

What is Products Liability?

Hardly a day seems to pass without the introduction of some new product designed to make life easier or more convenient. However, as we well know, products do not always live up to such promises. In addition to ease and convenience, some products endanger the people who use them. A lawsuit based on the claim that a product is dangerous or defective is known as a “products liability” case.

Companies that manufacture or sell products generally have a legal duty to make sure that the products they make or sell are free from defects that present an unreasonable risk of harm to consumers. If a certain product turns out to be dangerous or defective, an injured consumer may have a products liability claim. There are as many different kinds of products liability claims as there are different kinds of products: The sale of contaminated food, the manufacture of improperly wired electronics, and the marketing of disintegrating tires can all support a products liability claim.

In order to win a products liability lawsuit, an injured consumer must prove that the product was defective. In general, there are three types of product defects:

A manufacturing defect occurs when a product is well-designed but poorly made, such as the new TV that catches fire when plugged in because the wires were installed improperly;

A design defect occurs when a product is well made but poorly designed, such as an SUV whose tires are too close together, causing it to tip over on sharp turns;

A marketing defect can include things such as improper instructions or the lack of a warning label telling the consumer how to use the product safely.

Just because a product is involved with an injury does not mean that the product is unsafe. For example, auto accidents often result in injuries or death, but not every injury suffered in a car accident is due to a defective product. A products liability claim would arise only if the car was dangerous, such as a car whose gas tank explodes when it is rear-ended.

Products liability is a complex area of law. In addition to these general rules, a number of specific laws affect who is liable to consumers and what kinds of products are covered. Your case may also be affected by state laws or by various federal laws. Contact us to help you negotiate this legal maze and get you the recovery you deserve.

If You Are Injured by a Defective Product:

Contact our firm immediately.

SAVE THE DEFECTIVE PRODUCT! Also, do not alter or tamper with the product because this could make it difficult to prove your case.

Save everything related to the defective product, including the sales receipt, instructions, warnings, and accessories.

Photograph or videotape the product at the scene of the injury or as soon after as possible, as well as the injuries.

Products liability cases are complex. In some cases, the dispute involves more than one victim bringing a claim against a manufacturer. Manufacturers often try to blame you or some other party to avoid liability. Our firm will help you negotiate the legal pitfalls.