

PRODUCT LIABILITY

Update & Review

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PRODUCT LIABILITY

- Update:
 - Fitness for purpose: *Kingspan v. Borealis*
 - Statutory implication of warranties / Causation: *Trebor Bassett v. ADT*
- Review:
 - Efficacy Exclusions
 - Contamination cases



Kingspan v. Borealis

- The facts
- Issues:
 - Incorporation of terms
 - Fitness for purpose
 - Exclusion clauses



Trebor Bassett v. ADT

- The facts
- Issues on Appeal:
 - Specification
 - Express term
 - Implied terms: s.4 SGSA '82
 - Causation



Trebor Bassett v. ADT: COA Decision

- Did the “system” = “goods”?
- The Specification
- Causation:
 - Schering v. Resibel



Efficacy Exclusions

- Background
- *Wyeth v. Cigna*
- *Reilly v. NIG*
- *Selected Seeds v. QBEMM*



Contamination Cases

- Position at common law: *Bacardi-Martini v. THP*
- Policy Response

