

Jarvis v Swans Tours Limited [1972] EWCA 8

In 1969 Mr Jarvis decided to go on holiday for Christmas in Switzerland. He was attracted by the description of the Hotel Krone in Morlialp in the Swans Tours brochure. This is the brochure description of the resort and the hotel:

"Morlialp is a most wonderful little resort on a sunny plateau ... Up there you will find yourself in the midst of beautiful alpine scenery, which in winter becomes a wonderland of sun, snow and ice, with a wide variety of fine ski-runs, a skating rink and exhilarating toboggan run ... Why did we choose the Hotel Krone ... mainly and most of all because of the 'Gemutlichkeit' and friendly welcome you will receive from Herr and Frau Weibel ... The Hotel Krone has its own Alphutte Bar which will be open several evenings a week ... No doubt you will be in for a great time, when you book this house-party holiday... Mr. Weibel, the charming owner, speaks English".



It went on to say:

"Swans Houseparty in Morlialp. All these Houseparty arrangements are included in the price of your holiday. Welcome party on arrival. Afternoon tea and cake for seven days. Swiss dinner by candlelight. Fondue party. Yodler evening. Chali farewell party in the 'Alphutte Bar'. Service of representative. Alongside on the same page there was a special note about ski-packs."

Unfortunately the reality was far removed from the brochure description and Mr Jarvis was very disappointed. He expected to be one of a house-party of some 30 or so people. Instead, he

found there were only 13 during the first week. In the second week there was no house-party at all. He was the only person there. Mr Weibel could not speak English. So there was Mr. Jarvis, in the second week, in this hotel with no house-party at all, and no one could speak English, except himself. He was very disappointed, too, with the ski-ing. It was some distance away at Giswil. There were no ordinary length skis. There were only mini-skis, about 3 ft long. So he did not get his ski-ing as he wanted to. In the second week he did get some longer skis for a couple of days, but then, because of the boots, his feet got rubbed and he could not continue even with the long skis. So his ski-ing holiday, from his point of view, was pretty well ruined. There were many other matters, too. He did not have the nice Swiss cakes which he was hoping for. The only cakes for tea were potato crisps and little dry nutcakes. The yodler evening consisted of one man from the locality who came in his working clothes for a little while, and sang four or five songs very quickly. The "Alphutte Bar" was an unoccupied annexe which was only open one evening. There was a representative, Mrs Storr, there during the first week, but she was not there during the second week.



All in all it was a pretty disastrous holiday but Mr Jarvis did not take it lying down. He sued Swans Tours in the County Court, and then, because he did not feel he was awarded enough compensation, he appealed to the Court of Appeal. There he made legal history. The Court awarded him compensation not only for the difference in value between what he was promised and what was delivered, but also, and this is the really important point, he was also awarded

damages for distress and disappointment. Ever since then most holiday case awards have included an element of damages for distress and disappointment.

Further Reading

['Holiday Law' by David Grant, Stephen Mason and Simon Bunce](#)

[Saggerson on Travel Law and Litigation by Matthew Chapman, Sarah Prager and Jack Harding](#)

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