

California Product Liability: What You Don't Know Can Hurt You

By Elliott Kanter

Product liability issues have made major headlines in the past year: the Toyota recall for sticking accelerators, the Graco baby stroller recall for faulty hinges, the Chrysler recall for brake failures, the Johnson & Johnson product recall for Tylenol Arthritis Relief Caplets because of “moldy” smelling bottles...the list goes on and on.

Product liability laws exist to protect consumers, and require manufacturers to pay for injuries caused by a defective or hazardous product. A [product liability lawsuit](#) can be based on:

Negligence – if a manufacturer does not exercise reasonable care in the design, manufacture or distribution of a product, they could be held liable.

Breach of Warranty – when product warranties are breached, an injured party may be able to recover damages that occurred as a result of the breach.

Strict Products Liability – with a strict liability claim, you must prove that the product was defective, that the defect existed before the product was released, and that this defect caused you harm or injury. Cases that fall in this category are usually due to design defects, manufacturing defects or “failure to warn” defects (which is why there are now websites dedicated to “silly” warning labels, like “Do not hold wrong end of a chainsaw” and, for a hairdryer: “Do not use while sleeping”).

About Elliott N. Kanter

30 years of experience on your side. With 30 years as a successful San Diego criminal defense lawyer and personal injury attorney, I am motivated by a sincere desire to help people. I always take the time to get to understand every client's unique situation. The Law Offices of Elliott N. Kanter is not a corporate law firm, we're here to help people like you.

We're not afraid of going to court. Believe it or not, most cases are negotiated long before they go to court. This saves a lot of time and as a result – saves you a lot of money. But we're here to fight for your best interests and if that means going to court, we're ready to do so. We prepare for every case as if we were going to trial. Our diligence pays off, because we get very good results, whether we go to court or not.

You want an experienced lawyer working for you. It's nice to believe that the legal system is a fair, impartial system. But the truth of the matter is, having the right lawyer can make all the difference. In the courtroom there's only one person looking out for your best interests. It's not the judge, it's not the jury, it's your lawyer. So even if you don't choose my services, please take the time to find a qualified lawyer you trust. The Law Offices of Elliott N. Kanter earned an AV rating – the highest possible – with Martindale- Hubbell, so you can be assured of our commitment to do our best for you. Please don't hesitate to call the Law Offices of Elliott N. Kanter at 619-330-5881 for a no cost, no obligation consultation.

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