How Does an Attorney Prove a Product Was Defective?

Have you ever bought or used a product only to find out it's utterly and dangerously defective? Perhaps you were electrocuted by a common household toaster oven. Due to what you believe is a manufacturing error with the power cord, you now have thousands of dollars in medical bills you can't afford.

The question is: Do you have a viable case for product liability?

To answer that you and your [product liability attorney](https://saeedianlawgroup.com/) will need to prove several things, as well as maintain that you are filing during state [statute of limitations](https://www.courts.ca.gov/9618.htm).

# You Used the Product as Intended

This means you followed manufacturer guidelines for installation and use and didn't alter the product beforehand. Let's say you were prescribed blood pressure pills by your doctor, and after taking them, as instructed, you lost your sight. In this case, there's a good chance you can make a [reasonable claim](https://selfhelp.courts.ca.gov/civil-lawsuit/personal-injury) for product liability.

However, the same cannot likely be said if you first crushed up those pills and added something else to them.

# The Product Was Defective

Next, you'll have to prove there was an error with the product. There are three basic types of product liability claims:

* a manufacturing defect claim
* a design defect claim or
* a failure to warn (aka marketing) claim.

Manufacturing Defects

A manufacturing defect means the problem occurred during the manufacturing or assembly process. Perhaps the company unintentionally used a faulty screw that snapped off a shovel and shot you through the eyeball while attempting to plant a tree.

## Design Flaws

In the case of a design error, the problem took place before the first products were produced. Maybe a soup bowl leaked its contents onto your lap, burning you after the bottom melted. The company used an inferior material in its design.

Perhaps the problem even presented itself during manufacturing. Yet the company went ahead and sold the defective product.

## Marketing Errors

When it comes to failure to warn cases, the claim attempts to prove the company did not sufficiently warn or advise against certain aspects or uses of the product.

For example, a cleaning product contains chemicals that, when they come in contact with the skin, can burn and create severe irritation. However, the company did not include any such warnings or language to "avoid contact to skin."

# You Were Injured or Suffered Loss

Naturally, you will then need to [prove that you suffered an injury](https://saeedianlawgroup.com/) or loss. This may include providing medical records or bank records proving monetary loss.

# The Defective Product Caused Your Injury or Loss

Finally, you need to prove that the product in question caused such injury or loss. It's not enough to establish a defect of some type or injury.

You and your product liability attorney will need to make a case that the two incidents were connected. The electrical fire in your home and the loss of some of your prized possessions are due to faulty wiring in your robot sweeper and not because you had too many cords plugged into the same outlet.

If you believe you have a case for product liability in the greater Los Angeles area, contact the [Saeedian Law Group](https://saeedianlawgroup.com/) for a free consultation today.