

Products Liability Series: Does Arkansas Law Recognize a Cause of Action for Failure to Warn?



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Does Arkansas law recognize a cause of action for failure to warn? Yes. Failure to warn claims may be applicable against both manufacturers and suppliers. A manufacturer of a product has a duty to give a reasonable and adequate warning of dangers inherent or reasonably foreseeable in its use for a purpose and in a manner that the manufacturer should reasonably foresee. A violation of this duty is negligence. There is no duty, however, to warn a user of obvious dangers or those known to him or those which he should reasonably discover for himself. AMI 1002. Notably, however, manufacturers are not relieved of a duty to exercise due care in design and manufacture of equipment merely because the dangerous feature is clearly exposed to foreseeable users. The open and obvious danger rule is not an automatic bar to recovery on a strict liability claim for defective design. *Lockley v. Deere & Co.*, 933 F.2d 1378, 1382–84 (8th Cir. 1991); see also *Forrest City Machine Works, Inc. v. Aderhold*, 273 Ark. 33, 37–38, 616 S.W.2d 720, 723 (1981). Unlike a manufacturer, a supplier’s duty to warn arises only where it is shown that the seller knows or has reason to know that the product is likely to be dangerous when used in the manner or for the purpose for which it was designed. On a related note, there is [no post-sale duty to warn](#) in Arkansas.

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