

Whose Purell Is it?
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Question: During the last few months, it has become more common to do shopping for others, such as for elderly neighbors or relatives. In one case, a person went shopping for his elderly neighbor, who gave him cash with which to purchase her products. She requested that he buy Purell for her, among other items, but he discovered upon reaching the store that a limit was imposed of one bottle per customer. The person decided that since he also needed one, he would purchase it for himself. However, he then realized that he had forgotten to bring his own means of payment, and ended up using her cash for the entire purchase (he would pay her back afterwards). The question is who actually owns the Purell according to the halacha – the person who went shopping, since he bought it for himself, or the elderly neighbor, since her money was used?

Answer: According to the Torah, there is a concept known as shaliach adam k'moso, whatever is done by a person's agent is considered as if he had done so himself. Thus, in this case, if the meshale'ach (sender) requests that the shaliach (agent) go to the store on her behalf, the moment that the shaliach picks up an item and makes a kinyan (acquisition) on it, it belongs to the meshale'ach immediately thereafter. However, in this case the shaliach clearly indicated that he no longer wanted to serve as a shaliach, but instead wished to purchase it for himself. Therefore, if he had bought the Purell with his own money, it would certainly belong to him. But since in this case he used the money of the meshale'ach, most poskim hold that the Purell enters the possession of the owner of the money that was used to pay for it. Consequently, the Purell should in fact belong to the elderly neighbor, as the shaliach was using her money.

Question: Is it clear that a kinyan kesef was indeed the method of halachic acquisition? What type of kinyan indeed do we use practically when purchasing products in the store?

Answer: Some poskim suggest that when one lifts a product off the shelf, it is considered a kinyan meshichah (pulling) or hagbaha (raising up). If so, then the kinyan would be effectuated before the product was actually purchased with the money, and in this case it would belong to the shaliach. But most poskim hold that the store does not transfer ownership of the product to the consumer until after one pays for it. According to this more widely accepted approach, the kinyan used would be that of the purchase money, thus in our case, the Purell would belong to the elderly neighbor, since her money was used.

It should be noted though that the halacha may differentiate between a case where the owner of the store is Jewish (where the above considerations would apply) and where the owner is non-Jewish.