



The Observant Life Book Club

THE HALAKHAH OF ADVERTISING

(Source: “Commerce”, Jacob Blumenthal, *The Observant Life*, Martin S. Cohen, Senior Editor, The Rabbinical Assembly, 2012, pp. 491-507)

The ethical and moral issues that arise for those involved in the world of business – both for sellers and consumers – are many and varied. We all deal with one of those issues every day and even 1500 years ago Jewish texts were concerned with the issue of what is known in modern life as “advertising.”

TEXT:

[I]t is clearly preferable to promote products based on their own merits rather than by disparaging the products of a competitor. In the Palestinian Talmud (Y Hagigah 2:1, 77c), Rabbi Yossi ben Hanina states, “Extolling one’s own virtues by disparaging another person causes one to lose one’s share in the World to Come.” Translated into the world of commerce, this does not mean that advertisers may not make claims in the marketplace about the worth, or even the superiority, of specific products. However, they may not do so fraudulently or in a purely negative mode (i.e., not by speaking highly of one’s own wares, but solely negatively about those of others). In fact, concealing a competitor’s advantages may constitute *g’neivat da-at* [fooling another person mentally] no less clearly than concealing the flaws in one’s own products, insofar as both procedures leave the consumer misinformed.

DISCUSSION:

1. Each member of the group can be asked suggest an example from the world of commerce of fraudulently advertising “one’s own virtues” or of “disparaging” another. Are any of these cases clearly a violation of what the Talmud suggests would cause the advertiser to lose his/her share in the world to come? Does the group agree in every case that the violation is clear or are there different perspectives in the group?
2. Is the Talmud suggesting a standard that is impossible to uphold given the prevalence of advertising in our society?
3. Members of the group may also have examples from recent political campaigns in terms both of a candidate “extolling” his/her virtues or “disparaging” another. Does this create a serious challenge to our democracy? How does the influence of campaign contributions contribute to the problem of “*g’neivat da-at*”?
4. Beyond our role as consumers and even if we are not in the business of business are there ways in which we can contribute to this problem of false advertising? For example, when someone expresses interest in your congregation, what are the implications for how we talk about our own community in comparison to others? Are there examples of ways in which we tend to exaggerate the virtues or deficits of other things in our lives – the schools our children attend, the areas in which we live, etc.?