### IDJI 10.03.3 Elements of “knowledge” on part of product seller

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

In order to find that a seller knew or should have known of a defect in the product, you must find that the seller had actual knowledge of the defect or had knowledge of circumstances that would have put a reasonable person on notice of the existence of the defect.

A product seller has a duty to reasonably inspect products offered for sale in a manner which would, or should in the exercise of ordinary care, reveal the existence of the defect. [A seller who acquires a product in a sealed package or container and sells the product in the same sealed package or container does not have a reasonable opportunity to inspect the product.]