



Advocacy Club
Boot Camp on
Substack

Theme and Revised Seven Elements as Spun for the Plaintiff

Theme: Manufacturers should protect their consumers.

1. The widow May Donoghue was an ordinary healthy woman who escaped the stress of a busy Glasgow to visit her best friend in Paisley to spend a pleasant evening at a Café.
2. To celebrate their time together, the friends ordered Scotsman's Floats, dishes of ice cream and bottles of ginger beer.
3. The Café served the ice cream to May in a tumbler and the ginger beer in an opaque bottle from Stevenson, the manufacturer with a substantial market share in Paisley.
4. The opacity of the bottle prevented May from examining its contents, as it would for any consumer.
5. As May enjoyed her Float, the gross and disgusting remains of a decomposed snail emerged from Stevenson's bottle.
6. May immediately became violently ill from consuming the ginger beer, like any consumer undergoing that experience.

7. May fled the Café to return home for extensive medical care directly resulting from her experience with the snail.

Theme and Revised Seven Elements as Spun for the Defence

Theme: Sometimes accidents happen.

1. Stevenson is a local bottler and distributor of ginger beer to merchants in Paisley with a long history of using modern, sanitary and safe methods to make and package its products
2. The Wellmeadow Café bought ginger beer from other bottlers, some of whom used Stevenson's bottles, refilled with their own product.
3. The Wellmeadow Café sold ginger beer, which may have been Stevenson's product, to its customer, Audrey MacIsaac, in an industry-standard tinted glass bottle.
4. MacIsaac shared her ginger beer with Donoghue, who may have taken sick from consuming it.
5. An illness such as Donoghue alleges could not be anticipated from consuming any product from Stevenson.
6. If she suffered from such an illness, it might have had many causes apart from consuming the product MacIsaac purchased from the Wellmeadow Café.