4.4 Intertek shall not be in breach of this Agreement nor liable to the Client for any breach of this Agreement if and only if the breach is a direct result of the following factors:

(a) a third party; or
(b) any act or failure to act by or on behalf of any other party; or
(c) any act or failure to act by or on behalf of any other party; or
(d) any act or failure to act by or on behalf of any other party; or
(e) any act or failure to act by or on behalf of any other party.

1.10 Intertek shall not be liable to the Client for any consequential damages incurred by the Client due to the fault of Intertek, rather than by a third party, even if and only if the Client has been advised of the possibility of such damages.