

RETURNING A DEFECTIVE ITEM WITHOUT A RECEIPT

by Rabbi Yisroel Belsky ztl

I recently had bought something with a credit card, but the item was defective. When I went to exchange it for a new item, I realized I lost the receipt. The store wouldn't replace it, although the store did have a record of my credit card purchase. Would it be permitted to go and buy the same item from another store in the same chain, and with the new receipt, return the original defective item to the second store? Could I do the same thing if the two stores were not part of the same chain?

RABBI BELSKY

If they're part of the same chain, and all centrally owned, there may be a justification for doing it. If the stores are not part of the same chain, then you are causing one company to lose money unjustly. Let's focus on the situation where we are dealing with two stores that are part of the same chain.

There's no question that you are entitled to get a new item if the original item is defective. The technicality that you need the receipt is a rule that is meant to ensure that no monkey business is taking place. They want to be sure that they won't receive a defective item that you found in the garbage. Then they will be giving a new item, in exchange for an item that wasn't sold in their store. Unfortunately, people do these kinds of things all the time. That would chas v'sholom (G-d forbid) be gezel (stealing).

If you bought something and it doesn't work, you're entitled to get a replacement. Although there is a rule that you have to bring the receipt, that rule is created only to protect the store. In our case that reasoning doesn't apply because this is the actual item you purchased from them. Especially when they have a record of your credit card purchase, they should accept that.

There may be clerks that may not be able to exercise reasonable judgment, simply because the store has to make a policy without exceptions. Still, you do have the right to get a replacement for this item since the replacement belongs to you. Just because you don't have the receipt, that doesn't mean you lost the right of replacement. You have no way of getting a replacement, but that doesn't take away from the fact that the replacement is coming to you. It's a debt that the store owes to you, no matter what happens to the receipt.

If you're missing the verification, which allows you to collect a debt that's owed to you, it doesn't mean that you lost the money you spent.

Therefore, I think you're allowed to figure out some other way to get the replacement.

QUESTIONER

When you do return Item A with the receipt that you got from Item B, is that considered lying? If so, is it permissible?

RABBI BELSKY

No. Just do it in a way that doesn't require you to tell a lie. Try to be vague as to what specific store you bought it at. It's a shame that you have to do this, and a person should try to avoid it, even though he's justified.

QUESTIONER

You once made a distinction between the three levels of lifnim mishuras hadin, (acting beyond the letter of the law). Only the tzaddik (righteous person) is required to observe the topmost level. Would you say that a person who wants to observe the highest level of lifnim mishuras hadin should not do this?

RABBI BELSKY

Yes, I would think so, but for a different reason. There we were talking about lifnim mishuras hadin in relation to seeing that other people are treated not only fairly, but kindly and generously as well. That's about what the relationship between people should be. But here we're talking about a different aspect of lifnim mishuras hadin, concerning the purity of your speech.

QUESTIONER

Are you saying that a person who is a baal nefesh (conscientious person), when it comes to being odom l'atzmo (the relationship between a person to himself) should not do this, even if he lost fifty dollars? Is that what you're implying?

RABBI BELSKY

All I'm saying is that you should be extremely careful about what you say, so that a dvar sheker (false words) shouldn't come out of your mouth. But there's nothing wrong with using truthful statements, and phrasing the words in a careful way, that will allow you to take what is rightfully yours, what's owed to you.

QUESTIONER

In other words, the action is permissible as long as there is no chance of sheker (lying) or gezel (stealing).

RABBI BELSKY

You have to be careful how you do things. Think it through carefully, plan out what you will say, so you should not have to come to lying. The implied geneivas da'as (misleading of others), that people

in the store might think you bought it there when you really didn't, is not considered to be sheker (lying). The owners of the store owe you the money or a replacement for the product, and they're required to pay you the money that they owe you.

QUESTIONER

Let's say the manager comes over and asks, "Did you buy this item in this store?" You have your yarmulke on. If you say, "I did not," then he now knows you're doing a haromoh (act of trickery), and the fact that he sees your yarmulke might also make it a chilul Hashem (desecration of Hashem's Name). But if you say, "I did," it will be sheker. To avoid a possible chilul Hashem and to avoid sheker, should you go in there with a baseball cap?

RABBI BELSKY

You could, or you could explain yourself as follows. "I bought this item at your chain, and I have a credit card receipt to prove it. The product never worked, and I feel that I deserve a replacement. I'm sure the store would have given it to me if they trusted my word, and what I am saying is absolutely true. I originally bought a broken item from your store chain, so now I'm returning the item, which the store should replace."

EDITOR'S NOTE: It goes without saying that this procedure cannot be extended beyond the example mentioned. For example, doing this to replace an item that is out of warranty would be stealing.

NEXT WEEK'S QUESTION 91: TALKING TO OR ABOUT SLACKING EMPLOYEES

At work I sometimes see other employees who are not working according to what might be considered minimum standards. For example, they might be wasting time, resources, or perhaps even being dishonest. Am I obligated to say something to the other employees or even to a manager? Would this be comparable to retrieving a lost article, in this case being the work that the employer lost?

Text Copyright © 2004 by Rabbi Yisroel Belsky Shlita and Torah.org.

Participate in the [Honesty Forum](#), and discuss the issues we confront in this class!