

A homeowner hired an arsonist to set fire to the homeowner's house so that the homeowner could collect the insurance proceeds from the fire. After pouring gasoline around the house, the arsonist lit the fire with his cigarette lighter and then put the lighter in his pocket. As the arsonist was standing back admiring his work, the lighter exploded in his pocket. The arsonist suffered severe burns to his leg.

The arsonist brought an action against the manufacturer of the lighter based on strict products liability. Under applicable law, the rules of pure comparative fault apply in such actions.

Will the arsonist prevail?

- A. No, because the arsonist was injured in the course of committing a felony by the device used to perpetrate the felony.
- B. No, because the lighter was not being used for an intended or reasonably foreseeable purpose.
- C. Yes, if the arsonist can establish that the lighter was the proximate cause of his injury.
- D. Yes, if the lighter exploded because of a defect caused by a manufacturing error.

Explanation:

To prevail in an action based on **strict products liability**, the plaintiff must prove that the defendant is a **commercial supplier**—one engaged in the business of manufacturing, distributing, or selling products—who produced or sold a **defective product** that caused the plaintiff harm. A product is defective if a manufacturing error caused the product to **deviate from its intended design** despite the manufacturer's exercise of all possible care.

Here, the cigarette lighter exploded in the arsonist's pocket and caused him severe burns. If that explosion resulted from a manufacturing error that made the lighter deviate from its intended design, then the manufacturer will be strictly liable for the arsonist's harm.

(Choices A & B) A commercial supplier is strictly liable for harm caused by a defective product used in a *foreseeable* manner. Therefore, a plaintiff's misuse of a product—using the product in an *unintended* and *unforeseeable* manner—negates a commercial supplier's strict liability. Here, the arsonist will prevail because the lighter exploded while he stored it in his pocket (foreseeable use)—not while he was using it to perpetrate a felony (misuse).

(Choice C) Commercial suppliers are only strictly liable for harm proximately caused by the product's manufacturing error. Therefore, mere evidence that the lighter—not a manufacturing error in the lighter—proximately caused the arsonist's injury is insufficient to establish strict products liability.

Educational objective:

A commercial supplier is strictly liable for harm caused by a manufacturing defect—a deviation from the product's intended design despite the manufacturer's exercise of all possible care.

References

Restatement (Third) of Torts: Prods. Liab. § 1 (Am. Law Inst. 1998) (liability of commercial supplier).

Restatement (Third) of Torts: Prods. Liab. § 2(a) (Am. Law Inst. 1998) (manufacturing defect).

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Misuse



Foreseeable use

