Someone Else's Package of Food, Is He Liable to Pay?

**Rav Yosef Greenwald, Rav of K'hal Dexter Park**

**Question:** A gift package of food is delivered to someone's office. Assuming it's for him, the person eats it. Afterwards, he discovers it was meant for the office next door. Does he have to pay for the food he ate?

**Answer:** If it was an honest mistake that was no fault of his own, he is not liable as a *mazik* or a *gazlan*. However, he still is not fully exempt from liability.

The Gemara discusses a case where someone inherits a barn full of cows from his father. He assumes all of the cows belonged to his father and he slaughters and eats one of them. Unbeknownst to him, that cow belonged to someone else and was only being kept in his father's barn.

The Gemara says that although the son is not a *mazik*, he is still liable because he derived enjoyment from someone else's property. He does not have to pay the full market value of the cow, but he has to pay the value of the pleasure he had. Chazal assessed this to be two-thirds of what the meat would have fetched in the market.

So too, in this case the man who ate his neighbor's food would be liable to pay that basic amount.

**Question:** Who does he have to pay that amount to? The man who the package was intended for or the one who sent the package?

**Answer:** If it was a package that the office next door paid for, he would have to pay them. If they weren't paying for it, he would have to pay whoever did lay out the money for it.