

Vacwell Engineering Co v BDH Chemicals Ltd

[1971]

Evidence

BHD Chemicals Ltd was a supplier of chemicals enclosed in fragile containers made of glass. These ampoules were marked with the warning note "harmful vapour" on the label. Vacwell Engineering Co laboratory workers tried to wash off the marking and during this procedure, one of the ampoules was accidentally broken. The shattered container became the reason for the vast outburst. The explosion was provoked by the reaction between the chemical and the water. The damages suffered by Vacwell Engineering Co included the death of one chemist and the breakage of the laboratory's roof and the nearby walls.

Problematics

The main concern of this case was to figure out whether BHD Chemicals Ltd should be held accountable for erratic major damages that could not be predicted, which were provoked by the product that was supplied to the claimant, and should the obligation to safeguard interests be applicable in this case.

Resolution

The court stated that BHD Chemicals Ltd failed to safeguard the interests of its clients as the warning marking put on glass containers with chemicals was not enough to give sufficient notice of possible occurrence. The products supplied to the claimant as well as to other clients had no information about the reaction the chemicals could cause with water. Another reason that made BHD Chemicals Ltd guilty of damages suffered by the claimant was that the company had no proper testing of possible hazards its product may have and hence, no warning could have been given to the buyers. Claiming that the damages caused by the aforementioned reaction could not be predicted does not rescue the producer and supplier of its obligation to safeguard the interests of its clients. BHD Chemicals Ltd was claimed liable for all damages.

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