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Case Comment: Donoghue vs Stevenson

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INTRODUCTION

Donoghue vs Stevenson is a landmark decision that established the tort of negligence and established the principle of duty of care. It also provided that consumers can bring action against the manufacturer in the defect of the products produced and there is no need to establish a contractual relationship between a manufacturer and consumers.¹

BRIEF FACTS

On 26th August 1932, Mrs. Donoghue and her friend went to a café at Paisley where her friend ordered a ginger beer which was manufactured by the defendant Stevenson. ²The bottle of ginger beer was sealed and opaque.³ When the remaining parts of the beer were emptied in a glass, a few parts of a decayed snail also came out. Since the bottle was opaque large parts of

¹ 'Donoghue v Stevenson' (*Wikipedia*, 7 September 2021)

<https://en.wikipedia.org/wiki/Donoghue_v_Stevenson> accessed on 01 October 2021

² 'Donoghue v Stevenson Snail in a bottle' (*Paisley Scotland*, 7 June 2014) <<https://www.paisley.org.uk/paisley-history/donoghue-v-stevenson-snail-in-a-bottle/>> accessed 01 October 2021

³ *Ibid*

the content we're already consumed before noticing the snail. Mrs. Donoghue eventually became ill and sued the defendant Stevenson for a sum of 500 pounds by filing a petition. ⁴

LEGAL ISSUES

- Whether Stevenson owed a duty of care towards Donoghue?
- Whether a manufacturer has any legal duty to ensure that the products reaching the consumers are free from any defect?

ARGUMENTS

Plaintiff - According to Mrs. Donoghue Stevenson owed a duty to take care in ensuring that snails do not get into the bottle of beer but he had breached the duty to take care. He failed in providing products that are free from any foreign element to the consumers. Due to the carelessness of the manufacturer Stevenson, the snail paved the way into the bottle of ginger beer.⁵

Defendant - Stevenson responded to the allegations by denying the fact that any of his bottles contained a snail and the allegations were exaggerated. The illness caused to Mrs. Donoghue was because she was not taking proper care of herself.⁶ In response to the contentions put forward in the petition, he said that the claim put forward had no legal precedent. In addition, he had not caused any injury to the claimant and the amount claimed was excessive.⁷

DECISION

According to the lawyers of Mrs. Donoghue Stevenson had breached the duty to take care of his consumers and due to his carelessness, Donoghue suffered an injury. The lawyers from Stevenson's side challenged the contentions put forward by stating that there existed no legal

⁴ 'Donoghue v Stevenson Case Resources: Case Report' (*Scottish Council of Law Reporting*)
<<https://www.scottishlawreports.org.uk/resources/donoghue-v-stevenson/case-report/>> accessed 02 October 2021

⁵ 'Case Analysis: Donoghue v. Stevenson' (*Legal Bites – Law And Beyond*, 6 October 2021)
<<https://www.legalbites.in/case-analysis-donoghue-v-stevenson/>> accessed 07 October 2021

⁶ *Ibid*

⁷ *Ibid*

precedent to support such a claim. They supported their argument based on the case of Mullen vs AG Barr & Co Ltd. where it was said that duty to take care cannot arise in the absence of a contractual relationship. ⁸The trial court supported Stevenson's argument and dismissed the case. In the House of Lords, the statement delivered by Lord Atkin established that Stevenson was responsible for the well-being of the consumers of his products. Stevenson died before the judgment was finalized. Mrs. Donoghue was awarded the damages in a reduced amount. ⁹

OUTCOME

This case established three legal principles:

Negligence - The House of Lords stated that negligence is a part of Tort. A plaintiff can take legal action against the defendant if due to the defendant's action plaintiff suffered any injury or less. Prior to this, a plaintiff had to establish that there existed a contractual relationship with the defendant.¹⁰ Since the ginger beer was purchased by Mrs. Donoghue's friend there existed no contractual relation but Lord Atkin's judgment established the fact that manufacturers are still responsible for ensuring that their products are free from any kind of fault when reaching the consumers. ¹¹

Duty of Care - Manufacturers have a duty to take care of their products from their manufacturing till the time it has reached the consumers. This principle now protects the consumers from the faulty goods manufactured. ¹²

Neighbour Principle - This case clearly identified who can be affected by negligent actions. Mrs. Donoghue did not purchase but received the ginger beer from her friend and hence was a

⁸ *Mullen v AG Barr & Co Ltd* [1929] Scot CS CSIH_3

⁹ 'Legal skills and debates in Scotland' (*Open Learn*)

<<https://www.open.edu/openlearn/ocw/mod/oucontent/view.php?id=68381§ion=1>> accessed 08 October 2021

¹⁰ *Ibid*

¹¹ 'Case study: Donoghue v. Stevenson (1932)' (*lawgovpol.com*, 5 October 2019) <<https://lawgovpol.com/case-study-donoghue-v-stevenson-1932/>> accessed 08 October 2021

¹² *Ibid*

neighbour rather than being a party to contract. This case also defined who neighbours are. A neighbour is a person who is close and can be affected by careless actions taken. ¹³

ANALYSIS

Based on my analysis it can be stated that Stevenson owed a duty of care towards Donoghue because according to the neighbour principle a party to the contract has to ensure that the actions initiated are not affecting any person who is closely and directly affected by such actions. In this case, Mrs. Donoghue and Stevenson were not in a contractual relationship because her friend purchased the ginger beer. When the neighbour principle is applied then there exists a duty of care towards the consumer of the products. There is another similar case to support the argument, known as the Grant vs. Australian Knitting Mills Ltd. In this case, Dr. Grant purchased undergarments from a retailer. He suffered dermatitis because of the presence of an excess amount of sulphite. ¹⁴In the case, it was concluded that due to the carelessness in the manufacturing process the claimant suffered an injury. Similarly in this case Donoghue suffered an injury due to the carelessness of Stevenson.

A manufacturer knows that a proper standard of manufacturing should be followed in order to deliver the proper goods to the consumers and ensure the safety of the product, any amount of carelessness can harm the consumer. Stevenson had a duty of care to ensure that snails do not get into the ginger beer. This duty was breached either because of the lack of a proper system of manufacturing or because of an ineffective storage unit which paved way for the snail to enter the bottle. In addition to it before dispatching the ginger beer, Stevenson should have checked the content of the bottle to ensure that no snail or any other creature is found inside the bottle.¹⁵

¹³ *Ibid*

¹⁴ 'Judicial Law Essay' (*Law Teacher*) <<https://www.lawteacher.net/free-law-essays/judicial-law/previous-decisions-made-by-judges-in-similar-cases-judicial-law-essay.php>> accessed 09 October 2021

¹⁵ *Ibid*

CONCLUSION

A consumer can bring action against the manufacturer even if there exists no contractual relationship between the manufacturer and the consumer. ¹⁶This is not limited to manufacturers of products but has incorporated repairers, builders, suppliers. ¹⁷The subject matter, in this case, was butterbeer, with the enactment of this case the subject matter has been extended to undergarments, motor cars, lift, tombstones¹⁸. The main cause of action is the product containing a foreign element reaching the consumer irrespective of whether the bottle is tightly sealed.

¹⁶ R K Bangia, *The law of torts: Including motor vehicles act and consumer protection act* essay (Allahabad Law Agency 2008)

¹⁷ *Ibid*

¹⁸ *Ibid*