

# Products Liability

Torts II  
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# Products Liability

- Three theories:
  - Negligence
  - Warranty
  - **Strict liability** ← *we are only learning this*

## Strict Products Liability applies if ...

1. Product is sold in a defective condition
2. By an entity in the regular chain of distribution,
3. Which injures a person's body or property

## Who can be a plaintiff?

- Any person suffering a compensable injury
- Privity is not required

## Who can be liable?

- Anyone in regular chain of distribution
  - Manufacturer
  - Wholesaler
  - Retailer
  - Bailor
- Joint and several liability
- Not non-regular sellers
  - E.g., garage sale
- Does not depend on fault

## What counts as a product?

- A tangible good
- *Not a service*

## What counts as a defect?

- Manufacturing defect
- Design defect
- Warning defect
  - (can be thought of as a kind of design defect)

## What makes something defective?

- Being “unreasonably dangerous”
- Tests:
  - Consumer expectations test
  - Risk-utility test

## What counts as an injury?

- To a person's body
- To property
- *Not:*
  - Pure economic injury, loss of money
  - Emotional distress
  - Reputation
  - Not damage to the product itself