判断承诺是否是 promissory 的条件:

1.the language used

2.the circumstances in which the statement was made

Oscar chess ltd and Williams

O向W买车,1948年款的为270,但随后发现车实际上是1938年款的,售价为175,O向W索要那一部分多付的钱。

Issue: Was W's statement that the car was a 1948 model a promise or a representation?

It is a misrepresentation 所以 O 要不回来那多付的一部分钱

Because W 说的是 This car is a 1948 model. He didn't say. I promise it's a 1948 model or I guarantee it's a 1948 model (language) and 卖方没有汽车方面的特殊知识或专长——在这种情况下,不可能向买方有意作出承诺(circumstances)

Handbury and Nolan

拍卖商卖一头牛,并出具了阳性的妊娠测试结果,但那头牛并没有怀孕,所以 买家起诉卖家,称卖家在合同上承诺奶牛怀孕了。

Issue: 拍卖商的承诺是否具有合同效应? yes

Because language 原因同上,但拍卖商有关于奶牛怀孕方面的知识,所以可能会对买家有承诺,可以被视为有合同效应

5.Implied terms 隐含条款