

What Is Failure to Warn?

Failure to Warn

In the product liability context, a **failure to warn** claim arises when a plaintiff alleges that a product lacked an adequate warning regarding potential risks associated with its use. To succeed in a failure to warn claim, a plaintiff typically needs to demonstrate that the lack of a warning regarding a particular potential harm rendered the product unreasonably dangerous, and that adequate warnings would have ultimately prevented the alleged harm.

In pharmaceutical and medical device cases, many jurisdictions employ the learned intermediary doctrine, which provides that a manufacturer's duty to warn only extends to trained professionals, such as doctors or pharmacists, who act as intermediaries between the manufacturer and patients.

Related Capabilities

[Class Actions & Group Litigation](#)[Product Liability & Mass Torts](#)[Medical Devices](#)