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## RECOVERING FROM HARM CAUSED BY PRODUCTS

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Product manufacturing companies make and sell goods for profit. In return for this profit, manufacturers are responsible for two commitments to you the consumer.

1. The product will perform the function that it is intended for.
2. The product will not contain any defects that make it dangerous for its intended use.

As a consumer, you are paying for more than just the product itself. You are also paying for it to be safe. When a manufacturer establishes a price for that product, they are including the cost of making it, as well as the cost of designing it so it will be safe.

If that unsafe product injures you then the company is liable. People injured by defective products deserve to be compensated for injuries and medical bills. A product liability lawsuit, however, can have a positive impact on a much larger scale. In fact, product liability lawsuits have led to numerous product safety improvements in cars, firearms, manufacturing equipment, toys and countless other products.

### **Examples of dangerous products:**

- A peanut butter manufacturer must provide you with food that is safe to eat. They are responsible if they allowed poison or bacteria (such as salmonella) to get in to their product and consumers are injured or killed when they eat it.
- A bicycle manufacturer must provide you with a bicycle that is equipped with properly functioning accessories. They are responsible if the brakes were not properly connected at the plant and the biker is unable to stop and avoid being struck and injured.
- An automobile manufacturer must provide you with a vehicle that is equipped with properly installed and functioning safety equipment. They are responsible if the airbag failed to deploy on impact due to it being installed or designed improperly, and as a result, a driver who would have been protected by it is injured or killed.

### **Why manufacturers produce dangerous products.**

There are many reasons why a manufacturer may sell you a dangerous product. But the main reason is normally simple math... the manufacturer can make more money by spending less on product safety. This may sound like it doesn't make sense...but here's why it happens.

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- A decision is made by an automobile manufacturer to cut in half the number of assembly line workers installing seatbelts at their plant. This change will cut overhead and increase profits. Now the assembly line workers are required to install twice as many seatbelts in the same amount of time and as a result, the quantity that are improperly installed quadruples. One of these improperly installed seatbelts fails, allowing a driver who is in an accident to be ejected and killed.
- A bicycle company decides to replace the metal in its bike with a less expensive metal, because their profit on each bike will increase substantially. This metal is less durable and contains more defects and weaknesses. As a result, a customer who purchased the bike is severely injured when the metal frame snaps in half while he is riding down a hill at a high speed and the bike collapses beneath him.
- A automobile manufacturer can install a \$100 dollar piece of equipment that would fix a problem in the ability of the vehicle's to withstand a roll over and save lives...the automobile manufacturer fails to install the piece of equipment and the car user experiences a rollover accident and dies because the roof collapsed.

### **The three types of defects.**

There are three types of defects or dangers that can cause harm and for which you can recover money.

1. **Design Defect:** With this type of danger, a product is not safe for its intended use. Even though a product is manufactured the way it was designed, it is not safe.

For example, a lawn chair is sold with a weight capacity of 200 pounds, but it is not truly designed for this much weight and actually fails and collapses after four hours of use by a person weighing 150 pounds. If the chair collapse causes harm to a consumer, the company can be sued and made to pay money for the injuries caused by its product.

2. **Manufacturing Defect:** With this type of danger, the product is not manufactured properly and if a danger occurs as a result, the company is responsible.

For example, a seatbelt is not properly attached to its anchor and as a result, it fails to protect the consumer using it when it breaks free in a serious accident. If that consumer is injured because of the seatbelt failure, the manufacturer can be sued and made to pay money for the injuries caused by its products failure to protect the consumer.

3. **Marketing Defect:** With this type of danger, the product has a risk that is known, or should be known, by its manufacturer, and the manufacturer failed to warn the public of this danger. Marketing defect lawsuits are often referred to as "failure to warn" lawsuits.

For example, a drink is advertised as "non-dairy" and it is marketed to consumers who

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are allergic to dairy products. However, the company also makes dairy products with the same equipment, and they are aware that small amounts of milk products get into the non-dairy drink. They are also aware that people with severe dairy allergies will have an allergic reaction, but and these consumers are not warned about the small remnants of dairy products that exist in the "non-dairy" drink. If a consumer is seriously injured or dies from an allergic reaction to this product, the manufacturer can be sued and made to pay money for the injuries caused by its product.

### **Making the manufacturer responsible for the harm they cause to you or your loved one.**

Products liability cases are very difficult and not every lawyer can handle the degree of difficulty and organization needed. Proving that a manufacturer made a dangerous product that injured or killed someone is a significant challenge. Because product malfunction lawsuits often cause such serious injuries, manufacturers will often hire a team of lawyers to protect them from you.

There are several things that need to happen promptly in order to increase the chance of success in these dangerous product cases. You need to retain a lawyer to figure out what happened and this should be done as soon as possible. If the product caused the death of your loved one, your lawyer needs to gather as much evidence as they can, as quickly as they can.

There are several types of evidence that will need to be gathered as quickly as possible. The more evidence, the better. This is because critical evidence will disappear or be altered over time.

Examples of the type of evidence that needs to be gathered quickly in a product liability lawsuit:

1. The product that caused the harm. It is not only important that the product causing the harm be obtained, but it needs to be protected and preserved as evidence.
2. Witnesses. It is critical to try and find eyewitnesses who actually saw what occurred. As time goes on, witnesses' memories get worse, they lose interest in being involved, or they leave the job where the accident happened or just move out of town and can't be found.
3. Records relating to the product, including receipts or invoices indicating when it was purchased, where it was purchased, when it was manufactured, and other details.

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