



UNDERSTANDING A PRODUCT RECALL OR SAFETY WARNING

As consumers, we are becoming more conscious of the dangers of faulty products, but many of us are still unaware of our rights when it comes to a safety alert and product recall. A product recall is a request to return a product after a safety issue or defect has been found that could be dangerous. It is an important means of protecting consumers.

Over the last few years, we have seen some high-profile product recalls with overheating phones, exploding car airbags and tumble dryers that catch fire.

THE RECALL PROCESS EXPLAINED

Any product that could cause a safety risk must be recalled. Examples include incorrectly labelled food which may cause an allergy, a toy which is a choking hazard or a car that has a risk of catching fire. The responsibility for the recall lies with the producer, manufacturer and importer.

A product recall can be issued on a voluntary or compulsory basis. The law states that manufacturers must do as much as is practicably possible to inform customers that there may be a potential issue with the product.

When a manufacturer issues a recall, it is effectively saying that it has identified issues with a number of goods produced from a specific batch on the production line. This does not automatically mean that the item in your possession is one of the problem items.

Manufacturers are required to publish a notice in a form and manner that will bring to the attention of purchasers of the product the risk it poses and the facts of the recall. Producers and distributors must inform their local authority (typically, the Trading Standards Department). Products are then placed on the Trading Standards recall list, but other things can be done as well, such as posting adverts in papers, contacting customers directly, putting information on websites etc.

If you become aware that a product you own has been recalled or has a safety notice issued against it, make sure you follow the instructions given to you by the manufacturer. If you do not receive instructions, check the manufacturer's website or, if you are concerned, stop using the product immediately.

The manufacturer should communicate with you about the recall and state how it will work. For example, it might arrange for the product to be collected or could send out engineers to make repairs. The manufacturer should also give you an idea of how long the process will take.

CLAIMING COMPENSATION FOR FAULTY PRODUCTS

Under the Consumer Rights Act, you are entitled to a full refund within 30 days and under the Sale of Goods and Service Act you have a right to a refund or replacement. The General Product Safety Regulations dictate that manufacturers must make arrangements for the collection and / or return of the product.

Under the Consumer Protection Act, if you have suffered injury or harm caused by a defective product, you have a right to claim compensation. This is the case even if you did not buy the product yourself. You can also sue for damage or loss of private property caused by faulty goods if the damage amounts to at least £275.

The amount that can be claimed will depend on the injury and harm that you have suffered but there is no upper limit to compensation. The specialist product liability solicitors at Penningtons Manches Cooper will be able to assist you with assessing what compensation might be due to you.

PITFALLS IN THE CURRENT SYSTEM

A recent report has highlighted that the product recall system in the UK is riddled with problems and there are concerns that if the system is not reviewed, lives could be put at risk. The issue predominantly lies with the fact that there is no single enforcement body that



monitors and recalls potentially harmful products and there is no central database that lists the recalls.

Under the current system, particular product types have their own enforcement agencies, for example Trading Standards investigates companies that sell unsafe or dangerous items and the Food Standards Agency monitors food stuffs to ensure that contaminated food is removed from circulation.

However, the lack of a central enforcement body to monitor product safety and recalls makes it more difficult for consumers to actually know if the products they are using are safe and to access information about what to do in the event that they have unwittingly purchased a potentially dangerous product.

Which? has called for an overhaul of the product recall system in the UK. It is urging the Government to set up a national body to take control of dangerous products as they arise and get faulty items out of people's homes more quickly. It suggests we need 'one single, reliable and well-publicised site that is an authoritative source of information and advice'.

PRACTICAL GUIDANCE FOR THOSE AFFECTED

For now, we recommend that if you are concerned about the safety of a product you own, you should always check the manufacturer's website to see if a safety notice was issued recently. There are also other websites that list the most recent product recalls, including:

- [the Food Standards Agency](#)
- [the Chartered Trading Institute](#)
- [the Driver and Vehicle Standards Agency for car and vehicle recalls](#)
- [the Electrical Safety First's list for electrical products](#)
- [the Government's website for recalls for drug and medical devices](#)
- [the EU Commission's rapid alert system website for EU-wide product safety warnings.](#)

It is important to register your electrical products as this means it is easy for you to be contacted about a recall. If you become aware that an item you own has been recalled or has any safety notice issued against it, make sure you follow the instructions given to you by the manufacturer. You can also check the manufacturer's or retailer's website for more information.

FIND OUT MORE

For further information or to discuss your potential claim with an experienced solicitor, please contact:

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