

13-1416. Duty of the supplier; directions for use.

The supplier must use ordinary care to provide directions for use of the product to avoid a risk of injury caused by a foreseeable manner of use.

Under plaintiff's claim of "products liability", a product presents an unreasonable risk of injury if put on the market without directions for use to avoid a risk of injury caused by a foreseeable manner of use.

[The supplier has no duty to provide directions when [he] [she] [it] can reasonably expect that the safe and proper use will be obvious or known to foreseeable users of the product.]

USE NOTES

This instruction must be given where the supplier's failure to provide adequate directions for use of the product is a submissible issue.

The first paragraph shall be given in a negligence case. The second paragraph shall be given in a strict liability case. Where both theories are submitted, both paragraphs shall be given. If only strict liability is submitted, drop from the second paragraph the introductory phrase "Under plaintiff's claim of 'products liability.' "

The bracketed third paragraph is used only if there is sufficient evidence to support a jury determination that proper use of the product is obvious without directions. [As amended, effective November 1, 1991.]