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בס"ד

Barilla's Italian Illusion

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Halacha – Jewish Law

QUESTION: Barilla is a pasta making company which, it seems, is deliberately deceiving U.S. shoppers by using the slogan "Italy's #1 Brand of Pasta" on its packaging which makes it sound as if the ingredients come from Italy. However, the majority of the company's products that are sold in the U.S. are produced in Iowa and New York and no ingredients come from Italy. Is it Gneivas Da'as (the prohibition against engaging in deceptive practices) to sell Barilla pasta in a Kosher grocery store?

ANSWER: The Gemara in Chulin 94a cites a Beraisah which discusses four examples given by Rabbi Meir of things that are considered to be Gneivas Da'as. 1) It is forbidden to repeatedly invite someone to a meal when you know that he will refuse 2) It is forbidden to repeatedly offer gifts to another when you know that he will refuse them 3) It is forbidden to open a new barrel of wine to honor a guest (when one has to open it anyway to fulfill an order for a previous sale) unless one informs the guest of the real reason he has opened it 4) It is forbidden to offer someone oil from an empty barrel to anoint oneself when one knows full well that the person will refuse it. If, however, he is offering the oil to show his fondness for the person, then it is permitted.

The Mishna in Bava Metzia (59b) tells us that it is forbidden to mix old produce with new produce and sell them together as one package, when making the representation that the entire package is made of new produce. This is comparable to our case where Barilla implies that its pasta is something it is not – that its ingredients are sourced from Italy. Accordingly, it would appear that one may not sell Barilla pasta in a Kosher grocery store. However, most people when they buy Barilla pasta do not care where the ingredients are sourced from – which would lead us to a lenient opinion and permit the sale of Barilla pasta. However, since some people do care – it would be appropriate to place a sign next to the product – indicating that the ingredients do not come from Italy.

Chizuk - Inspiration

One summer, Rav Isser Zalman Meltzer ZT"L was resting in the Talpiyot neighborhood of Yerushalayim. Rav Yosef Tzvi Dushinsky ZT"L Rav of the Eidah HaChareidis, was also spending the summer close by. One day a delegation that included the leaders of the Vaad HaYeshivos called on Rav Isser Zalman. They asked him to approach Rav Dushinsky about a certain matter. For reasons of his own, Rav Isser Zalman felt that the request should not be brought to Rav Dushinsky, and he declined to speak to him on the delegation's behalf.

The visitors remained with him a while in his apartment, and then he accompanied them on a short stroll through the neighborhood. Along the way, they noticed Rav Dushinsky seated on the balcony of the house where he was staying. Rav Isser Zalman went up the stairs to meet Rav Dushinksky, and the delegation went up with him. Perhaps sensing that the chance encounter with Rav Dushinsky was Basherte, he reconsidered and chose to present the request on behalf of the Vaad HaYeshivos: "We went out for a little fresh air, and when we happened to see His Honor, we came in for a visit. May I present to you a request on behalf of the leadership of the Vaad HaYeshivos?"

The delegation was somewhat puzzled. If he had resolved to make the request after all, why not say they had come for that specific purpose, or else say nothing? Why emphasize that the meeting was by chance? Surely that lessened the likelihood that Rav Dushinsky would accede to the request.

Once outside, the delegation asked Rav Isser Zalman about the phrasing of his request. He replied, "I told you that, in

my view, this should not be asked of Rav Yosef Tzvi Dushinsky. When we set out for our walk, we had no idea we would meet him. As it happened, we did end up meeting him and I made the request you wanted. However, I could never say that I had come especially to see him, because that is not true."

The story above comes from Rav Chaim Brim, and it portrays a man whose words had to match the facts precisely. To say "we came specially" would have been a small, gracious exaggeration, one that honored Rav Dushinsky and served the delegation's cause. However, it was not Emes so Rav Isser Zalman would not say it.

A companion story shows a similar principle at work. In his Hesped (eulogy) for Rav Isser Zalman, Rav Moshe Chevroni recalled walking with him when Rav Isser Zalman suddenly said, "Come, let us visit a sick Yungerman who lives nearby."

When they met the Yungerman, Rav Isser Zalman told him, "Since we happened to be passing by your house, we came up to ask how you are feeling." Rav Moshe was astonished. Once they were outside, he asked why it had been necessary to say they had just happened to be passing by, when they had made a pointed effort to come see him.

Rav Isser Zalman answered that without those words, his visit would have been misleading, a form of Geneivas Da'as (deception). The young man would have believed that Rav Isser Zalman had set out from home specifically for his sake and would have felt a debt of gratitude that was not truly owed. It was true that Rav Isser Zalman had made a point of visiting him, but the idea had come to him only along the way. He had not set out from home to visit him.

The story above was related by Rav Efraim Tzemel, Rav of the Ichud Shivas Tzion congregation in Tel Aviv.

On The Parsha

The Rambam ends Hilchos Sechirus (the laws of hiring workers) with the worker's duties to his employer. He writes in Hilchos Sechirus 13:7: "Just as the employer is warned not to steal the wage of the poor man or delay it, so too the poor man is warned not to steal the work of the employer, idling a little here and a little there and spending the whole day in deceit. Rather, he must be exacting with himself regarding time... And he is obligated to work with all his strength, for Yaakov the Tzaddik said, 'For with all my strength I served your father (Lavan)' (Bereishis 31:6). Therefore, he received the reward for this even in this world, as it says, 'And the man prospered exceedingly' (Bereishis 30:43)."

Notably, the Rambam draws his proof of how careful a worker must be with his integrity from this week's Parsha, from the way Yaakov served Lavan. Lavan was the worst employer imaginable. In the very next verse Yaakov says, "Your father mocked me and changed my wages ten times" (Bereishis 31:7). Even so, Yaakov worked "with all my strength." This, the Rambam teaches, is the law: a worker's integrity is not payment for fair treatment but a duty in its own right. Even an employer as dishonest as Lavan gives the worker no license to be dishonest.

The Gemara teaches that the reward for Mitzvos is not given in this world (Kiddushin 39b). Yet Yaakov was rewarded in this world for his honest work with Lavan. Why is the reward for honest labor different? Perhaps because integrity in material matters is rewarded in kind (with material wealth) as we see from above, "And the man (Yaakov) prospered exceedingly."

The Rambam also stresses how important it is for an employee to guard his time while "on the clock." He cites the Gemara (Brachos 16a), which rules that workers shorten Birkas HaMazon (grace after meals) by omitting the fourth Beracha, so as not to take time away from their employer. Piety paid for with someone else's time is not piety.

"May I back out of a school carpool that I have already committed to?"
"Should I report a co-worker who is acting dishonestly?"

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