

Product Liability Law: Interactive

[Course ID] Tort Law: [Module #/Title]

Kick-off: 7-3-21

Stakeholder Storyboard Review: [upcoming]

Instructional Design Lead: Gillian Clark

Project Stakeholders: [SME, PM, Course Director/Manager, etc.]

Interactive Name: Product Liability: The Three Defects

Interactive Type: Articulate Rise 360

Interactive Learning Objectives:

- Students identify three product defects: design, manufacturing, and failure to warn.
- Students distinguish differences among the three defects.

(The learning objectives should then be aligned to Course Outcomes, which should be aligned to Program Outcomes and/or competencies.)

Product Liability: The Three Defects

Lesson 1 – Introducing Product Liability

Section	Design Type	Visual	Main Text	Notes
1.1	Text on Image	The front of Owens Corning headquarters and/or construction on rooftops	In 1998, Owens Corning, a building company, paid \$1.2 billion in damages to claimants due to the adverse health effects of using asbestos in their building construction materials.	All images should be copyright free or cited if contain a Creative commons license.
1.2	Image & Text	Owens Corning cleaning up asbestos from an attic	You read that correctly: \$1.2 BILLION.	
1.3	Numbered List	n/a	Owens Corning is not alone to face such charges. There are numerous famous cases involving product defects that have taken place in recent years, some of which you will learn about shortly. In this activity, you will:	

Product Liability Law: Interactive

			<p>1. Identify the three main categories of product defects.</p> <p>2. Make distinctions among the three defects.</p> <p>Let's get started!</p>	
--	--	--	---	--

Lesson 2 – Identifying the Three Categories of Product Defects

Section	Design Type	Visual	Main Text	Notes
2.1	Video (Embedded)	n/a	<p>In this short video (6:56), you will be introduced to product liability and its three main categories of defects.</p> <p>https://youtu.be/BnU3sidMlls</p>	The video is embedded within the page rather than displaying the link.
2.2	Tabs	<p>Tab 1: blueprint of car engine</p> <p>Tab 2: car with flat tire</p> <p>Tab 3: prescription bottle label</p>	<p>You have learned about what product liability is and the three main categories of defects. The three defects can be summarized as follows:</p> <p>Tab 1: Design defects - "A design defect means that the product was manufactured correctly, but that there is something in the way the product is designed that makes it dangerous to consumers. Since the design defect is a flaw in how the product is designed, the defect generally affects the entire product line, rather than just one particular item."</p> <p>Tab 2: Manufacturing defects - A manufacturing defect is a defect in a product that was not intended. This kind of defect occurs when a product departs from its intended design and is more dangerous than consumers expect the product to be.</p> <p>Tab 3: Failure to warn - Failure to warn is one principle of product liability. When products fail to provide an adequate warning of the dangers associated with its use, this is known as failure to warn. The warning labels found on the product itself, and the owner's manual included with the product, must be clear and concise.</p>	SME to clarify if the definition for the design defect is a direct quote. If so, we will need to cite it or drop the quotes and paraphrase it instead.

Product Liability Law: Interactive

2.3	Flip Cards	n/a	Now test your understanding of the three defects by identifying which defect is associated with each of the following scenarios:		
		n/a	<i>Front of Card</i>	<i>Back of Card</i>	
			A defect in a product that was not intended	Manufacturing Defect	
			A warning label on a prescription bottle that does not list all possible side effects	Failure to Warn	
			A smartphone that overheats and catches fire	Design Defect	
			A car with defective air bags that cause injury when deployed	Design Defect	
			A baby car seat with a cracked base	Manufacturing Defect	
			A package of ground beef that contains the harmful bacteria Salmonella	Manufacturing Defect	
			A pair of sunglasses that fails to protect the eyes from ultraviolet light	Design Defect	

Lesson 3 – Distinguishing among the Three Defects

Section	Design Type	Visual	Main Text	Notes
3.1	Accordion with images and file attachments	<p>Image 1: Picture of Johnson & Johnson baby powder bottle</p> <p>Image 2: Philip Morris executives testifying in court</p> <p>Image 3: Image of Roundup bottle</p>	<p>Now that you have some idea of the three defects, let's look at some of the more famous cases of litigation involving product liability:</p> <p>Johnson & Johnson Johnson & Johnson paid \$2.12 billion in damages after it was found that its talcum powder products contained traces of toxic asbestos, leading to ovarian cancer in claimants. Read more here: Girion, L. (2018, Dec. 14). Johnson & Johnson knew for decades that asbestos lurked in its Baby Powder. Reuters.</p>	<p>File attachments included in text. Files are not embedded but linked to. No copyright restrictions for linking to these pages.</p> <p>Sources: Retrieved at https://www.reuters.com/investigates/special-report/johnsonandjohnson-cancer/.</p> <p>Retrieved at https://legal.thomsonreuters.com/blog/2002-phillip-morris/.</p>

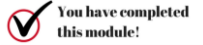
Product Liability Law: Interactive

			<p>Philip Morris In 2002, the tobacco giant Philip Morris paid \$28 billion in punitive damages to Betty Bullock, 64, who suffered lung cancer. At the time, it was the largest amount ever awarded to an individual plaintiff. Read more here: (2019, Oct. 4). Today in 2002: California jury awards \$28 billion in damages against Phillip Morris. Thomson Reuters.</p> <p>Bayer/Monsanto In 2020, Bayer (who acquired Monsanto) paid \$25 million to claimants when it was found that its weed killer, Roundup, could cause non-Hodgkin’s lymphoma, a form of cancer. Read more here: Hals, T. (2021, May 14). U.S. appeals court upholds \$25 mln Roundup verdict in blow to Bayer. Reuters.</p>	Retrieved at https://www.reuters.com/business/healthcare-pharmaceuticals/us-appeals-court-upholds-verdict-that-bayers-roundup-caused-cancer-2021-05-14/ .									
3.2	Knowledge Check/Multiple Choice	n/a	These cases all fall into the same “category” of product defect. Which one is it?										
		n/a	<table><tr><th>Answer</th><th>Feedback</th></tr><tr><td>Design defect</td><td>(Incorrect) Not quite! Recall that this category applies to how the product was designed. In all of these cases, the products worked as designed.</td></tr><tr><td>Manufacturing defect</td><td>(Incorrect) For it to be a manufacturing defect, these products would have had to have been delivered to consumers damaged, and that damage would then have resulted in injury.</td></tr><tr><td>Failure to warn</td><td>(Correct) Nice job. In these cases, the companies failed to warn the consumers about possible adverse</td></tr></table>	Answer	Feedback	Design defect	(Incorrect) Not quite! Recall that this category applies to how the product was designed. In all of these cases, the products worked as designed.	Manufacturing defect	(Incorrect) For it to be a manufacturing defect, these products would have had to have been delivered to consumers damaged, and that damage would then have resulted in injury.	Failure to warn	(Correct) Nice job. In these cases, the companies failed to warn the consumers about possible adverse		
Answer	Feedback												
Design defect	(Incorrect) Not quite! Recall that this category applies to how the product was designed. In all of these cases, the products worked as designed.												
Manufacturing defect	(Incorrect) For it to be a manufacturing defect, these products would have had to have been delivered to consumers damaged, and that damage would then have resulted in injury.												
Failure to warn	(Correct) Nice job. In these cases, the companies failed to warn the consumers about possible adverse												

Product Liability Law: Interactive

				health effects when using their products.	
3.3	Scenario	Default image of character avatar	<p>At this point, you are beginning to grasp the differences between the three defects. Let's practice a bit more.</p> <p>Read the following scenario:</p> <p>General Motors paid \$400 million to claimants after being found to sell certain car models with faulty ignition switches that could turn off while driving in cold weather.</p> <p>Which category of product defect is described?</p>		
			<i>Answer</i>	<i>Feedback</i>	
			Design defect	You've got it. This defect was caused by a fundamental error in the design of the ignition switch of certain models that resulted in possible harm to the consumer.	
			Manufacturing defect	Not quite. It wasn't just one ignition switch sold that was found to be faulty, but all of the ignition switches for certain car models.	
			Failure to warn	No warning about the use of the car ignition switch applies here. Rather, the defect should not have been present in the first place.	
3.4	Matching	n/a	You are on a roll! Let's try a few more. Match the following descriptions with their associated defect.		
			Blitz, a petrol container manufacturer, settled with claimants after its portable gas cans exploded while petrol was being poured.	Design defect	

Product Liability Law: Interactive

			In 2021, Meineke paid \$12.5 million to a claimant after being accused of providing dangerous worn tires that resulted in a car crash.	Manufacturing defect	
			In 1994, McDonalds paid \$2.86 in punitive damages and \$160,000 in medical expenses to a claimant who suffered third-degree burns after spilling a cup of McDonalds coffee in her lap.	Failure to warn	
3.5	Text on image	Image with checkmark. Example: 	Congratulations! You have completed this activity.		