

EXTRA FOOD IN A RESTAURANT

by Rabbi Yisroel Belsky ztl

QUESTION 85:

An employee in a certain restaurant sometimes offers me free food or charges me less. Is this all right? The employee works at the restaurant, but he doesn't own it, so is it his food to offer? Would it make any difference if I didn't know the employee, and if he's just being friendly to me as a customer?

RABBI BELSKY

This question also applies to someone at a checkout counter, or to any worker that may do you a special favor.

I believe that there is a certain range within which these things are allowed, but beyond that range they are not allowed. Why? An employee may treat you nicely because he wants to make sure you are happy. If he brings you a little extra food, he hopes that you will come back again. His actions serve as a good will gesture on behalf of the owner. The restaurant will be considered friendly, and not a place where you have to pay extra for every ounce or for every sip. The waiter will give you your cup of coffee, for example, and then pour you a little more. That's considered a friendly atmosphere, and people like to come to a restaurant where they are treated with warmth and friendliness.

On the other hand, this can be done in a corrupt way. The employee may be doing this because he wants to buy favors from the customer, or because he's doing a favor for a friend. He may want to get better tips, or want the customer to come back to his table, or for some other reason. He may be courting the customer's favor by giving away the food of the owner. He shouldn't do this.

But he can give a little extra while still within the range of what a friendly restaurant gives. How do you measure it precisely? We have seen many times where common practice is acceptable as long as it's within a limited range. It's permissible to take a single paper clip, but suddenly cases or truckloads of them are being taken, and people say it's mutar (permissible). They'll claim, "After all, I was told that taking paper clips is mutar." Later on you find a person taking home boxes or cases of them and even doing business with them. These things happen all the time. You do have some leeway, but don't overdo it.

Then again, restaurants and stores should not be places where everything is so precise, where you

don't even give a customer a little drop extra. Chazal (the Rabbis) made a chiyuv (obligation) to give girumov (a tip), which literally means a tip. By the way, this is the origin of the word "tip". It means you tip the scale. A balanced scale is perfectly balanced. When you want to measure three pounds of onions, you put a three-pound weight on one side of the scale, and add the onions on the other side until it's perfectly balanced. At the end, the owner is supposed to throw in an extra onion, so that he'll tip the scale in favor of the customer. Instead of being perfectly balanced, the scale will now be tipped in the customer's favor.

The concept of a "tip" comes from tipping the scales, which is a chiyuv (obligation). It says, "Nosen lo girumov (Give to him a tip)." To treat a customer with a little bit of extra kindness, or to throw in a little bit more than the precise amount that he deserves - that's what the person selling is supposed to do. If you're an employee in a store, you're supposed to give a little extra. If you don't, you're doing things incorrectly, since you're giving the store a bad name. Being friendly and nice creates good will between you and your customers.

Then again, why not give two or three extra onions? In fact, you could start a racket and have people pay you on the side for doing these things. If you're not careful, it could lead to abuse. It could create corruption too, even when its origin was very beautiful behavior. Still, 'tipping' (giving a little extra) is something you have to do.

Both the employer and the employee have to keep their eyes open. The employee shouldn't get carried away doing something improper and the employer should keep his eyes open and realize that good things have a tendency sometimes to get out of hand and lead to situations where there could be corruption.

QUESTIONER

Let's say I have a \$1 fine at the library, and the librarian says "Forget about it." Is that within his right to decide? Where do you draw the line?

RABBI BELSKY

It could be that the librarian may feel that you're such an excellent customer that he'll waive the fee. You borrow books all the time, you always return them on time, but this one time you slipped up. He might feel it's not proper to embarrass you by asking you for the fine. Still, if you feel that the person is causing a loss to the library, you should pay the fine and not accept the favor.

Favors are not something that's outside of proper behavior in a business context. When limited to areas that create good will, the small amounts of favors that are done are not only proper and acceptable, but they're chiyuvim (requirements) as well.

In fact, one of the tragedies today is that we have these electronic scales. If you throw in another onion, it will register a higher price.

QUESTIONER

Let's say you have a friend who works in a restaurant. You order a hamburger and he gives you a second hamburger. Is that over the limit?

RABBI BELSKY

Definitely. Doubles are not considered a small or acceptable favor.

QUESTIONER

So you think the range is about 10%?

RABBI BELSKY

It has to be something. Let him throw in a few extra French Fries. Everyone does that. People probably won't come to a restaurant where the workers say, "No. I'm sorry, I can't give you anything at all extra." Maybe we could consider the range to be anywhere between 15 to 20 percent.

NEXT WEEK'S QUESTION 86: STUDYING USING OLD TESTS

You know that a certain teacher reuses his tests from previous years. Can you study using tests from prior years, knowing that one of them will probably be the test for this year? Is this considered cheating?

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