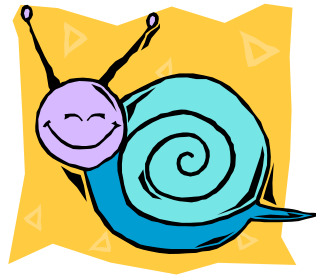


## Judicial Precedent Exercise



Read the case below and then answer the questions.

### *Donoghue v Stevenson 1932*

#### The Facts

A lady was given a glass of ginger beer to drink, which had been poured out of an opaque glass type of bottle, thus preventing the contents from being seen. Later, when the rest of the ginger beer was poured from the bottle, the contents were seen to be contaminated with the decomposing remains of a dead snail.

The realisation by the lady that she had consumed contaminated ginger beer caused her nervous shock and subsequent gastric illness. A claim for compensation for the negligence of the manufacturer of the ginger beer was rejected at the first instance and on appeal, so there was a further appeal to the House of Lords.

#### The Decision

By a majority the House of Lords held that:

Every person has a legal duty of care to avoid acts or omissions which can reasonably be foreseen as likely to injure a 'neighbour'.

It was also held that, in law, a 'neighbour' is any person who could be so affected by the act (or omission) that they ought reasonably to be in mind of the doer of that act (or omission) when it is thought about. The claim for compensation was upheld.

#### Questions

- 1) Make a list of the words that you do not understand.
- 2) Why did Donoghue take Stevenson to court?
- 3) What do you think 'first instance' means? What happened in the court at first instance?
- 4) What legal principle was established in this case?
- 5) What are the implications of the case?
- 6) The case was decided in 1932. Do you think it is relevant today?
- 7) Make a list of other legal terms you know.