[Name of the Writer]

[Name of Instructor]

[Subject]

[Date]

Brief Case: Carlill v. Carbolic Smoke Ball

**Case Citation**

Case Name: Carlill v Carbolic Smoke Ball Co

Court Name: Court of Appeal

Case Citations: [1892] EWCA Civ 1, [1893] 1 QB 256

Date of Decision: 7 December 1892

**Parties**

The two parties that were involved in the case, Carlill v Carbolic Smoke Ball Co,

were Mrs. Louisa Elizabeth Carlill and the Carbolic Smoke Ball Company.

**Procedural History**

The case was brought directly in the prescribed court, court of appeal, and the judges decided for the case once in for all.

**Statement of Facts**

Flu pandemic was a great medical issue during 1889-1890. Hence a pharmaceutical company claimed to produce such carbolic acid balls that could prevent the user from contracting the disease, only if the balls are used according to the instruction provided in the advertisement.

**Issue(s)**

Despite its strong claim that no one can contract common cold and flu, after using their product, smoke balls, as per their prescribed procedure, Mrs. Elizabeth Carlill, a resident of London, contracted the viral disease after using it three times daily for nearly two months. Mrs. Carlill claimed for the amount as per the advertisement.

**Holding(s)**

In the matter of the case, Carlill v Carbolic Smoke Ball Co., the court decided in favor of the plaintiff and held the pharmaceutical company liable to fulfill its responsibility that it has claimed in the advertisement.

**Reasoning**

The judges gave the reason behind their decision that, in the advertisement, company had completely accepted responsibility, if its claim is proven wrong and the instructions or conditions in the advertisement are completely followed.

**Disposition**

As the final verdict, the court decided in favor of the plaintiff, Mrs. Louisa Elizabeth Carlill, and order the pharmaceutical company to pay £100 as per the claim made in the advertisement.