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