

1. Brad Tuttle, Time, *Target Doesn't Want to be a Showroom for the Stuff You Buy for Less at Amazon*, Jan. 24 '12  
The retail term "showrooming" got a lot of attention in early December, when Amazon offered special discounts [and a special Price Check app - MT] encouraging shoppers to use brick-and-mortar stores merely as showrooms, allowing consumers to scope out items in person before ultimately buying them at cheaper prices from Amazon.com. For obvious reasons, physical retailers want to put an end to showrooming. Now, one retail giant (Target) is showing how it's going to fight back...

The Wall Street Journal reports that Target, for one, is battling back against such showrooming practices. Last week, Target sent a letter to vendors asking for their help in the struggle. The note suggested that vendors create new products that would be sold exclusively at Target. That way, it would be impossible for consumers to comparison-shop the item—which wouldn't be sold by any other retailer.

### Worrying about a seller's feelings?

2. Talmud, Bava Metzia 58b

Mishnah: Just as there is commercial *ona'ah*, so there is verbal *ona'ah*:

- One may not say to him, "How much does this item cost?" when he does not wish to buy it.
- If someone has repented, one may not say to him, "Remember your earlier deeds."
- If someone is a child of people who converted to Judaism, one may not say to him, "Remember your ancestors' deeds." Exodus 22:20 says, "And do not abuse and do not oppress the convert."

Gemara: Our sages taught: "And you shall not abuse each other (Leviticus 25:17)" – This is verbal abuse... How?

- If he has repented, one should not say to him, "Remember your earlier deeds."
- If he is descended from people who converted, one should not say to him, "Remember your parents' deeds."
- If he converted, and he has now come to learn Torah, one should not say to him, "Will the mouth that ate non-kosher now learn the Torah spoken by the mouth of Gd!"
- If he is suffering, if he is ill, or he buries his children, one should not say to him as his friends said to Job, "Your reverence is your confidence [or: foolishness], your hope and the end of your path. Remember: Who is innocent and is destroyed? (Job 4:7)"
- If donkey drivers seek grain from him, one should not say, "Go to X, who sells grain," knowing that he has never sold grain.
- Rabbi Yehudah said: One may not turn his eyes to merchandise when he has no money.
- For the matter is subject to one's heart, and regarding anything which is subject to one's heart, the Torah says, "And you shall revere your Gd."

3. Talmud, Pesachim 112b

And do not stand by merchandise when you don't have money.

4. Rabbi Menachem Meiri (13<sup>th</sup> century France) to Bava Metzia 58b

Just as there is commercial *ona'ah*, so there is verbal *ona'ah*, meaning: One may not abuse another and cause him loss with his words. Thus it says, "One may not say to him, 'How much does this item cost?' when he does not wish to buy it." Because he is embarrassed to say that he does not wish to buy, he instead degrades the merchandise, saying that it is not worth this much. Others hear, and so he causes the merchant a loss.

And even if no one is present, still, he strains the merchant and causes him pain, for he expects to sell and he does not sell.

5. Rabbi Menachem Meiri (13<sup>th</sup> century France) to Pesachim 112b

"And do not stand by merchandise when you don't have money" – for you diminish the merchandise in the eyes of its owners.

6. Rabbi Shemuel ben Meir (12<sup>th</sup> century France) to Pesachim 112b

"When you don't have money" to buy the merchandise, and so you cause him a loss for nothing, for others will not buy it once you handle it.

7. Rabbi Yosef Karo (16<sup>th</sup> century Israel), Code of Jewish Law Choshen Mishpat 228:4

What is "verbal abuse"? One should not say, "How much would you want, to give this item," when he does not wish to buy it. If donkey drivers seek grain, one should not say, "Go to X," knowing that he has never sold grain.

Even if I don't say anything?

8. Tosefta, Bava Metzia 3:25

Rabbi Yehudah said: One may not turn his eyes and say to him, "How much for this item," when he does not desire to purchase it.

9. Talmud, Bava Metzia 75b

How do we know that one who has a claim of a *maneh* from another, and knows that the debtor doesn't have it, may not walk past him? Exodus 22:24 says, "Do not be as a creditor to him."

One important note

10. Rabbi Yaakov Yeshayah Blau (21<sup>st</sup> century Israel), Pitchei Choshen V 15:5 (15)

It appears obvious that where one intends to buy, and one circulates in several stores to ask the price of the item, there is no prohibition; that is the way of commerce. If the item is cheaper with this vendor, he will return to buy it from him.