

The House of Lords found that the manufacturer had a duty of care to people in their 'reasonable contemplation.'

She could not sue the manufacturer for breach of contract because she had no contract. Someone else had bought the ginger beer on her behalf



At the bottom of the bottle was a snail! She felt ill as a result.



Mrs Donoghue went on holiday to Paisley, Renfrewshire. She visited a cafe and her friend bought her a ginger beer.

"You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law, is my neighbour? The answer seems to be - persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question."

- Atkin LJ

Lord Atkin also set out a 'narrow rule' for the duty of care owed by manufacturers. A claimant must establish that:

The defendant is a manufacturer;
The item causing damage is a product;
The claimant is a consumer;
And that the product reached the claimant in the form it left the manufacturer.

The case of
DONOGHUE
v
STEVENSON
[1932] UKHL 100

