

Is Someone a Mazik if He Releases Helium Balloons That Go On To Do Damage?

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Question: Yankel made a birthday party for his child, which included helium balloons. Afterwards, he released some balloons in the street. The balloons went straight up and struck some electric wires, which caused a short. What type of *mazik* is he?

Answer: This definitely is the *hezek* of *aish*. What Yankel did is no different than placing a stone in a place where wind can blow it and cause it to do damage. *Aish*, however, is exempt from paying for *tamun*, covered items. The question is whether Yankel is liable as an *odom hamazik*, which is liable for everything.

In this case, we can suggest that Yankel is *odom hamazik* because the way helium works is that it is lighter than air, so it floats upwards. The laws of physics are that when one releases a stone, gravity pulls it downward. If someone lets go of a stone, even if he doesn't throw it, and gravity pulls it down and causes it to damage something, the person is liable as an *odom hamazik*. So too, if someone releases a helium balloon and the laws of physics dictate that it goes upwards, when it damages something above it the person would be liable for the same reason. The same would apply if someone is in a swimming pool and releases a pool tube under the water, which goes shooting up because of the force of the water and damages something, the person would be liable.

Basically, if someone uses any of the fundamental laws of physics to cause direct damage, he is considered to have done an action of an *odom hamazik* and he can be held liable as such.