

May One Ask for Information from a Company if he has Ulterior Motives?

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Case: Reuven is looking to start a new business. His friend Shimon suggests that he start a business for long term storage. Reuven thinks it is a good idea and begins to explore the viability of this business. He discovers that there is a long term storage company in close proximity and would like to call them to ask how many vacant units they have (which will help him assess the demand for storage in the area).

Question: Reuven has no intention of purchasing space, but is using the call to gather information for his own benefit. Is it halachically permissible to inquire about such information from the company representative?

Answer: There are two halachic issues that may be relevant to this question. The first is *ona'as devarim*, harming another verbally. According to the halacha, the prohibition of *ona'as devarim* includes approaching a proprietor and inquiring about products if one has no interest in purchasing them. The reason for this is that the inquiry may lead the owner to believe that he is a potential customer, and the owner would be hurt when he realizes that the person who inquired about an item never considered purchasing it.

This prohibition applies specifically when using such techniques with a Jewish owner, since the word "*amiso*" (one's fellow) is used in the context of *ona'as devarim* (see Vayikra 25:17), which refers specifically to a Jew, who is one's "fellow" within the context of observing Torah and mitzvos.

The second issue is that of *geneivas da'as* (deceiving another), which is *assur* regardless of the identity of the person being deceived. In this case, since Reuven is taking the time of the representative and misleading him to obtain information that the company wouldn't provide to someone with no interest in becoming a customer, it would seem to violate the prohibition of *geneivas da'as*. (*Assuming that the industry standards do not allow for such inquiries.*)

One way that Reuven may be permitted to obtain the information is if he tells the representative that he is doing a survey and would like to ask some questions. In this case, he does not explain the purpose of his survey, or that it is for his own benefit or that of his own (future) company.

If the phone representative does not question him further for details about the survey, it would be the representative/company's problem if they choose not to investigate any further. If they do not do so and still choose to offer the information requested, then *geneivas da'as* would not be violated (known as "*hu hitah es atzmo*," he deceived himself; see Shulchan Aruch, C.M. 228:6). (This will be discussed at greater length in future Shiurim). It would seem that this would be the best way to achieve his objective

of obtaining the information that he needs.

לע"נ

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