298325 - Ruling on taking food from open buffets in hotels to one’s room or outside

the question

I did not know that taking food from the breakfast buffet is not permissible, such as a small packet of Nutella that I took for my children when I went back home. I sent the hotel an email asking them about the hotel policy, and if the hotel policy does not allow that, I could send them some money, because the hotel is in another country, but they have not replied to me until now. If they do not reply to me within a short period, can I give the value of that in charity on their behalf, and will I have discharged my duty by doing so? On another occasion, we were in a hotel and I had my children with me, but they did not come to breakfast because they were sleeping, so I took some croissants to them so that they could eat them for breakfast. Is that permissible or not, noting that they were registered for breakfast, but they did not come to the dining room?

Detailed answer

Praise be to Allah.

Firstly:

If the hotel does not allow taking anything from the breakfast buffet to one’s room or outside the hotel, then you did wrong by taking this Nutella to give it to your children who were not with you in the hotel.

If the package that you took from the buffet for your children at home is the same as the package that you usually consume in the buffet, but instead of eating it yourself, you gave it to your children, and did not take anything else instead of it, and you did not consume any other foods, instead of the package of Nutella, then there is no blame on you, apart from the mistake you did by going against the hotel’s rules, as will be explained below.

But if you had consumed your breakfast in the usual manner, then you took this package which

was more than you were entitled to, or you kept for your children who were not with you, and you took other food instead of it, then you took something you were not entitled to, and you also went against the hotel's rules.

If you took something that you are not entitled to, then you must return it to the hotel, or return something else instead, or pay its price, and also repent to Allah, because the Prophet (blessings and peace of Allah be upon him) said: "The hand that takes is responsible until it pays it back" Narrated by Ahmad (20098), Abu Dawood (3561), at-Tirmidhi (1266), and Ibn Maajah (2400). Shu'ayb al-Arna'oot said in his commentary on al-Musnad: It is hasan because of corroborating evidence.

If you take precautions whatever the case, and replace this package that you took, that is a good thing.

You have to contact the hotel, or send someone to go there and apologize and ask for their forgiveness. It is not sufficient to give the value of what you took in charity, unless you are unable to send it to the hotel.

Secondly:

What you took of breakfast for your children who were with you, and who were entitled to have breakfast in the hotel, should be referred to the hotel's rules. If it was allowed to take the food to the room in all cases, or if one is still asleep or sick and the like, then there is no blame on you.

But if that was not allowed, then you did wrong by taking it to the room, because the rules of the hotel where you were staying are akin to conditions stipulated for guests, and the Muslims are bound by their conditions, except a condition that forbids something that is permitted or permits something that is forbidden. Narrated by at-Tirmidhi (1352) and Abu Dawood (3594); classed as saheeh by al-Albaani in Saheeh at-Tirmidhi.

Dr. Fahd ibn Yahya al-'Amaari said: Taking food from the dining room to one's room or outside the restaurant… What is most likely to be the case is that this is connected to the agreement between

the guest and the management of the hotel. The Prophet (blessings and peace of Allah be upon him) said: “The Muslims are bound by their conditions.” Narrated by al-Bukhaari in a mu‘allaq report.

Moreover, this adversely affects the hotel and other guests.

End quote from Ba‘d Ahkaam Nuzalaa’ al-Fanaadiq on the following link:

http://bit.ly/2N30lQO

If you took for your children what they would usually take from the buffet, then you are not liable in this case, and you do not have to do anything more than repenting for the mistake you did when you went against the hotel’s rules, and you should try to keep to what you agreed to and adhere to the conditions stipulated.

Conclusion:

There is a difference between what a person takes for someone who is not entitled to a meal in the hotel, for which he is liable, and what he took for someone who is entitled to a meal in the hotel; in the latter case he is not liable if he took the usual amount, but he did wrong by going against the rules.

And Allah knows best.