

**Rav Yosef Greenwald, Rav of Khal Dexter Park and Dayan in the Bais HaVaad**

**Question:** *Ona'ah* is classically defined as when an item is priced above 1/6th more than the market price. We all get annoyed when we feel we get overcharged for an item, however there are a myriad of factors that go into pricing an item, such as quality, service, location and more which would justify the higher pricing. How then can we apply *ona'ah* in contemporary times?

**Answer:** The truth of the matter is that we have to divide *ona'ah* into two separate discussions.

- **A Claim of *Ona'ah* Which Can be Prosecuted in a Bais Din:** In regards to this it is correct that factors would need to be taken into account to determine the correct price – such as location, service, ambiance and everything else that goes into determining a price in a specific market. The customer would have to prove that the item was more than one-sixth overpriced, based on all those factors, which would be rather difficult.
- **The Aveirah and Morals of Taking Advantage of People:** However if we talk about what is permitted and what is not according to the laws of *ona'ah*, a storekeeper has to know that even if a claim against him cannot be enforced, he still has to do the right thing and should not take advantage of a customer. If he knows that he is selling something at a very inflated price – for example, if he realizes a customer is unaware of the accepted price and figures he can tack on an extra 25% to the price he would usually ask – he should realize that this might be prohibited. Even if he is only tacking on a small amount that is less than one-sixth above the standard market price, the Rosh still speculates that although the buyer has no claim in *bais din*, the seller may still be transgressing a prohibition. Thus, although it is very difficult to press a claim of *ona'ah* in today's times because of all the variables involved in determining a market price, there still would be an important discussion about what practices the seller should avoid in order not to transgress this prohibition.