

## Session Case: McTear V Imperial Tobacco



The judgment in the case of *McTear v Imperial Tobacco Ltd* is a Scottish decision of the widest interest to legal and medical practitioners all over the world. The case was brought by the widow of a lifelong cigarette smoker against a tobacco company, the manufacturer of one of the brandAEs he had smoked. In delivering his opinion Lord Nimmo Smith has conducted an exhaustive and wide-ranging review of the relevant legal principles together with medical evidence and research. The judge also considered public discussion of the risks of tobacco smoking in the British media and Parliament since the 1950AEs. The judge held that in order to succeed in her case, the widow required to prove \*That cigarette smoking could cause lung cancer; \*That her late husbandAEs lung cancer was caused by smoking; \*That his cancer was caused by smoking the defenderAEs products; \*That he smoked the defenderAEs cigarettes because the defenders were in breach of a duty of care owed by them to him; and \*That such breach of duty caused or materially contributed to his lung cancer. The judge decided that none of these points had been proved. Such is the significance of the judgment, which runs to 350,000 words, that the Scottish Council of Law Reporting have decided to publish a full report as an additional volume in its 2005 coverage of Scottish superior court decisions. This volume, *Session Cases 2005*[2], will be issued to all subscribers to *Session Cases* as part of their 2005 subscription. It is also being made available for purchase by non-subscribers as a volume in its own right. The width and coverage of the judgment will ensure that the case finds a place in all law and medico-legal libraries where the judges clear analysis of the law and medical research will repay close attention.

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**Medicolegal neglect? The case for physical activity - BJSM** is incapable of being identically implicated in both cases of those with of Session in *McTear v Imperial Tobacco Limited*,<sup>95</sup> a decision which takes a cautious **Perspectives on Causation - Google Books Result** Jun 21, 2013 OUTER HOUSE, COURT OF SESSION . I have come to the view (i) that in the circumstances of this case the Secondly, the court may have regard to a wide variety of factors (*McTear v Imperial Tobacco Ltd* 1996 SC 514). **Mason and McCall Smiths Law and Medical Ethics - Google Books Result** Dec 3, 2010 Evaluation of Scientific Evidence: *McTear v Imperial Tobacco Ltd* Court . be used to establish causation in any individual case, and the use of **Open Doorway to Truth: Legacy of the Minnesota Tobacco Trial - NCBI** May 3, 2006 New Zealand's High Court rejected Pous case on several grounds: the Court .. [25] Such a claim was made, but rejected, in *McTear v Imperial Tobacco Ltd* [2005] CSOH 69, a recent decision of the Scottish Court of Session.

**McTear v. Imperial Tobacco Ltd. - Tobacco Control Laws** OUTER HOUSE, COURT OF SESSION . [1.3]The defenders are Imperial Tobacco Limited, whom I shall refer to as ITL. .. [1.27]While there can be little doubt that the case for Mrs McTear would have been conducted differently had more Jun 2, 2005 But Lord Nimmo Smith, at the Court of Session in Edinburgh, said the test case failed on every count. He ruled that Mr McTear knew what he **MRS. MARGARET McTEAR v. IMPERIAL TOBACCO LIMITED** Download this stock image: Margaret McTear v Imperial Tobacco - Edinburgh High Court - G8A224 from Alamys library of millions of high resolution stock **[2014] CSIH 76 - Scottish Courts** Jul 29, 2016 *McTear v Imperial Tobacco Ltd: OHCS* The deceased had been aware of the risks, and it was not the case that a vendor of **Freedom To Choose - A State of Recklessness - Part 4** Jun 11, 2014 EXTRA DIVISION, INNER HOUSE, COURT OF SESSION Mr Hoblyn (who had become bankrupt in June 2004) did not defend the case. . taken in *McTears Executors v Imperial Tobacco Ltd* 1997 SLT 530, the respondents **McTear v Imperial Tobacco Ltd: OHCS 31 May 2005 - Pou v. British American Tobacco (New Zealand) Limited & Anor** of Session in *McTear v Imperial Tobacco Limited*,<sup>57</sup> a decision which takes a applying epidemiological studies to determine causation in individual cases. **JOAN ALEXANDRA HOBLYN AGAINST (1) BARCLAYS BANK PLC** Jun 2, 2011 v City and Hackney Health Authority case, entitled . sessions. Advice about .. *McTear v Imperial Tobacco Ltd* [2005] Scot CS 69. (31 May **Obligations 1A - Set 2 Flashcards Quizlet** Before the Minnesota tobacco case, filed in 1994 by the Minnesota Attorney .. However, a 2005 decision of a Scottish court, *McTear v Imperial Tobacco Ltd*, .. House of Commons TB51A Health Committee: Session 1999-2000 Inquiry into **Medicinal Product Liability and Regulation - Google Books Result** Jun 2, 2011 v City and Hackney Health Authority case, entitled . sessions. Advice about .. *McTear v Imperial Tobacco Ltd* [2005] Scot CS 69. (31 May **Widow fails to pin blame on tobacco company - Telegraph** All of the judgments in the case make interesting reading as to how and how clearly causative in the Scottish case of *McTear v Imperial Tobacco Ltd*.<sup>239</sup> It is to a rather similar causation 5.96 5.97 problem, both the Court of Session and the. **AMY WHITEHEADS LEGAL REPRESENTATIVE v. GRAEME JOHN** The next decision of interest is that of the Scottish Court of Session in *McTear v. Imperial Tobacco Limited* (2005). The victim in this case was a smoker who died **Evidential Uncertainty in Causation in Negligence - Google Books Result** Feb 18, 2009 the observations of the Court in the case of Mrs. Margaret McTear v Imperial Tobacco Limited Outer House Court of Session [2005] CSOH69 **BBC NEWS UK Scotland Court rejects tobacco test case** Buy Session Case: *McTear V Imperial Tobacco* by Scottish Council of Law Reporting (ISBN: 9780414016361) from Amazons Book Store. Free UK delivery on **The Tobacco Challenge: Legal Policy and Consumer Protection - Google Books Result** Jun 8, 2006 However, a wider application in a recent case concerning what might of Session in its recent ruling in *McTear v Imperial Tobacco Ltd* [2005] **Why Tobacco Litigation Has Not Been Successful in the United** Sep 19, 2014 EXTRA DIVISION, INNER HOUSE, COURT OF SESSION In the present case, the risk was not a risk that arose from any hazard inherent . SLT 141 and *McTear v Imperial Tobacco Ltd* 2005 2 SC 1 at paras [5.12] to [5.17]. **e-wire article: Experts and a smoking statistic** case than the defendants before the court can find in favour of the claimant. 40 *McTear v Imperial Tobacco Ltd* [2005] 2 SC 1 (Court of Session (Outer **JANE FORREST v. FLEMING BUILDERS LIMITED+GIBB** Mar 2, 2011 Scottish Council of Law Reporting - publishers of Session Cases and other . [17] Cases

from the Supreme Court of Canada since Mohan have .. supra note 1 at 467 and McTear v Imperial Tobacco, 2005 2 SC 1 at para **Medicolegal neglect? The case for physical activity - BJSM** Nov 20, 2006 OUTER HOUSE, COURT OF SESSION . The dicta in McTear v Imperial Tobacco (supra) dealt with the weight to be In a case such as this, the expert might just have listed the documents, rather than quoted from them. **SCLR - Publications - Macfadyen Lecture 2011 - The Challenges of** May 31, 2005 Mrs McTear, 60, had told the Court of Session in Edinburgh that her Mrs McTear has battled for more than 10 years with Imperial Tobacco, **Margaret Mctear V Imperial Tobacco - Edinburgh High Court Stock** (carcinogenic compound) Walton v. The landmark Scottish case of McTear v. Imperial Tobacco, 2005, ruled against the claims of the widow of a heavy smoker who The Court of Session judge was satisfied that at the time in question the **Contract Law and Practice: The English System with Scottish, - Google Books Result** May 31, 2005 McTear v. After Mr. McTears death, his widow pursued the case. Imperial Tobacco Ltd., Outer House, CSOH 69, Court of Session (2005).