CONCEPT

Product Liability and Product Recall Law: Defective Products, Warranties and Risk Allocation

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Dubai - Five-star CBD venue



Product Liability and Product Recall Law: Defective Products, Warranties and Risk Allocation

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Introduction:

Product liability claims, forced recalls and warning failures reach the legal department long after the design, sourcing and labelling decisions that caused them were made. Manufacturers, importers, distributors and retailers can each be pursued for defective products, and a recall mishandled in its first days multiplies the exposure. This Core Concept course gives in-house legal, compliance, quality and product staff a working method for product liability analysis, warranty and disclaimer drafting, recall decisions and supplier risk allocation. Participants produce a Product Legal Risk Review and Recall Legal Plan for a case product.

Course Objectives:

- Analyse a product incident under strict liability and negligence theories and identify which defect category, causation link and defence apply
- Map the liability exposure of manufacturers, component makers, importers, distributors and retailers for a defective product
- Draft express warranties, implied warranty disclaimers and limitation of liability clauses that hold up against consumer and business buyers
- Review labels, instructions for use, warnings and marketing claims for failure-to-warn and misrepresentation exposure
- Direct the legal side of a product recall, from the recall decision and privileged investigation to notices, remedies and closure
- Allocate product risk through supplier and distributor indemnities, recall cost clauses and product liability and recall insurance

Target Audience:

- In-house counsel who advise the business on defective product claims, warranty disputes and recall decisions
- Compliance managers accountable for product safety obligations, incident reporting and corrective action records
- Quality managers who own complaint investigation, traceability and root cause findings that later become legal evidence
- Product managers responsible for specifications, labelling, instructions and marketing claims across a product line
- Commercial and procurement managers who negotiate supplier, distribution and private-label agreements that carry product risk

Course Outline:

Day 1: Product Liability Doctrine and the Defect Taxonomy

- Strict Liability Versus Negligence: Elements, Burden of Proof and Causation
- Manufacturing Defect Analysis: Deviation from Intended Design and Batch Evidence
- Design Defect Tests: Consumer Expectation and Risk-Utility Balancing
- Failure-to-Warn and Marketing Defects: Non-Obvious Hazards and Adequacy of Warnings
- Product Liability Exposure Heat Map for a Product Portfolio

Day 2: Supply Chain Liability, Warranties and Contractual Limits

- Liability Along the Chain: Manufacturer, Component Maker, Own-Brander, Importer and Retailer
- Express Warranties and Implied Warranties of Merchantability and Fitness for Purpose
- Privity, Third-Party Victims and Claims by Non-Purchasers
- Warranty Disclaimers, Exclusion Clauses and Limitation of Liability Caps
- Development Risk, Scientific Knowledge at Supply, Misuse and Contributory Fault Defences

Day 3: Labelling, Claims and Product Safety Duties in Practice

- Warning Label Hierarchy: Signal Words, Hazard Statements and Pictograms
- Instructions for Use and Foreseeable Misuse Review Checklist
- Marketing Claim Substantiation File: Performance, Safety and Green Claims
- ISO 10377 Consumer Product Safety Guidelines: Hazard Identification and Risk Reduction
- Post-Market Duty to Monitor: Field Data, Complaint Trends and Safety Notices

Day 4: Recalls, Privileged Investigations, Insurance and Litigation

- ISO 10393 Consumer Product Recall Guidelines: Recall Decision, Scope and Remedy
- Trade-Level Versus Consumer-Level Recall Notices, Stock Hold and Return Reconciliation
- Incident and Complaint Investigation Under Legal Privilege: Counsel-Directed Protocol
- Product Liability Insurance and Product Recall Insurance: Triggers, Exclusions and Notice Conditions
- Mass Product Claims: Class Actions, Group Litigation, Expert Evidence and Settlement Strategy

Day 5: Case Work: Product Legal Risk Review and Recall Legal Plan

- Case Product File: Injury Reports, Test Data, Label Set and Supply Agreements
- Defect Classification and Liability Allocation Worksheet for the Case Product
- Supplier Indemnity, Recall Cost Recovery and Insurance Notification Checklist
- Product Legal Risk Review and Recall Legal Plan Drafting
- Plan Defence Before a Mock Product Safety Committee and General Counsel Panel

Skills You Will Gain:

- Defect Classification
- Product Liability Exposure Mapping
- Warranty and Disclaimer Drafting
- Warning and Label Legal Review
- Recall Decision Analysis
- Privileged Incident Investigation
- Product Risk Allocation in Contracts
- Product Insurance Claim Handling

Why Attend This Course:

- Leave with a Product Legal Risk Review and Recall Legal Plan for a case product, tested by a mock product safety committee
- Spot the label, instruction or marketing claim that turns a safe product into a failure-to-warn case before launch
- Keep incident investigations privileged and recall notices consistent with the defence strategy
- Compare product claims and recall cases with legal, quality and product peers from consumer goods, machinery, electronics and food businesses

Conclusion:

A product defect becomes a legal problem the moment someone is harmed or a regulator asks questions, and the organisations that respond well have already decided who owns each decision. The course moves from strict liability, negligence and the defect taxonomy, through supply chain liability, warranties and disclaimers, to labelling, marketing claims and safety duties, then to recalls, privileged investigations, insurance and mass claims. The final day produces a Product Legal Risk Review and Recall Legal Plan ready for general counsel review.