

Defective products liability: Your rights under Consumer Protection Act

Keywords: Defective Products Lawyers, Defective Products attorney

Product liability is a section of a law that makes the manufacturers of a product that is available to consumers for use, responsible for any injury caused by the product.

If you are injured or suffered grave damage due to a product that you used, you stand a case of a defective product liability claim.

But you need to evaluate whether you have a valid claim.

So it's good to get familiarized with the details that the law requires you to prove.

Though the elements that you would need to demonstrate vary from state to state, take a note of these common essentials ...

- I. You suffered injury/losses (you must be able to prove)
- II. The product you used was defective
- III. The defect caused you injury/loss
- IV. You were using the product as intended

I. Injured? Can You Prove?

Agreed. Dreadful things *almost* happened to you.

Your brand new electric pressure cooker exploded, and you just jumped away in time and bumped against your table knocking off the crystal jar sitting on it. And it fell and broke into pieces, narrowly missing your head by an inch.

You could have been *almost* severely electrocuted, received third-degree burns or *almost* got a severe head injury leading you to a coma.

Heartfelt sympathy to you, but sorry to say, you have no claim.

II. The Product You Used Was Defective

You should be in a position to prove that the product that caused you injury was defective.

There are 3 categories of defective products...

Manufacturing Error

This includes any fault in production. Your electric pressure cooker in the above example could have developed a hairline crack in the factory that went unnoticed.

Faulty Design

This is comparatively harder to prove.(Our above example doesn't stand a chance). Proving that a design is unreasonably dangerous can be more difficult and complicated as well.

For example, if you chop up your finger while using your brand new sharp meat cutter you will not get success in trying to argue against the dangerous designing of the product.

If a product itself is risky for the purpose it is required to serve; then it doesn't necessarily mean that the manufacturer or supplier is liable for injuries.

Often there is no other alternate way to design a much-needed product without making it a bit hazardous.

Take another example of airbags used in cars. They can cause serious injury but also offer a comparatively low cost and effective way of saving lives in case of some collisions. So they are not unreasonably dangerous comparing the alternatives.

Some examples of design-fault are...

- A model of vehicle with a tendency to flip over while taking a turn.
- Sunglasses designed to shut off UV rays fail to do so.

Warning / Alert Failure

Here you have a better ground, compared to design-fault as discussed above.

Some warning failure examples are...

- A medicine that doesn't include a warning on its label that it may cause grave side effects if taken alongside another specific medicine, aspirin for example.
- A corrosive chemical that doesn't come with adequate instructions for safe handling and use.

In such cases, your chance weighs on whether the instructions and warnings from the manufacturer were sufficient and appropriate or not.

III. The Defect Caused You Injury / Loss

You will have to actually demonstrate that your injury resulted from the product in question. Depending on the situation, it may or may not be easy.

Our electric pressure cooker, for example, may hold a good ground but in all cases proving it may not be as straightforward.

Take this example.

You were severely injured while driving a quad bike or a utility vehicle that is prone to flipping while turning around a corner and there's evidence that you were exceeding the speed limit mentioned on the car-sticker and also not wearing a helmet. Your case will not hold ground.

IV. You Were Using The Product As Intended

In the example of the quad bike or utility vehicle, you as a user surely didn't use the product as per instructions.

But this doesn't mean that your use of the product (that caused you the injury) must *always exactly* conform to the specifications. All it matters is, a consumer needs to use a product overall the way it is intended to be used.

Take our electric pressure cooker example. If you were severely injured in the mishap, it would be absolutely no fault of yours.

In case if doubt whether you can claim against a defective product liability, consult a **defective products attorney**.

You can safely contact **defective products lawyers** at Burton Law Group. The firm's **defective products lawyers** have years of experience in handling products liability cases.

You can call for a FREE CONSULTATION from a **defective products attorney** at Burton Law Group. Although no defective product lawyer can *guarantee* you a monetary advantage, an experienced lawyer from Burton Law Group will be glad to discuss the possibilities of your case during your initial free consultation.

