

## Is a “No-return Policy” Permitted According to Halacha?

Rabbi Yosef Greenwald

**Question:** Is it halachically permissible for a store to have a “no refund policy” or “credit only policy” concerning exchanges and returns?

**Answer:** This question would appear to be most relevant to small, local Jewish establishments, which may not want to deal with questions of damaged goods or customers that change their mind. Online businesses, on the other hand, thrive on allowing returns, which is a big part of how they get their business.

According to the halacha, the concept of a *mekach ta'us*, a transaction in error, where a buyer would be allowed to return the item purchased, does exist in cases of damage or inferior quality of the product. The *Shulchan Aruch* (C.M. 232) states that even if a seller stipulates that the sale is only valid if the customer does not register any complaint of a flaw in the product (*al menas she'ein lecha alai mumin*), it is not considered a binding agreement between the two parties since the wording of the condition is vague and does not specify what types of flaws it includes.

For example, if one buys a set of linen, one would be allowed to return them for a number of flaws, such as if the colors are faded, the edges are ragged, or it does not wash well, since no specific issues were specified in the condition of the sale.

Thus, according to halacha, *mekach ta'us* is not considered an allowance given by the seller to the purchaser to return an item; it is rather that the entire sale is voided because one wished to buy an A+ product and one only received an A- product. In this case, the vendor is not justified halachically in holding onto the money, which would render him guilty of theft.

Consequently, in cases of damage or inferior quality, a no-return or credit-only store policy would not be allowed halachically (though perhaps some form of contractual mechanism in the sale would be permitted). In addition, even a time limit on returns, such as only permitting returns for seven days, would not be halachically justified.

However, a no-return policy would be permitted in cases where the customer changed his mind or was not satisfied with the product (but no flaws or damage existed), since halacha views the sale as being entirely binding once the requisite *kinyanim* are performed. Thus, in that case, the item cannot be returned unless the seller makes some sort of *tenai* allowing it.