

What Is a Design Defect?

Design Defect

In the product liability context, a **design defect** claim arises when a plaintiff alleges that a product is inherently dangerous due to its design, rendering it unreasonably unsafe for its intended use. This type of claim does not focus on manufacturing errors but instead asserts that the product's fundamental design flaw poses an unreasonable risk of harm to consumers.

The two primary approaches used to establish design defect claims are the consumer expectations test and a risk-benefit analysis. Under the consumer expectations test, the inquiry typically is whether the product's design departs from what an ordinary consumer would reasonably expect. If a product fails to meet these expectations and poses a danger beyond what an average consumer would anticipate, it may be considered defectively designed.

Under a risk-benefit analysis, the inquiry typically involves weighing the risks and benefits associated with a product's design. If the risks of the product's design outweigh its benefits, the product may be found to be defectively designed.

Additionally, some jurisdictions require that a plaintiff must demonstrate that a safer alternative design was feasible.

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