

**13-1417. Warning or directions; means of communication.**

To satisfy the duty [to warn] [to give directions for use], [a warning] [directions for use] must be communicated by a means which can reasonably be expected to reach [persons using the product] [and] [persons in the vicinity during the use of the product].

USE NOTES

This instruction is to be given where the adequacy of the means chosen by a supplier to communicate a warning or directions for use is a submissible jury issue. Where inadequacy of the manner of communication of a warning is not a theory of plaintiff's case or is not supported by competent evidence, this instruction shall not be given. Specifically, this instruction shall not be given if the plaintiff was a bystander under circumstances which would have made it impossible for the supplier to communicate a warning by any reasonable means.

The appropriate bracketed language should be selected depending upon whether plaintiff claims failure to warn of a risk of injury or failure to give directions for use of a product. In a few cases both may apply, and the instruction will have to be modified to include both warnings and directions. The proper bracketed material should be selected depending upon whether the injured party was a user or a bystander.