



Ankin Law Office LLC

Protecting the Rights of Injured Workers

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Bruesewitz v Wyeth: Supreme Court Limits Liability of Vaccine Manufacturers

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The Supreme Court recently issued a ruling in the case of *Bruesewitz v Wyeth* that severely limits the liability of vaccine manufacturers, thereby decreased accountability for producing safe vaccines.

The question presented before the Court was whether or not the preemption provision in the [National Childhood Vaccine Injury Act \(NCVIA\)](#) prevents a plaintiff from bringing a state law design-defect [product liability claim](#) against vaccine manufacturers. In a 6-2 decision, the Court held that the NCVIA does, in fact, bar all state law design-defect claims against vaccine manufacturers that are brought by plaintiffs seeking compensation for injuries caused by vaccine side effects.

Passed in 1986, the NCVIA was enacted to ensure an adequate supply of vaccines available for the public while holding vaccine manufacturers responsible for notifying consumers of various risks associated with a respective vaccine. It includes a provision stating that no vaccine manufacturer can be held liable for vaccine-related injuries associated with the administration of a vaccine after October 1, 1988, if the injury or death resulted from side effects that were unavoidable even though the vaccine was properly prepared and included proper directions and warnings.

The Court interpreted this provision to mean that if the vaccine was properly manufactured and included adequate warnings, any remaining side effects, including those resulting from design defects, are deemed to have been unavoidable and the vaccine manufacturer cannot be held liable under state-law design-defect claims.

Justice Sotomeyer's dissenting opinion, which was joined by Justice Ginsberg, raised concerns about the ability of [product liability laws](#) to promote safe vaccines. The two justices fear that the Court's decision "disturbs the careful balance Congress struck between compensating vaccine-injured children and stabilizing the childhood vaccine market" and creates an environment in which "no one ensures that vaccine manufacturers adequately take account of scientific and technological advancements when designing or distributing their products."

The **Chicago product liability law firm** of Ankin Law Offices, LLC is committed to protecting the interests of those injured by [dangerous and defective products](#), including unsafe vaccines. If you or a loved one has been injured by a vaccine, or other defective product, contact one of our **Chicago product liability attorneys** to schedule a free consultation to discuss a possible product liability or personal injury claim.

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 - CO](#)
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