Partridge v Crittenden [1968] 1 WLR 1204


Facts

- On 13 April 1967, an advertisement by Arthur Partridge appeared in a periodical called "Cage and Aviary Birds".
- The advertisement stated:
  - "Quality British A.B.C.R... Bramblefinch cocks, Bramblefinch hens 25 s. each."
- The advertisement made no mention of any "offer for sale".
- Partridge sold one of these birds to Thomas Thompson, who had sent a cheque to Partridge with the required purchase amount enclosed.
- Anthony Crittenden, a member of the RSPCA, charged Partridge for selling a live wild bird in violation of section 6 of the Protection of Birds Act 1954 (UK).
- The magistrate decided that the advertisement was an offer for sale and Partridge was convicted.
- Partridge appealed.

Issues

- Did the advertisement constitute an offer for sale or merely an invitation to treat?

Held

- The UK High Court held that the advertisement was an invitation to treat.
- The advertisement had appeared in the "Classified Advertisements" section of the periodical. It made no mention of being an "offer for sale".
- The Court considered Fisher v Bell, where a shopkeeper had advertised a prohibited weapon in his shop front window with a price tag. In that case, it was plain the placement of the weapon with a price tag constituted an offer for sale.
- However, in this situation, the advertisement was merely an invitation to treat, given its placement in the periodical.

Quotes

"The transmission of such a price-list does not amount to an offer to supply an unlimited quantity of the wine described at the price named, so that as soon as an order is given there is a binding contract to supply that quantity. If it were so, the merchant might find himself involved in any number of contractual obligations to supply wine of a particular description which he would be quite unable to carry out, his stock of wine of that description being necessarily limited"

(Lord Parker CJ)
Law case summary from www.lawcasesummaries.com