### IDJI 10.01.1 – Product liability – definition of defective product

INSTRUCTION NO. \_\_\_\_\_

 A product may be defective because of a defect in its [design] [or] [manufacture] [or] [because of a failure to adequately warn the consumer of a hazard involved in the foreseeable use of the product]. A product has a defect when it exposes a user or bystander to an unreasonable risk of physical injury, or if it is more dangerous than would be expected by an ordinary person who may reasonably be expected to use it. The law does not say what would be expected by an ordinary person or who may reasonably be expected to use the product. Both of these issues are for you to decide.

Comment:

Include such bracketed portions as are indicated by the issues in the case. Specific instructions setting forth the elements of claims of manufacturing defect, design defect and failure to warn follow.

Puckett v. Oakfabco, Inc., 132 Idaho 816, 979 P.2d 1174 (1999). See, also: Restatement (Second) of Torts, § 402A, comments (g) and (i); Restatement (Third) of Torts, Products Liability § 2 (Tent. Draft 1994).