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STUDENT NOTES

Implied Warranty and the Sale of Restaurant Food

Nothing is quite so commonplace on the American scene as eating in a restaurant, although the housewife may deem the event singular indeed when the breadwinner takes his family out to eat. When this occasion does arise, let us assume that the family's small son will order a chicken sandwich. Perchance the sandwich will contain a slim lethal chicken bone. When Junior bites into this sandwich, he will have bitten into a huge chunk of the Law of Sales that stands in complete chaos among the jurisdictions and is wholly unresolved in West Virginia. This situation, consumer versus restaurateur, is representative of the myriad occasions in which a restaurant patron, or his guest, or a purchaser of food from a grocer, or the patron's family or guest may be injured by poisonous food, or by foreign substances contained therein. Food products liability cases, involving wholesaler, manufacturer, retailer, restaurateur, customer, patron, and ultimate consumer, have become so involved with the