

## Products Liability Series: What Is Arkansas' Law on Comment K to Section 402A of the Restatement (Second) Of Torts?



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What is Arkansas' law on Comment K to Section 402A of the Restatement (Second) of Torts? Arkansas follows comment k to Section 402A of the *Restatement (Second) of Torts* with regard to unavoidably unsafe products. This is an affirmative defense, requiring proof that the product is unavoidably dangerous. *West v. Searle & Co.*, 305 Ark. 33, 38–40, 806 S.W.2d 608, 611–12 (1991). To establish a showing of “unavoidably unsafe”, there must be no feasible alternative design accomplishing the product’s purpose at a lesser risk. The evaluation of a purported alternative design and the product’s actual design should focus on: (1) the magnitude of the product’s risk that the alternative avoids; (2) the costs of the two designs; (3) the benefits of the two designs; and (4) the relative safety of the two designs. *Id.* at 41.

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