

**1. Vayikra 25:14,17**

וְכִי־תִמְכְּרוּ מִמְכָּר לְעַמִּיתְךָ אוֹ קָנָה מִיָּד עַמִּיתְךָ אֶל־תִּוְנֶנּוּ אִישׁ אֶת־אֶחָיו: ... וְלֹא תוֹנֶנּוּ אִישׁ אֶת־עַמִּיתוֹ וְיִרְאתָ מֵאֱלֹהֶיךָ כִּי אֲנִי ה' אֱלֹהֶיךָ:

When you sell property to your neighbor, or buy any from your neighbor, you shall not wrong one another.... Do not wrong one another, but fear your God; for I the ETERNAL am your God.

**2. Rashi on Vayikra 14:17**

ולא תונו איש את עמיתו. כאן הנהיר על אונאת דברים, שלא יקניט את חברו ולא ישיאנו עצה שאינה הוגנת לו, לפי דרכו והנאותו של יועץ, וא"ת מי יודע אם נתכוונתי לרעה? לכה נאמר ויראת מאלהיך — היודע ממשבות הוא יודע. כל דבר המסור ללב, שאין מכיר אלא מי שהמחשבה בלבו, נאמר בו ויראת מאלהיך (ספרא; בבא מציעא נ"ח):

YE SHALL NOT THEREFORE BE EXTORTIONATE TO ONE ANOTHER — Here Scripture warns against vexing by words (wounding a person's feelings) — that one should not annoy his fellow-man, nor give him an advice which is unfitted for him, but is in accordance with the plan and the advantage of the adviser. But lest you should say, "Who knows whether I had any intention to do him evil?" Scripture therefore states: "but thou shalt fear thy God"! — He Who knows men's thoughts, He knows it! In all cases where it is a matter of conscience (more lit., a matter handed over to the heart), when no one knows the truth except the one who has the thought in his heart, Scripture always states: "but be afraid of thy God"! (Sifra, Behar, Chapter 4 1-2; Bava Metzia 58b; cf. also Rashi on Leviticus 19:14.)

**3. Seforno on Vayikra 25:17**

ולא תונו. אפלו בדברים ונגבת דעת ועצות רעות, אפלו בלתי שום דררא דממונא.

The reason this is repeated so many times is to warn you that you must not even misrepresent by words and thereby treat your customer unfairly. Even if the damage caused is not measurable in terms of money, all manner of misrepresentation is forbidden.

**4. Mishnah Bava Metzia 4:10**

כשם שאונאה במקח וממכר, כך אונאה בדברים. לא יאמר לו: בכמה תפץ זה? והוא אינו רוצה ליקח. אם הנה בעל תשובה, לא יאמר לו: זכור מעשיך הראשונים. אם הוא בן גרים, לא יאמר לו: זכור מעשה אבותיך, שנאמר: "ויגר לא תונה ולא תלחצנו".

Just as there is a prohibition against exploitation [ona'a] in buying and selling, so is there ona'a in statements, i.e., verbal mistreatment. The mishna proceeds to cite examples of verbal mistreatment. One may not say to a seller: For how much are you selling this item, if he does not wish to purchase it. He thereby upsets the seller when the deal fails to materialize. The mishna lists other examples: If one is a penitent, another may not say to him: Remember your earlier deeds. If one is the child of converts, another may not say to him: Remember the deeds of your ancestors, as it is stated: "And a convert shall you neither mistreat, nor shall you oppress him" (Exodus 22:20).

## 5. Bavli Chulin 94a

וְאִי בְּעֵת אֵימָא, מְשׁוּם דְקָא גְנִיב לִיה לְדַעְתֵּיהּ, דְאָמַר שְׁמוּאֵל: אָסוּר לְגַנּוֹב דַּעַת הַבְּרִיּוֹת, וְאֶפְּלִיּוּ דַּעְתּוֹ שֶׁל גּוֹי.

And if you wish, say that there is an entirely different reason why one may not send a gentile a cut-up thigh without removing the sciatic nerve: Because he thereby deceives the gentile. The gentile will think that the Jew has exerted himself to cut up the leg and remove the sciatic nerve and that although the Jew could have eaten the meat himself he decided to send it to the gentile. The gentile will therefore be more appreciative of the gift than he would be if he realized that the sciatic nerve had not been removed. This is as Shmuel said: It is prohibited to deceive people, and even to deceive a gentile.

## 6. Shulchan Aruch Choshen Mishpat 228:1

כַּשֶּׁם שְׂאוּנָאָה בַּמִּקָּח וּמִמְכָר כִּךְ אוֹנָאָה בַּדְּבָרִים וּגְדוּלָה אוֹנָאָה דְּבָרִים מֵאוֹנָאָה מִמּוֹן שְׁזֵה נִיתֵן לְהִשְׁבוֹן וְזֵה לֹא נִיתֵן לְהִשְׁבוֹן זֶה בְּגוּפוֹ וְזֵה בַּמִּמּוֹנֵי וְהַצּוּעֵק עַל אוֹנָאָה דְּבָרִים נִעֲנֶה מִיָּד: הֵגֵה וּ"א דִּאִין מִצּוּוִין עַל אוֹנָאָה דְּבָרִים אֲלֵא לִירְאֵי הַשֶּׁם (נ"י פֶּרֶק הַזֶּהָב) וּמִי שְׂמָאָנָה אֶת עֲצָמוֹ מוֹתֵר לְהוֹנִיָּהוּ (שֶׁם בַּשֶּׁם הַמְדַרְשׁ):

Just as there is oppression in commercial transactions, so too is there oppression with words. And verbal oppression is more serious than financial oppression, because money can be returned, whereas words cannot be returned; and one has to do with a person's self, whereas the other [just] has to do with their money. So one who cries out (in prayer) over being verbally oppressed is answered immediately. Gloss...

## 7. Shulchan Aruch Choshen Mishpat 228:6

אָסוּר לְרַמּוֹת בְּנֵי אָדָם בַּמִּקָּח וּמִמְכָר אוֹ לְגַנּוֹב דַּעַתָּם כְּגוֹן אִם יֵשׁ מוּם בַּמִּקָּח צָרִיךְ לְהוֹדִיעוֹ לְלוֹקֵחַ אִף אִם הוּא עֲכוּ"ם לֹא יִמְכּוֹר לוֹ בֶּשֶׂר גְּבִילָה בַּחֲזָקָה שְׁחוּטָה וְאִין לְגַנּוֹב דַּעַת הַבְּרִיּוֹת בַּדְּבָרִים שְׂמָרָא' שְׂעוּשָׁה בַּשְּׂבִילוֹ וְאִינוּ עוֹשׂ אָסוּר כִּיצַד לֹא יִסְרֵהָב (בַּחֲבִירוֹ) שִׁיסְעוּד עִמּוֹ וְהוּא יוֹדֵעַ שְׂאִינוּ סוּעֵד וְלֹא יִרְבֵּה לוֹ בַּתְּקֻרוּבָת וְהוּא יוֹדֵעַ שְׂאִינוּ מִקְּבֵל וְלֹא יִפְתַּח חֲבִיּוֹת הַפְּתוּחוֹת חֲנוּנִי וְזֵה סוֹבֵר שְׂפִתְהֶם בַּשְּׂבִילוֹ אֲלֵא צָרִיךְ לְהוֹדִיעוֹ שְׂלֵא פִתְחֶם בַּשְּׂבִילוֹ וְאִם הוּא דָּבַר דְּאִיבְעֵי לִיה לְאִסּוּקֵי אֲדַעְתֵּיהּ שְׂאִינוּ עוֹשֶׂה בַּשְּׂבִילוֹ וּמִטְעָה עֲצָמוֹ שְׂסוֹבֵר שְׂעוּשָׁה בַּשְּׂבִילוֹ לְכַבּוּדוֹ כְּגוֹן שְׂפַגַּע בַּחֲבִירוֹ בַּדֶּרֶךְ וְסוֹבֵר זֶה שִׁיצַא לְקִרְאָתוֹ לְכַבּוּדוֹ אִין צָרִיךְ לְהוֹדִיעוֹ:

One is prohibited from defrauding another in commerce or misleading them. For example, if the item has a defect, he must inform the buyer. Even if the buyer is a gentile, he cannot sell non-kosher meat with the presumption that it is kosher. One cannot mislead others with words by showing that he is doing some for him when he is not. How so? A person should not invite someone to eat with him where he knows he won't come. He should not send a lot of gifts where he knows he will not accept. He should not open barrels that he is opening for a storekeeper and the other will assume he opened them for him. Rather, he must inform the other that he did not open for him. If it is something that the other should have realized was not being done for him, and he mislead himself by assuming it was done for his honor, such as where he meets someone on the street and assumes he came specifically to greet him, he would not have to inform the other.

## 8. Mishneh Torah, Hilchot Deot 2:6

אסור לאדם להנהיג עצמו בדברי חלקות ופתוי. ולא יהיה אהד בפה ואהד בלב אלא תוכו ככרו ונהניגן שבלב הוא הדבר שפפה. ואסור לגנב דעת הבריות ואפלו דעת הנכרי. כיצד. לא ימכר לנכרי בשר נבלה במקום בשר שחוטטה. ולא מנעל של מטה במקום מנעל של שחוטטה. ולא יסרהב בחברו שיאכל אצלו והוא ידע שאינו אוכל. ולא ירבה לו בתקרבת והוא ידע שאינו מקבל. ולא יפתח לו חביות שהוא צריך לפתחן למכרן כדי לפתותו שבשביל כבודו פתח וכן כל כיוצא בו. ואפלו מלה אחת של פתוי ושל גנבת דעת אסור, אלא שפת אמת ורוח נכון ולב טהור מפל עמל והיות:

A person is forbidden to act in a smooth-tongued and luring manner. He should not speak one thing outwardly and think otherwise in his heart. Rather, his inner self should be like the self which he shows to the world. What he feels in his heart should be the same as the words on his lips. It is forbidden to deceive people, even a non-Jew. For example, one should not sell a gentile the meat of an animal which has not been ritually slaughtered as if it were ritually slaughtered meat, nor a shoe made from the hide of an animal which has died of natural causes as if it were made of the hide of a slaughtered animal. One should not press his colleague to share a meal with him when he knows that his colleague will not accept the invitation, nor should he press presents upon him when he knows that his colleague will not accept them. He should not open casks supposedly for his colleague which he must open for sale, in order to deceive him into thinking that they have been opened in his honor. The same applies with all matters of this sort. It is forbidden to utter a single word of deception or fraud. Rather, one should have only truthful speech, a proper spirit and a heart pure from all deceit and trickery.

## 9. Halachipedia, False Advertising

- a. One is not allowed to use superlatives to present a product if the superlative will likely deceive a reasonable person.<sup>[7]</sup>
- b. While there is no problem with accurately presenting the positive aspects of merchandise (assuming a reasonable person will not be deceived), sellers are obligated to clearly disclose any defects, deficiencies, shortcomings, or imperfections in their merchandise.<sup>[8]</sup> This is true even in a case where admitting the defect would not invalidate the sale.<sup>[9]</sup> This is also true even if the merchandise is being sold at a fair price for the condition it is really in.<sup>[10]</sup> There is an opinion, however, that if the general practice is for the buyer to inspect the merchandise before buying, the seller does not have to reveal the defect and it would be up to the buyer to check the merchandise.<sup>[11]</sup>
- c. Signs that state: "Clearance sale", "everything for sale", and "major sale" which aren't entirely accurate and honest are absolutely forbidden and a breach of genivat daat. For example, if the sale is only for many items in the store and not everything, writing "everything for sale" is a lie to trick the buyer to enter. Writing an old price and the actual cheaper price is forbidden because of genivat daat. In summary, any sign that's intended to trick buyers by causing them to make false assumptions is forbidden.<sup>[12]</sup>

- d. Paying a newspaper or site or the like to print an advertisement or something positive about one's institution unless it is designated as an advertisement is genivat daat. If the reader is fooled into thinking that it is a regular article and not an advertisement, he will be interested and convinced more easily.<sup>[13]</sup>
- e. An institution that advertises that it has more students than it really does or has activities and functions that it doesn't have is violating genivat daat.<sup>[14]</sup>
- f. It is forbidden for a gabay tzedaka to say that he is raising for one cause such as "hachnasat kallah" if in fact he is raising for another cause. Doing so is lying and genivat daat.<sup>[15]</sup>
- g. Positing a sign that something is for "Sale" when in fact it is at the going marketplace price is genivat daat.<sup>[16]</sup>
- h. ... If someone makes an assumption that a rational person wouldn't make one doesn't need to tell them otherwise since they deceived themselves. For example, Mar Zutra was leaving his city and he met two rabbis. He assumed that they were coming to greet him and so he thanked them very much for coming. In fact they were traveling to that city anyway and weren't planning on going to greet Mar Zutra. Therefore, the gemara concludes that they didn't need to tell him that in fact they didn't come to greet him. Mar Zutra fooled himself and it wasn't their actions that were deceitful.<sup>[22]</sup>

### **10. OU Daily Halacha, Is it permissible to perform magic tricks?**

Rav Moshe Feinstein (Igeros Moshe YD 4:13) questions how sleight of hand can be forbidden. Why is this different than any other special talent that seems inexplicable? For example, if a person is unusually strong, would it be forbidden for him to lift a very heavy object because it might appear to the onlooker to be a supernatural feat? Why would being quick with one's hands be any different? Therefore, Rav Moshe maintains that it is only forbidden if one pretends to be doing black magic. However, if the performer makes it clear that his tricks are sleights of hand, it is permissible according to the letter of the law. Nevertheless, Rav Moshe concludes, he does not wish to give a definitive ruling since there were many great rabbis who were strict. Rav Moshe Sternbuch (Teshuvos V'Hanhagos 1:445) allows sleights of hand, provided the magician posts a sign, "This show has no kishuf (black magic) and it is based only on techniques of deception". Some have suggested that the magician show the audience how he performs a trick, so that they understand that "magic" is simply a sleight-of-hand.

### **11. Gustav Kuhn, *Experiencing the Impossible: The Science of Magic***

Assume I want to demonstrate that I can read your mind (this is known as mentalism). You pick a random card and look at it, and I then ask you to visualize the card in your mind. After some magical gestures and a very intense stare, I reveal the name of the card you had visualized. The pseudoexplanation here is my ability to read your thoughts via telepathy; the actual method is that the cards are secretly marked, allowing me to identify your card by deciphering the subtle

code on its back. The same illusion can be created using other methods. For example, I could force your card, a technique by which magicians systematically make you pick a card without your being aware of this. Once I force you to choose the six of spades, I will know your card's identity without having to enter your mind. Alternatively, I could glimpse the chosen card using sleight of hand or a secret device such as a mirror and then pretend to read your mind... Whereas straightforward mind reading was very popular in the past, many magicians today like giving their performance a bit of a psychological twist and so instead claim that they are reading your body language... believing a pseudoexplanation to be real is a way of abolishing the cognitive conflict between belief and experience" and it is the magician's job "to create a scenario in which you believe that the pseudoexplanation is the only possible cause of the event, even though you're [hopefully] fully aware that it's not real.

### **12. Oz Pearlman, *Read Your Mind: Proven Habits for Success from the World's Greatest Mentalist***

On one of my Today show appearances, when we had about forty-five seconds left, on a whim I asked Al Roker to name any celebrity he thought could be elected the next president of the United States. When I gamed out this trick, the Theory of Mind led me to believe he'd choose Taylor Swift. I set up the trick around that specific predicted outcome. Everything I did should have led him to that choice. Unbeknownst to him, I was even wearing a Taylor Swift T-shirt under my suit for my big reveal. Confident in Roker's answer, I said to him, "Al, who's running? Shock us." With great confidence, Roker replied, "George Clooney," which was a shock, and he wasn't who I'd envisioned him picking! He had no idea that, at that moment, my blood pressure was spiking and there was the potential for millions to see me implode on national television. And yet, in the month that I'd planned for this trick, I knew that him picking Taylor Swift wasn't a given, although she was the most likely choice. I had visualized this scenario in my mind hundreds of times, figuring out how I could quickly get him to choose the answer I'd anticipated if he didn't pick it on the first try... I said to Roker, "Listen, the world is changing. What if it wasn't a guy who was elected? What if I [sic] was anyone else? Any women?" Instead of thinking that my setup was unsuccessful, Theory of Mind indicated that Al Roker suddenly took pause to worry that he'd inadvertently been sexist to not consider a woman. Roker screwed up his face for a couple of seconds (that felt like an hour) and thought hard before he said, "Um... Taylor Swift." [Watch Mentalist Oz Pearlman Get Into TODAY Anchors' Heads | TODAY](#)

### **13. Hector Chadwick, *The Definitive Mental Mysteries of Hector Chadwick***

We do not yet live in a culture that can instinctively dismiss mentalism for the fiction it is, and that makes you a potential catalyst for a whole new belief system. You are compelling. You are talented and convincing enough to be an audience's 'proof' that this stuff is real. You are the evidence they can cite in discussions with their friends... You may be performing 'for entertainment purposes' but you give credence to those whose intentions aren't so pure. A strong performance ripples out into the world beyond the theatre; We tread a very fine line.