

Trying on Shoes or Clothes in a Store and Then Purchasing Them Online

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Question: Someone wants to buy shoes from an online website but they do not know the exact size that fits them. Is it permitted halachically to enter a local shoe store, try on the same type of shoes to see which size fits best, and then leave the store and purchase them online?

Answer: There are three potential problems with this situation.

1. **Ona'as Devarim** - The Mishna (end of the fourth *perek* of *Bava Metzia*) and the *Shulchan Aruch* (C.M. 232) state that one is not permitted to enter a store and "windowshop" in such a manner that it appears that one may purchase a product when in reality one has absolutely no intention of doing so. This is classified as a subcategory of *ona'as devarim*, verbal abuse, since the customer is hurting the owner by intimating that he may wish to purchase an item in which he has no interest.
2. **Genevas Da'as** - It is forbidden to take advantage of someone by asking him for something that he then gives you under false pretenses. In this case, if one asks the owner to do fitting for shoes, giving him the impression that he is doing so for a potential customer, when in reality this is not true, it would violate the prohibition of *genevas da'as*, which may be *de'oraisa*. [if massive store, owner doesn't know?]
3. **Actual Gezel** - If the owner or employee takes time to help one find an appropriate fit of shoes, it may constitute *gezel deoraisa* if one doesn't intend to buy them, since the owner may need to hire more employees to do more fittings. In addition, it is possible that even if one tries on the shoes themselves, there is a minimal amount of wear and tear on the shoes when trying them on, which may constitute *gezel pachos mishaveh perutah*, theft of a value less than a *peruta* worth. Although such a minute amount does not render one liable to the standard prohibition of *gezel*, the Gemara nevertheless states that the judgment of the *dor hamabul* (generation of the flood) was sealed due to theft of a value less than a *shaveh perutah*, and this too is a serious *aveirah*.

Question: Might it be permitted to try on shoes nonetheless since there is a small chance that once the customer is in the store he will decide to purchase shoes there anyway, either because it is more convenient or because he may find another pair of shoes he prefers that are not available online?

Answer: This possibility may indeed permit trying on the shoes in the above scenario if there is in fact a real chance that the customer may purchase something there. However, only the potential customer himself can decide whether this is in fact a possibility.