

The Law of Torts and the Recall of Products from the Market

Posted on May 25, 2018

Introduction

The concept of Negligent Tort is widely used to describe actions of failure by an individual or organization. It is definitely a form of negligence that can likely cause harm or danger to a person. The law of torts allows a person to sue a company due to harm or injury caused by a company's carelessness or negligence, and therefore, organizations usually recall products from the market immediately after a company realizes a mistake was made when manufacturing a product to avoid a lawsuit.

Therefore, Lenovo is one of the companies for which the United States Consumer Product Safety Commission recalled its products early this year due to their being faulty. However, this paper discusses the recall of products from the market by the United States Consumer Product Safety Commission due to certain defaults that could cause harm to the public.

Lenovo is one of the largest electronic manufacturing corporations specializing in laptops, desktops, mobile phones, and notebooks. On February 6, 2018, the United States Consumer Product Safety Commission recalled Lenovo ThinkPad laptops because of their fire hazard (McLain, 2018). The recall was issued due to an unfastened screw which was regarded by the commission as dangerous. The unfastened screw could easily damage the battery of the laptop and cause overheating. It was established that such overheating could result in fire hazards, and therefore, a recall was issued to protect the public from any danger that the company's negligence might cause.

The recall number for the Lenovo ThinkPad laptop is the fifth-generation ThinkPad X1 Carbon. According to a report from the commission approximately 78,000 units of laptops were called from the market (Lenovo Support, 2018). It is estimated that 5,000 pieces of Lenovo laptops were recalled from the Canadian market so that the company could fix the unfastened screw issue. Even though someone can view the unfastened screw as a minor without analyzing the impact or effect on the user if any case it busted due to overheating. Under the law of negligence of torts, the commission is responsible for ensuring that such negligence or carelessness does not cause harm to consumers. As stated by McLain (2018), the recall of products is necessary so that an organization can fix the mistake found on the product when already in the market, to ensure public safety is maintained.

Causes and Contributing Factors

However, if Lenovo ThinkPad laptops were not recalled so that the unfastened screws could be fixed, the Lenovo Company would have been held responsible for all damages caused by the laptop. First and foremost, the law of torts gives an individual the right to sue a company for the harm, damages, or injuries caused by a product due to negligence, which could have been avoided through careful assessment (Owen, 2011). For instance, if a Lenovo battery bursts into the air and burns an individual or a user, the court shall order the product to be analyzed or assessed by the experts. This is done to establish the genesis of the harm and if it is due to the company's negligence the product will be withdrawn from the market, and at the same time compensation will be issued to the person. According to Jansen (2004), the company should always be liable for any harm caused by negligence or carelessness of a company. Therefore, failure to fasten the screw is carelessness and any Lenovo Company would be held liable for any harm or danger caused by the unfastened screw.

Research Findings

However, under the tort law, negligence or other harms caused by negligence are punishable under civil cases. It will compel the victim to file a lawsuit under the civil case so that Lenovo will be held responsible for its actions. The research established that several companies have been sued before for negligence. For instance, Uber was sued for a data breach by a customer. It is clear that every company's duty is to ensure that every product manufacturer meets the required standard. In the case of Lenovo, The ThinkPad laptop can cause harm to users, and therefore, ThinkPad laptops do not have the moral standard or legal obligation to be sold to customers. According to Stevenson (2000), duty care is the moral obligation or duty of a company or an individual to make sure that every good product is fit and standardized.

Standard of care is the prudence or caution required for a person or a company to take when under duty care. In the case of the Lenovo product which was recalled from the market, it is evidence that the company did not apply the standard of care, as a result, a certain screen was not properly fastened. Standard of care helps avoid unnecessary negligence that could be costly to an organization. If standard care procedures were followed strictly, Lenovo ThinkPad would have been released to the market with unfastened screws. Therefore, it is evidence that the standard of care was not properly applied to the laptops to check the faulty parts. In this case, Lenovo could easily be penalized for any harm caused by the faulty laptop to customers under the law of torts.

Key Challenges

Most importantly, a breach of duty is registered when a person or a company trusted to provide duty care ignores its duty and produces products that can cause harm to users. Lenovo Electronics automatically committed a breach of duty care and produced faulty laptops which can easily harm

users. It is due to negligence because the unfastened screw could have been fixed before the products left the factory because of negligence, the company did not fix the problem (Stevenson, 2000). The problem would not have happened knowing but since it could have been avoided the company is regarded to have breached its duty, which is punishable by the law.

It is evident that if Lenovo had tested ThinkPad Laptops before releasing the products to the market, the fault part would have been detected. Actual Causation is the actual test of the product to avoid certain results that can occur if a product is released to the market without proper testing and assessment. Actual Causation can be termed as the cause of breach of duty care, duty care, which results in the actual injury. For instance, if a ThinkPad Laptop had busted and burned an individual, the actual causation would have been the burn. And therefore, Lenovo could be sued for burns resulting from the breach of duty care. In tort law, defense negligence is the shared responsibility between the user and the company. Courts normally use it to argue that an individual is partially involved in the injury. In the case of Lenovo, it can be argued that a person overcharged the laptop, which caused the overheating, and therefore, the customer contributed to the injury (Jansen, 2004).

In the case of an accident, a court would require a clear understanding of what happened before an accident occurred. Therefore, proximate Causation provides a statement or chronological events of exactly what happened when an individual was injured as a result of the negligence of a company or the breach of duty care. It helps to establish whether the injury is legal bidding and can be compensated, and Lenovo can be held liable (Jansen, 2004). However, if the laptop bust and burn a customer because of the unfastened screw, then the cause of the accident is the unfastened screen. Proximate Causation, therefore, assists in establishing the cause of an accident which is essential in case there is a lawsuit in court. The actual injury is what was caused by the unfastened screw from the laptop battery and it can either be burned, broken leg, or suffocation.

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