

A homeowner was using a six-foot stepladder to clean the furnace in his home. The homeowner broke his arm when he slipped and fell from the ladder. The furnace had no warnings or instructions on how it was to be cleaned.

In a suit by the homeowner against the manufacturer of the furnace to recover for his injury, is the homeowner likely to prevail?

- A. No, because the danger of falling from a ladder is obvious.
- B. No, because the homeowner should have hired a professional to clean the furnace.
- C. Yes, because the furnace did not have a ladder attached to it for cleaning purposes.
- D. Yes, because the lack of warnings or instructions for how to clean the furnace made the furnace defective.

### **Explanation:**

Under products liability law, a commercial supplier is **strictly liable** for harm caused by its **defective product**. A product is defective due to **inadequate warnings or instructions** when:

the product poses a **foreseeable risk of harm** (eg, from improper maintenance) *and* **reasonable instructions or warnings** by the commercial supplier could have **reduced that risk**.

However, a product is **not defective for failing to warn or instruct** about **obvious risks** (eg, the risk of cutting oneself with a sharp knife).

Here, although it may have been foreseeable that a homeowner would use a stepladder to clean the furnace, there is nothing about a home furnace that adds to the obvious dangers associated with working on a stepladder. And since the risk of falling from a stepladder is obvious, the furnace was not defective in failing to provide warnings or instructions about that risk **(Choice D)**. Therefore, the homeowner is unlikely to prevail.

**(Choice B)** If cleaning the home furnace was so dangerous as to require a professional, then the manufacturer would be strictly liable for failing to provide a warning or instruction about that danger.

**(Choice C)** A manufacturer is strictly liable to a plaintiff harmed by its defectively designed product—a product that poses a risk of harm that could have been mitigated by a reasonable alternative design. Here, a stepladder is a common household tool, and there is no indication that attaching a ladder to the furnace would have reduced the homeowner's risk of falling (no design defect), so the manufacturer is not liable for failing to attach a ladder.

### **Educational objective:**

If a product poses a foreseeable risk of physical harm, the manufacturer must mitigate that risk by providing adequate warnings or instructions. However, a manufacturer is not required to provide warnings or instructions about obvious risks.

### **References**

Restatement (Third) of Torts: Prods. Liab. §§ 1, 2(c) (Am. Law Inst. 1998) (liability for failure to warn about a product's risks).

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## Warning label

