

Product liability essay sample

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Sunbeam is an American made brand that has produced various household appliances since 1910. Their products have included the Mixmaster mixer, the Sunbeam waffle iron, Coffeemaster, and an automatic toaster. In 1928, the company's head designer, Swedish immigrant Ivar Jeppsson, invented the Mixmaster mixer. Introduced to the public in 1930, it was the first mechanical mixer with two detachable beaters whose blades interlocked. Barbara Thompson purchased a Sunbeam Mixmaster at Wal-Mart on October 10, 2007. Mrs. Thompson was familiar with electric hand mixers and had owned a Black ; Decker mixer for about twenty years before purchasing the Sunbeam mixer. When she decided to use the mixer, she briefly scanned over the safety instructions in the manual.

Under this heading, the manual stated, make sure the speed control is in the " OFF" position and unplugged from an electrical outlet. Mrs. Thompson's ring finger was pulled into the two beaters. She tried unsuccessfully to turn the mixer off and finally placed it on the counter and unplugged it. Her finger was lodged in between the beaters and was still attached on one edge. Mrs. Thompson also sustained cuts on the underside of her third and fifth fingers. She called to her husband for assistance, and she was taken to the hospital. Her finger was later amputated in the knuckle area.

The mixer purchased by Mrs. Thompson was the Sunbeam Mixmaster model 2524, which was manufactured and designed by Simatelex, a Chinese corporation. When the mixer is in production at Simatelex, Sunbeam's quality organization in Hong Kong goes to the plant, verifies that the manufacturer performed required tests, and randomly picks samples to make sure that the mixers are properly packaged and operate properly. The <https://assignbuster.com/product-liability-essay-sample/>

mixers usually have their switches in the “ off” position when packaged, but the user could inadvertently hit the switch while using the handle to remove the mixer from the package. Plaintiffs retained a safety engineer with Occupational Safety and Health Services, as an expert witness. In his report, he concluded that the instructions provided with the mixer were inadequate in that they did not specifically warn against wearing jewelry around the moving parts. He also concluded in his report that the mixer was defective because Sunbeam failed to construct a mixer without exposed moving parts. In the first cause of action, plaintiffs allege that Mrs. Thompson was injured due to the defective manufacture or construction of the mixer by Sunbeam and Simatelex. “ A product is defective in manufacture or construction if, when it left the control of its manufacturer, it deviated in a material way from the design specifications, formula, or performance standards of the manufacturer.

No evidence of defective manufacture or construction was presented in this case, and Sunbeam and Simatelex are entitled to summary judgment on this claim. I agree with the decision because there was no evidence that a practical and technically feasible alternative design was available that would have prevented the injury to Mrs. Thompson without substantially impairing the usefulness or intended purpose of the product. The Plaintiffs failed to produce expert or other evidence sufficient to demonstrate that the mixer’s design was defective in any way within the meaning. In this case, the hazard was created by Mrs. Thompson bringing her hand into close proximity with the moving beaters, which caused her ring finger to be pulled into the two beaters. There were no changes made in the company to make ensure

greater safety of its products. All products that are sold to consumers include an instruction manual and safety instructions for that particular product. Also, the product goes through a number of various test and procedures to make sure it is safe to use and properly working. The mixer purchased by Mrs. Thompson has a UL listing mark on it that indicated that the product was UL approved.

The Underwriters Laboratories (“UL”), is a company which generates safety standards for products and tests products for compliance with those standards. Any products bearing the UL mark must submit the product to UL for testing, and the product must be manufactured in accordance with the submitted product specifications. The UL also conducts unannounced inspections of the manufacturing facility to make sure that the product is still in compliance, and completes additional testing of samples of the product once a year. Only recommendation I would make for this company is to ensure that all necessary compliances are met. It seems like Sunbeam went through all of there procedures to guarantee customer satisfaction of all products. To help avoid liability, all used equipment should be upgraded to current standards of safety, including warning labels and safety features. Create a document retention system. Perform adequate inspection prior to sale. Document that the product was sold with recommended safety devices, warnings and instructions. Ensure quality control, inspection and care was exercised during manufacturing or assembly of the product. Also make sure the documentation allows you to identify parts and attachment suppliers whose records may assist in your defense should it be necessary.

Reference

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