Donoghue v Stevenson (1932):

Mrs. Donoghue and a friend stopped at a café for a drink. The friend purchased a bottle of ginger beer, a non-alcoholic beverage, for Mrs. Donoghue. After drinking some of the ginger beer, Mrs. Donoghue found the remains of a decomposed snail in the bottle, and she became physically ill. She sued the manufacturer of the ginger beer for negligence because it had no system for inspecting its bottles.

The manufacturer agreed that it had a contract with the friend who had purchased the ginger beer, but the friend did not drink the ginger beet herself. Therefore, the manufacturer did not owe Mrs. Donoghue a duty of care.

Based on the existing legal principle that a manufacturer was responsible only to those with whom it had a contract, the trial Judge dismissed the case. Donoghue appealed. The (British) House of Lords reversed the decision and decided that the cause of action could proceed. In the majority decision, Lord Macmillan wrote the following:

A person who for gain engages in the manufacture of articles of food and drink intended for consumption by members of the public is under a duty to take care in the manufacture of these articles.

 Lord Atkin wrote:

The rule that you are to love your neighbor becomes in law, you must not injure your neighbor … Who, then, in law is my neighbor? 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.

The parties in the case settled the action out of court, but an important legal concept known as the “neighbor principle” had been formulated.

Analysis Questions:

1. Define the neighbor principle using an example from your personal experience.
2. Do you agree with the House of Lord’s ruling to retry the case? Why or why not?

