

# AUSTRALIAN Product Liability reporter

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General Editor



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## Wacky warnings — a light hearted look at product warning labels

**Frank Adoranti**

CORPORATE LEGAL EDUCATION AND DEVELOPMENT

Manufacturers of consumer products have to think very carefully about warning labels these days, as a *preventative* measure to help avoid being sued (or as a *defensive* measure if actually sued).

While a warning will not protect against a faulty product, it may help to limit and defend some claims. In most product liability actions, a plaintiff will generally claim that the company 'failed to warn' of a particular danger.

In this era of consumer awareness and product liability litigation, some product manufacturers choose to over-warn about every possible product risk, no matter how remote or how blindingly obvious the danger might be.

However, because we are bombarded with so many of these warnings on a daily basis, we have almost become desensitised and immune to the impact of their message.

How many people have actually read legal disclaimers appearing on the various websites they visit?

How many people actually pay attention to the existence of warning signs and labels, let alone actually read them, in the first place? Most of us have read at least one report of a court case involving a swimmer who failed to read (or heed) a 'no diving' sign.

Have you ever wondered how many smokers, taken by a craving and reaching for that cigarette, actually pause and take a moment to read of the warnings on a cigarette packet — only to then decide that they might be better off *not* to actually have that cigarette after all?

Having seen some real howlers over the years, I have attempted to separate some of these 'wacky warnings' into three categories:

- warning labels indiscriminately applied — these are the warning labels that companies just 'slap on' a product without thinking;
- translations into English that somehow missed the mark, and
- catering to the clueless.

Let's look at some examples of each.

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## Warning labels indiscriminately applied

These are the warning labels that companies just 'slap on' without thinking.

Wacky warning	Where it appeared
For use by trained personnel only.	<i>On a can of air freshener.</i>
This product is not to be used in bathrooms.	<i>On a bathroom heater.</i>
Warning: may contain nuts.	<i>On a packet of peanuts.</i>
Do not drive a car or operate heavy machinery.	<i>On children's cough medicine.</i>
For indoor or outdoor use only.	<i>On a string of Christmas lights.</i>
Warning: may contain small parts.	<i>On a frisbee.</i>
Not suitable for children aged 36 months or less.	<i>On a birthday card for a 12 month old.</i>
Warning: do not use if you have prostate problems.	<i>On a box of menstrual pain relief tablets.</i>

## Translations into English that somehow missed the mark

Wacky warning	Where it appeared
Battery may explore or leak.	<i>On a battery.</i>
Use repeatedly for severe damage.	<i>In a shampoo container.</i>
Lie down on bed and insert slowly up to the projected portion like a sword guard into anal duct. While inserting for approximately five minutes, keep quiet.	<i>On a tube of haemorrhoid medication.</i>
Insert steel into hole and wait for explosion.	<i>A motor vehicle instruction manual (presumably instructing the user to insert key into the ignition, turn it and wait for the engine to start).</i>
Please keep out of children.	<i>On a butcher's knife.</i>
Do not recharge, put in backwards, or use.	<i>On a battery.</i>
Warning: riders of personal watercraft may suffer injury due to the forceful injection of water into body cavities either by falling into the water or while mounting the craft.	<i>In the instruction manual of a jet-ski.</i>
Do not look into laser with remaining eye.	<i>Instruction leaflet for a laser pointer.</i>

## Catering to the clueless

Perhaps understandably, this is a much longer list.

Wacky warning	Where it appeared
Directions: open packet. Eat contents.	<i>Instructions on a packet of airline peanuts.</i>
Do not use as an ice cream topping.	<i>Directions on a bottle of hair colouring solution.</i>
For external use only!	<i>On a curling iron</i>
Warning: this product can burn eyes.	<i>On a curling iron.</i>
Do not use in shower.	<i>On a hair dryer.</i>
Do not use while sleeping.	<i>On a hair dryer.</i>
Do not use while sleeping or unconscious.	<i>On a hand-held massaging device.</i>

Many of these warning labels came about because of actual complaints or lawsuits filed against manufacturers. Remember, the people who initiated such complaints or lawsuits are allowed to vote and have children ... we should be very afraid.

### The award for my all time favourite 'wacky warning' goes to ...

'Warning: No parts of this motorcycle are edible' — *appearing in a motorcycle instruction manual.*

An honourable mention must go to 'a license to steal' ...

'You could be a winner! No purchase necessary. Details inside.' — *appearing on the outside of a bag of potato chips.*

### The 'cure' for 'wacky warnings'?

We should, as consumers, be demanding more 'commonsense' warning labels — of the kind being

used by one innovative coffee-vending company. One of their labels says:

'Whoa! Contents may be hot! Of course, it's hot. It's coffee. If you wanted cold coffee, you would have *asked* for cold coffee.'

### Something to ponder

What does it say about us when we know a teenager may be *less* likely to respond to a sign that warns of the dangers of diving in at the shallow end of a swimming pool, in the following 'trivial' way: 'May cause spinal injuries, permanent disability or death.'

Whereas a sign that warns of more 'severe' consequences, in the following way, might be more likely to elicit a positive response: 'May cause acute embarrassment and make you look like a real dork.' ●

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## contributions

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