



# **North Carolina Product Liability Attorneys Helping People Harmed by Dangerous, Defective Products**

In the chaos following a tragic situation that causes a severe injury or the death of a loved one, you may not realize you have rights to recovery beyond pursuing those responsible for the accident or mistake.

When a person is harmed by a defective or dangerous product, that person – or those left behind – can seek compensation for losses suffered with a product liability claim. For example, a poorly designed artificial hip could

break down, causing shavings and other debris to get lodged in surrounding tissues, resulting in painful inflammation, bone necrosis, and infection; transvaginal mesh products have caused significant damage to individuals seeking relief from urinary incontinence and pelvic organ prolapse; a defective airbag may be the primary cause of severe injury or death in a motor vehicle accident; a faulty space heater or kitchen stove may cause a fire that injures family members.

## Types of Dangerous and Defective Products

At Martin & Jones, our lawyers have decades of experience handling many types of personal injury and product liability claims. If you suffered a [serious injury](#) – or if a loved one died – because of a defective product, we will protect your rights to compensation.

You and your family use various products every day and rely on manufacturers to create items that are safe. Unfortunately, defective designs, failure to follow safety rules, and newly developed problems with products can lead to catastrophic and fatal injuries. Common examples include:

- **Medical devices:** Improperly designed and defective medical devices such as hip implants, pacemakers, and breast implants leading to post-operative complications such as the need for corrective surgeries.
- **Industrial Equipment:** Scaffolding, safety harnesses, and other devices meant to keep workers on construction sites or other dangerous workplaces safe from hazards.
- **Medications:** Unreported side effects, serious adverse reactions, or deadly interactions that lead to prescription recalls.
- **Motor vehicles:** Recalls of defective auto parts such as airbags, inadequate safety restraints, and faulty ignition switches.
- **Baby products:** Baby products – such as strollers, baby car seats, and playpens – causing infant injuries
- **Children's products:** Toys containing lead paint or parts that produce a choking hazard, as well as clothing that does not meet flammability standards
- **Household items:** Everyday appliances like washing machines, oscillating fans, floor lamps, and portable heaters manufactured with faulty wiring that create dangers like electric shock and fires.
- **Agricultural Chemicals:** Pesticides, herbicides (such as [Paraquat](#)) and other chemicals have toxic and hazardous effect on the health of farmers and others in the agricultural industry.
- **Contaminated food:** Failure to comply with food safety standards during food production resulting in dangerous bacteria and contaminants working their way into our food supply causing poisoning and disease.

## Problems With Medical Devices

Medical device manufacturers spend millions developing products that are supposed to improve our daily lives. Unfortunately, testing for these new devices is sometimes rushed or inadequate, and these products are pushed into the marketplace when they are not completely safe, jeopardizing the health and safety of patients.

Defects in the design or manufacturing of these products leave patients with lasting and sometimes fatal injuries. Often, by the time the hazards are realized, thousands of people have been injured or killed.

## Categories of Product Defects

There are three types of product defects that can arise from product liability cases: design defects, manufacturing defects, and marketing defects.

- **Design defects.** The first type of product defect that can result in a product liability damages case is a design defect. Generally speaking, in order to recover under a design defect theory, the claimant must show that something in the fundamental design of the product made it inherently dangerous. In other words, the product itself presents a danger rather than the way it was made, assembled, or used. A car airbag that explodes in high heat is an example of a design defect.
- **Manufacturing defects.** Under a claim for product liability due to a manufacturing defect, the injured party must show that the injury resulted from a mistake in manufacture. Even though the product was not improperly designed, it was nonetheless rendered dangerous because of how it was made. Had the factory not engaged in errors during fabrication, the injury would have never occurred. A car airbag that fails to discharge in a crash because it was installed improperly is an example of a manufacturing defect.
- **Marketing defects:** The third type of product liability claim that can be made is for a marketing defect, which is also called the “failure to warn ” defect. Here the claimant must show that the manufacturer failed to provide proper and necessary written warnings or instructions to protect the consumer from harm. If a vehicle manufacturer does not provide a written warning that an airbag can cause harm to children under a certain weight, and a child sits in the passenger seat and is injured when an airbag deploys, a claim case can be made for damages resulting from marketing defect product liability.

## Who is Liable in Product Liability Cases?

Depending on the circumstances, the manufacture, supplier, or the seller of a product could be liable for the injuries you sustain in a product liability case.

- **Manufacturer liability.** Usually, if a product’s defect resulted from a design flaw or a manufacturing error, the manufacturer can be held liable for the injuries a victim suffers as a result of using the product.

- **Supplier liability.** Sometimes a third-party supplier can be held liable if they provided a part that was defective and caused the victim's injury.
- **Seller liability.** Although not involved in the development or manufacture of a defective product, sellers, retailers, and distributors can sometimes be held liable for selling the defective or dangerous product.

Your North Carolina product liability attorneys can help you determine which party can be held responsible for your injuries.

## North Carolina Product Liability Attorneys Committed To Obtaining Compensation For Injury Victims Throughout The U.S.

You deserve answers and professional legal guidance no matter the size or complexity of your claim. [Contact](#) Martin & Jones in Raleigh today at [800-662-1234](tel:800-662-1234) or [send us an email](#) to schedule a free consultation with an attorney. All personal injury claims are handled on a contingency fee basis, and we maintain a proven track record of success.

We receive and welcome referrals. If you are unable to travel to one of our offices located in [Raleigh](#), [Durham](#), and throughout North Carolina, we will meet with you at a location of your choice after talking with you by phone. Learn more about why you should [choose us](#) to help with your claim.

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