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Warning! This Product May Be Misused?

Do companies need to be held responsible for customers misusing their products? Some people do not think so, and they argue for the prudence of consumers. While opponents may think that customers need to be cautious with products, other people want to be adequately warned before purchasing a product. Should consumers begin to bare responsibility for misusing products, or do companies need to continue bearing the burden for consumers misusing products?

Those who oppose holding companies accountable for how their customers misuse their products have several points of concern, but many of these concerns, in essence, are a matter of self-accountability. According to the U.S. Consumer Product Safety Commission, “approximately 36,732,000, or 11.9 per 100 people in the U.S. resident population” had experienced medical injuries from the misuse of consumer products back in 2010. Since an increase in incidents of product-misuse related injuries between 2006 and 2010, companies have been required to deal with product liability insurance and lawsuits (CPSC). This has resulted in an increase in consumer prices. They are also reasonably worried that the economy has suffered due to a rise in the number of product liability claims. When companies have to manage an

increase in payments, they tend to scale down and lay off workers to maximize profits.

Moreover, this leads to weaker businesses that cannot compete internationally against foreign countries. A reason why America buys foreign products is that foreign countries such as China can afford to put out cheaper products since they have fewer regulations on product liability.

Opponents also argue that if consumers start taking responsibility for their actions with manufacturers' products, then corporations who make innovative technology that increase the quality of life will delay because of fears of liability claims. According to surveys reported to the Committee by Pace University Professor of Law M. Stuart Madden back in 1995, 39% of companies have stopped or delayed pushing out products into the market because of lawsuits (Madden). Since products like syringes are intended to support lives, they can be misused by drug users. Before a life aiding product such as syringes is prioritized, companies make the decision based off of liability reasons.

Moreover, these arguments are valid, because it is immoral to be held accountable by people who injured themselves in incidents businesses could not foresee. Expecting companies to test their product in every possible scenario is impossible, would cost too much, and it will delay the time products get released dramatically. Research companies do the best they can and provide warning labels on the item they are selling. Since America is a free market, consumers have the right to buy what they want. Likewise, companies get to choose what they sell. Customers should inform themselves of the item they are purchasing before making that purchase.

Those who argue that manufacturers need to be held accountable for injuries assert that it holds more benefits for the market than making consumers take the blame. Every year, hundreds of people get killed and even more get injured from faulty products. As a society, the American people have an obligation to maximize happiness by reducing cases of suffering. If no one was putting companies in their place by using liability suits then companies would not care enough to ensure product safety because there would no longer be an incentive. Therefore, product-related injuries would escalate even higher. According to Figure 1, product-related injuries have actually been on the decline, despite what opponents say. According to Lila Nieves-Lee, Director of Congressional Affairs, foreign companies do not even have different regulations on product liability when they sell their stuff in the United States of America (Nieves-Lee, personal communication, March 11, 2018). Therefore, they have fair competition unlike what American companies tell the public.

Additionally, the same people who argue that companies should be held accountable convey that the law is on their side. When a manufacturer's defective product injures someone, the manufacturer has to pay the cost of injury. Nieves-Lee also mentions the legal system also states that whoever can bear the burden of finances the best has to handle a majority of the cost (Nieves-Lee). Since manufacturers already know about the high possibility of being hit with a product liability lawsuit when creating a new product, they research. Manufacturers know about products and what to research for the best product outcomes to promote safety. While producers have these tools, consumers lack the ability to do all that. Finally, these people challenge how people choose products freely. Anti-manufacturers assert that consumers are not adequately informed and that others cannot comprehend the significance of a warning or label, especially

children too young that cannot read or think critically or people with disabilities. It is corporations who provide the options/choices for product safety, therefore, they must bear the responsibility.

While expecting common sense from everyone is unrealistic, there should be certain laws implemented to ensure the safeguard and shared responsibility between customers and companies. There will always be injuries involved with products; However, if consumers continue to hold manufacturers responsible, injuries will continue to lower. With updated data, the benefits of holding consumers responsible are weakened a considerable amount since a majority of the evidence is outdated. They still have a point on how manufacturers should not carry the burden for everything; if a consumer decides to modify a spoon as a way to do illegal drugs, that should not be a businesses responsibility. Manufacturers can only warn consumers of their products in a limited amount of ways. At the end of the day, who should be responsible for product misuse, manufacturers or consumers?

Table 1: Annual Average of Estimated Emergency Department-Treated Product
Instability or Tip-Over Injuries by Year, 2006–2016

Year	Estimated Emergency Department-Treated Injuries 6			
	Televisions 7	Only Furniture	Appliances	Everything (total)
Annual Avg (2014–2016)	10,100	19,500	1,100	30,700
Avg 95% Confidence Interval (CI)	(8,300, 11,900)	(15,500, 23,500)	(700, 1,400)	(25,300, 36,000)
2016	7,600	18,700	–	27,100
2015	10,400	19,100	1,200	30,700
2014	12,300	20,700	1,300	34,300
2013	12,800	20,000	–	33,800
2012	16,500	22,000	1,200	39,800
2011	17,000	20,800	2,200	40,000
2010	20,000	23,300	1,700	45,000
2009	19,700	23,400	–	44,100
2008	17,800	20,300	2,300	40,400
2007	16,400	20,100	1,200	37,700
2006	15,900	21,600	1,400	38,900

Source: U.S. Consumer Product Safety Commission: NEISS. The estimates include cases for television, furniture, and appliance product codes.

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