

## Laws & Paws

### Lessons from the pet-food crisis

*Marshall H. Tanick*

"The crisis that erupted earlier this year regarding tainted pet food has raised many legal questions which will be around for awhile. The numerous injuries and deaths to dogs and cats caused by the contaminated ingredients in a wide variety of pet foods have spawned a cottage industry of litigation. As lawsuits have piled up in federal and state courts throughout the U.S. the legal system will address some age-old issues and confront new ones to be dealt with for years to come.

One salient highlighted issue concerns how to compensate owners whose pets have been harmed by the wrongful deeds of others. The question is one that pet owners, lawyers, veterinarians, insurance carriers, and other litigants have battled over repeatedly. The food crisis also illustrates some of the inequities in the way the law addresses many of these problems.

#### Erratic enigmas

Measuring damages for injured animals poses enigmas that yield erratic answers. The laws vary from state to state. In most jurisdictions, the basic rule, dating back to ancient English law, is that pets are treated as personal property, known as chattel. Their injury or death is compensable only to the extent of the cost of repairing or replacing the damaged goods, much like a dented fender on an automobile or a busted flower pot.

Under this rationale, owners can recover diminished damages solely for the cost of fixing the affliction, consisting of the cost of medical care, or buying a new pet. They usually are not allowed to recover for any emotional distress that they incurred or, for that matter, pain or suffering incurred by their pets.

Want to read the full story? Pick up the November 2007 issue of DOG WORLD today, or subscribe to receive the best dog articles, dog news, and dog information every month!