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### Product Defect

For product defect liability, P can prove several way: strict liability, negligent liability, or warranties

#### Strict liability

Commercial supplier owes the strict duty to prevent foreseeable P from unreasonable dangerous defect on the product when it left his control which actual and proximate causes the damages.

#### Commercial Supplier

commercial supplier is one who is in the chain of commerce stream and strictly liable for product defect.

Here, D developed a new dishwasher powder, UltraKlean(UK) and sold them to the customers. Thus. D is in the chain of commerce stream so commercial supplier.

#### Defects

when the product left D's control, it should not have unreasonably dangerous defects.

#### Design Defect

when product is designed defectively, need to prove customer expectation test and utility-risk test.

For customer expectation test, reasonable prudent customers have expected the product to be safe to use it. Here, D know the cleaning agent could cause severe stomach pain if ingested but D likely disregards the fact. Because usual customers expect that the product be safe to use and D failed to test all the surfaces, D fails for the customer expectation test.

For utility-risk test, D must install if there a safer alternative method to use and cost is not so expensive. Here, there is no fact relating to a safer alternative method but it could be possible to develop the cleaning agent for aluminum so that P or other customers can avoid severe stomach pain.

#### Warning Defect

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when more than manufacturing or design defect, D must put the warning on the product with consequence of danger.

Here, D's instructions on the product only stated that the product should not be ingested. D should have mentioned the consequence of danger which might cause severe stomach pain if ingested.

Therefore, there is warning defect.

Actual causation

But for the proper instruction or test on every surfaces, P would not have suffered severe stomach pain.

Proximate causation

It is foreseeable since D new the cleaning agent could cause severe stomach pain if ingested and this applies to all detergent products. Further it is not unusual for dishwasher powders to leave a harmless amount of residue on different surfaces.

Thus, D is

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**END OF EXAM**