

May I Purchase a Product when the Store Owner is Not There?

**Rabbi Chaim Weg**

**Question:** In my small community, I can only purchase *cholov yisrael* milk in a small family-owned grocery store. When I recently came to the store, the door was open but the owner was not there – it seemed that he had stepped out for a bit. May I take the items I usually buy there (including the milk) and leave money for him on the counter?

**Answer:** The Shulchan Aruch rules that stealing with intent to repay at a later time is *assur*. But the Shulchan Aruch cites a *machlokes* about a case where one steals and immediately pays back with something better than he took. The reason that some allow stealing in this case is that the owner of the object would feel it is worthwhile for him to allow it (since he receives back more than was taken initially). Therefore, he would not mind this type of stealing.

According to the Shach, all would agree that an item that is “*omed l’machira*” (designated for sale) is permitted to be taken and paid for even when the owner is not present. Although the storekeeper does not give his consent to such a sale at the time of purchase, since he would clearly desire it, it would not be considered *gezel* (theft). According to these sources, it would seem that it is permitted to take the items one desires to purchase and leave money at the cash register.

It should be noted though that in today’s market, many store owners keep track of their inventory with a UPC code that needs to be scanned when purchasing items. If so, it would not be sufficient for the customer to simply leave money at the cash register. Rather, he would need to write down which products he took so that the owner can scan similar products with a UPC code and keep track of his supply.