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Viewpoint -- America's Funniest Product Warning Labels

Stating the obvious may seem unnecessary, but in the long run it may save money.

By [Peter Strozniak](#)

Warning! Do not read this column if you have completely lost your common sense, believe personal responsibility is overrated, or if you've been named to the hall of fame for village idiots.

This may be a rather odd way to start a column, but it's not as strange as what you're about to read. It appears that product warning labels have reached a new level of absurdity. There are some warning labels that are so absurd they will make you laugh, while others will boggle your mind about the depth of human stupidity.

"Recycled flush water unsafe for drinking," reads a warning label on a toilet at a public sports facility in Ann Arbor, Mich.

This warning label received the dubious distinction as one of the nation's wackiest labels, as determined by [Michigan Lawsuit Abuse Watch's \(M-LAW\) Wacky Warning Label Contest](#), an annual event that draws national and international media attention. M-LAW is a non-partisan coalition that was founded by Beth L. Thieme, executive vice president of Amigo Mobility International Inc. The Bridgeport, Mich.-based manufacturer introduced the world's first three-wheeled electric scooter in 1968.

Despite having what Thieme says is a reputation for quality and safety, Amigo Mobility has gotten slapped with a few lawsuits over the years -- including one that involved a product her company did not make or sell. According to Thieme, while at trade show, an Amigo employee picked up some other company's sample product, which was a newly designed rubber tip that goes on the end of a crutch. She says that through no fault of Amigo's, the sample product ended up on a woman's crutch. She fell, she injured herself, and she sued everyone in sight.



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"When I started looking at the claims, I realized that we are all paying for the costs of these claims and we needed to change the system," Thieme says. "We estimate that every citizen in Michigan pays what we call a 'lawsuit tax' of approximately \$1,200 per year for increased product costs, lost time and wages in fighting these claims and paying out excessive settlements."

The purpose of M-LAW, with more than 2,000 supporters, is to increase public awareness about ridiculous lawsuits. By doing this, M-LAW believes more public pressure will be placed on judges who have the power to dismiss frivolous lawsuits. M-LAW contends that some judges are often times reluctant to do so because they receive large sums of campaign cash from personal injury lawyers. Around election time, M-LAW mails informational flyers to voters about how much money judges accept from personal injury attorneys.

Four years ago M-LAW launched its Wacky Warning Label Contest to illustrate that frivolous lawsuits have created a national aura of legal paranoia among manufacturers who believe that if they fail to place these so-called "common-sense" warnings on their products, some backwater moron is going to sue their butts. Then again, even with common-sense warning labels, there is always a chance manufacturers will be sued anyway because some opportunistic lawyer hailing from Florida will find some way to argue that the common sense warning label is unconstitutional.

Believe it or not, that crazy warning label on the public toilet mentioned earlier was a second-place winner. The grand prize went to a warning label on a pair of shin guards manufactured for bicyclists. The label reads: "Shin pads cannot protect any part of the body they do not cover." Gee, thanks for the warning.

A runner up included a warning on an electric router manufactured for carpenters that cautions: "This product not intended for use as a dental drill." I guess that warning is for all of those would-be dental quacks out there.

"We bring humor to a serious situation that attracts people's attention," Thieme says. "It also helps them see how crazy it is."

To prove that point, here are warning labels that have won M-LAW's contests in previous years.

A household iron warns consumers: "Never iron clothes while they are being worn." Hey John, you look great, but are those second-degree burns showing through your shirt?

A cartridge for a laser printer reads, "Do not eat toner." This warning may be aimed at all addicts who will try anything for a cheap high.

A cardboard car sunshield that keeps sun rays off the dashboard cautions: "Do not drive with sunshield in place." I suspect this message is directed to persons who may forget to take down the sunshield because they're just too busy using the mobile phone or surfing the Web on their laptop while they trek through treacherous rush-hour traffic.

A label for a hair dryer says: "Never use hair dryer while sleeping." What they really need is an automatic timer attached to the hair dryer so that it shuts off while they doze off. Do I smell a patent here?

A container for an underarm deodorant reads: "Caution: Do not spray in eyes." That's for people who have a lousy aim, or for those who think the deodorant can make their hair smell real pretty.

"A warning label on a baby stroller warns: "Remove child before folding." Unless, of course, your child is very flexible.

A wind-proof beach towel carries a warning that says: "This towel has been tested to withstand significantly strong winds. But please be advised that during a hurricane or other severe weather conditions this product should not be used to secure yourself or anything of value." Yeah, but can't you use it on someone you don't like?

Sheila A. Millar, a Washington-based lawyer at Keller and Heckman LLP who helps manufacturers develop product warning labels says there is no suit-proof or silver bullet remedy.

"For the manufacturer, maybe they prefer to be the butt of joke than a defendant in a big lawsuit," Millar says.

Good point.

"Now, I have to say that I would probably not counsel a client to put a warning not to drink recycled water in a toilet in a public restroom since I would deem it the most unlikely of probability that anyone would drink out of it," she says. "On the other hand, if I know it is a public restroom that is frequented by homeless people and that often the taps are turned off in the sink, I might have a different view about that."

Millar adds: "When you look at some of the practical dynamics of these situations, it's no wonder manufacturers are trying to come up with ways to minimize their own liability exposure, ways that may appear to be ludicrous to the outside world."

Another good point.

But in my view, the point all of us should be discussing is: Where do we draw the line on all of this lunacy? Perhaps it's time to follow Thieme's lead and do something about it.

"You've got to pick and choose your claims because you don't have the money or the time to fight every single one," she says. "If we all say 'let's just settle the claim and do what is economically reasonable' it won't change the system, it just feeds the system. If you settle too frequently it breeds litigation. You just have to take a stand. I think if we start going down the path of raising the issues, and having people talking about it, there's a chance of reform."

Peter Strozniak is an associate editor for IW. He is based in Cleveland.