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Personal Injury

Companies can be held liable for injuries caused by product

By AdvocateDaily.com Staff



Customers injured by faulty products could have a claim against the manufacturer, says Toronto personal injury lawyer [Jasmine Daya](#), who helps plaintiffs seek recourse for injuries sustained as a result of defective items.

Daya, managing principal with [Jasmine Daya & Co](#), says a significant portion of her practice involves product liability.

“When a product you purchase does not operate the way it’s supposed to or is unsafe for any reason, injuries or damage to property can occur,” she tells [AdvocateDaily.com](#). “If the company has cut corners during its manufacture or failed in some other way, then they can be held liable for that damage.”

The range of products subject to such claims is extremely wide, Daya says. For example, she has ongoing litigation involving items as diverse as motor vehicles and home-waxing kits.

In the case of the car, Daya’s client was driving normally when smoke began pouring out of the hood, where it turned out the engine was on fire.

“We discovered the vehicle was the subject of a major recall,” says Daya, who adds that the company has so far refused to compensate her client because the individual purchased it as a used vehicle.

“We’re delving further into it because I don’t believe they have the right to deny the claim on that basis,” she says.

The waxing-kit claim began when Daya’s client was injured while warming the equipment in the microwave.

“The whole pot exploded, throwing hot wax all over her chest, neck and arms,” Daya says. “Luckily, she was wearing a long-sleeved top or else the injuries could have been worse, but she still suffered significant and permanent burns and has been unable to work in her retail job.”

Another client launched a claim against the manufacturer of a Bluetooth wireless speaker after it exploded while close to her client, resulting in partial hearing loss and ongoing ringing that have impacted his ability to work and earn income, she says.

Whatever the nature of the allegedly faulty product at the heart of a case, Daya explains that the legal process looks the same.

She and her team focus on the many stages of development that items go through before hitting the market, looking for the potential source of a problem, which could include faulty design, manufacturing issues, inferior inspections or inadequate storage.

A claim could also be established on the basis that there was an insufficient warning about known dangers of the product’s use, she adds.

“It’s a very technical process, but an experienced lawyer can guide you through it,” Daya says. “It’s important to recognize the need to preserve evidence. Then you can set about proving your damages, and showing that they occurred as a result of the defective device.”

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