

The Search of New Laws for a Gluten Kingdom

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Abstract : The enthusiasm for gluten avoidance in a growing market is met by improvements in sensitive detection methods for analysing gluten content. Paradoxically, manufacturers employ no such systems in the production process but continue to market their product as gluten free, a significant risk posed to an undetermined coeliac population. The paper resonates with an immunological response that causes gastrointestinal scarring and villous atrophy with the conventional description of personal injury. The current developing regime in the UK however, it is discussed, has avoided creating specific rules to provide an adequate level of protection for this type of vulnerable 'characteristic'. Due to the struggle involved with identifying an appropriate cause of action, this paper analyses whether a claim brought in misrepresentation, negligence and/or under the Consumer Protection Act 1987 could be sustained. A necessary comparison is then made with the approach adopted by the Americans with Disability Act 1990 which recognises this chronic disease as a disability. The ongoing failure to introduce a level of protection which matches that afforded to those who fall into any one of the 'protected characteristics' under the Equality Act 2010, is inconceivable given the outstanding level of legal vulnerability.

Keywords : coeliac, litigation, misrepresentation, negligence

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