**How a case about a snail gave power to modern consumers and launched a million lawsuits.**

This is the story of how our modern law of negligence came about all because of a fizzy drink. And a mollusc from Paisley in Scotland.

The mollusc in question was a common snail that ended its days in a bottle of ginger beer. It made legal history in the 1932 case of Donoghue v Stevenson. It begins on an unremarkable Sunday evening on 26th August 1928. May Donoghue, a shop assistant, met a friend at the Wellmeadow cafe in Paisley, near Glasgow. Her unnamed friend ordered and paid for a pear and ice cream ginger beer 'float' for May. May drank a portion of the float, and when the last of the ginger beer was poured into her glass, it was alleged the decomposing remains of a snail dropped out of the darkened, opaque bottle.

May complained of stomach pains, and a doctor diagnosed gastroenteritis and shock.

Donoghue v. Stevenson, also known as the ‘snail in the bottle case’, is a significant case in Western law. The House of Lords’ ruling in this case established the civil law tort of negligence and obliged manufacturers to observe a duty of care towards their customers. Donoghue subsequently took legal action against Mr. David Stevenson, the manufacturer of the ginger beer. She lodged a writ in the Court of Sessions, Scotland’s highest civil court, seeking £500 damages.

In those days, the common law only acknowledged a duty of care was owed to people harmed by the negligent acts of others in specific and limited circumstances. For example, this was the case where a contract existed between the parties, or where a manufacturer was making something dangerous, or acting fraudulently. As the law stood, May Donoghue could not take legal action over her snail.

Clearly, neither May nor her friend had a contract with the manufacturer of the ginger beer.

The latter had not committed fraud. And ginger beer could hardly be described as dangerous.

On 26th May 1932, the court found in favour of May Donoghue.

"The rule that you are to love your neighbour becomes in law 'You must not injure your neighbour'

"You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour."

Snail Questions…

1. Why couldn’t Ms. Donoghue sue Mr. Minghella, the Café Owner, for breach of contract?
2. Why couldn’t Ms. Donoghue successfully sue the Café owner for negligence?
3. The courts never actually determined if there really was a snail in the ginger beer…why was this not important to the case? Or was it?
4. Was Mr. Stevenson negligent in the way he brewed and bottled the ginger beer?
5. If Ms. Donoghue’s friend (the person who actually paid for the ginger beer) had sued the Café owner would she have a case? Why didn’t she sue?
6. What precedent did this case set?