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Sperm bank sued under product liability law

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SPERM should be subject to the same product liability laws as car brakes, according to a US judge who has given a teenager with severe learning disabilities the go-ahead to sue the sperm bank that provided her with a biological father.

Brittany Donovan, now 13 years old, was born with [fragile X syndrome](#), a genetic disorder causing mental impairment and carried on the X chromosome. She is now suing the sperm bank, [Idant Laboratories](#) of New York, under a product liability law more commonly associated with manufacturing defects, such as faulty car brakes.

Donovan does not have to show that Idant was negligent, only that the sperm it provided was unsafe and caused injury. "It doesn't matter how much care was taken," says [Daniel Thistle](#), the lawyer representing Donovan, based in Philadelphia, Pennsylvania. Genetic tests have revealed that she inherited the disorder from her biological father.

Donovan was conceived in Pennsylvania, where a "blood shield law" protects sellers of human bodily material from product liability suits. In New York state, however, sellers are not protected by any such law. On 31 March, federal judge Thomas O'Neill ruled that Donovan's case should be tried in New York.

Wendy Kramer of the [Donor Sibling Registry](#), which helps people conceived through donor gametes find genetic relatives, suspects other sperm recipients may try to sue. "This could open the floodgates," she says.

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