



Ankin Law Office LLC

Protecting the Rights of Injured Workers

162 W Grand Ave
Chicago, Illinois 60654, United States
Tel: 312-346-8780 or 800-442-6546
Fax: 312-346-8781
Email: howard@ankinlaw.com
Website: www.ankinlaw.com
Blog: www.thechicago-injury-lawyer.com

Do Stores Have an Obligation to Notify Customers of Recalls?



Recalls are a fact of life. Food recalls, automobile recalls, household product recalls—they happen every day. In fact, lately, it seems not a day goes by without another product being recalled.

Of course, recalls have very little effect if consumers are unaware that the product that they purchased was recalled. For that reason, recalls are announced in the media by products manufacturers and government agencies, product recall notices are sent via mail and email and phone calls are made to consumers who have registered their purchases.

But, the question remains: do the stores that sold the defective products have an obligation to attempt to notify customers of a product recall?

A recent [class action lawsuit](#) filed in California claims that they do. The basis of the lawsuit is explained in this SFGate [article](#):

Steve Gardner, lead lawyer for the center, said that other loyalty-card stores, such as Costco, Ralphs, [Sam's Club](#) and Walmart, regularly contact their members to notify them of recalls. He said Safeway should be no different... "The store uses your club card to milk your information and boost sales. There's nothing wrong with that. But when it knows it has sold products that may be contaminated with E. coli, salmonella or other hazardous bacteria, it doesn't use its marketing database to prevent illnesses or deaths."

Gardner raises a good point and it would seem that since Safeway can easily obtain customer data regarding purchases made using the Safeway club card, it wouldn't be difficult to take the extra step to notify loyal customers of recalls. All it would take would be a mass email or an automated call and it just makes sense.

Hopefully this lawsuit will force Safeway to do the right thing and notify its customers. It's a small step that could help prevent food-borne illnesses and even death.

Howard Ankin of Ankin Law Office LLC (www.ankinlaw.com) handles [workers' compensation](#) and [personal injury cases](#). Mr. Ankin can be reached at (312) 346-8780 and howard@ankinlaw.com.

By [Admin - BN](#)
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