

## **BOB DORIGO JONES: Silly Labels, serious consequences**

### **Frivolous lawsuits increase product dangers**

by **Bob Dorigo Jones**

*Bob Dorigo Jones, creator of the annual **Wacky Warning Labels™ Contest**, is senior fellow at the **Center for America** and author of “Remove Child Before Folding” (Warner Books, 2007).*

Tuesday, June 19, 2012

Have you ever shaved while sleeping? Or used a map on a desktop globe to navigate a boat? Perhaps a better question is: Do you really need to be warned against doing either of those things?

Chances are, you answered “no” to these questions. Nevertheless, the manufacturer of a 7-inch decorative globe felt compelled to place the warning, “These globes should not be referred to for navigation.” That wacky warning and the label on a well-known men’s razor that cautions against using while sleeping were two of the winners in this year’s 15th annual Wacky Warning Labels™ contest sponsored by the nonprofit **Center for America**.

If you think those are funny, look at the other three finalists announced last month:

A neck pillow developed and marketed specifically for children warns: “Keep product away from infants and children.”

A “Laptop Steering Wheel Desk” for use in one’s car or truck warns: “Never use this product while driving.”

An electric skillet warns: “Caution: griddle surface may be hot during and after cooking.”

Those warnings are about as obvious or, in the case of the pillow, as absurd as they come. So why do we need them?

The answer may surprise you. Warnings like these often aren’t intended for consumers who buy the product. They are aimed at personal injury lawyers

who may sue the company if someone gets injured while using their product.

Much has been written about the problem of frivolous lawsuits in America, but these warning labels are tangible evidence of how those lawsuits filter down to the rest of us, even if we never get sued. Someone somewhere ignored common sense when using a product, got injured and then sued. Lawsuits like those are almost always based on the argument that the product maker “failed to warn” the consumer of the activity that resulted in the injury - even if it was avoidable by using common sense.

So, today, we see labels on scooters that warn, “Product moves when used,” and on fishing lures that caution, “Harmful if swallowed.” Those are two previous winners in our contest.

Warning labels like this are certainly good for a few laughs, but there is a serious side, too. Experts believe consumers are less likely to read warning labels we need because warnings have become so long and filled with common-sense admonitions. Many of us just tune them out. The personal injury lawyers who claim they’re helping us by filing these dubious lawsuits are really eroding public safety efforts.

There’s another drawback to the warning-label explosion, too. Some warning labels that are placed on products because of legal fears are scaring people from using products that could help them.

One woman told me her mother bought several heat-

*Continues next page ....*

## **BOB DORIGO JONES, continued**

ing pads and later returned all of them to the store because each one warned: “Caution, risk of fire.” She was genuinely concerned that her house might burn down because the heating pads would ignite a fire. Silly? Perhaps, but it happens more often than we may think. We also hear more serious stories from people who haven’t used medicine prescribed by their doctors because of alarming warnings on the packaging.

In many costly instances, consumers are making the choice to avoid potential risk despite the life-enhancing qualities of the products they decide to forgo.

There is a lawsuit filed every two seconds in the United States. In fact, we have so many lawsuits in the U.S. that think tank Pacific Research Institute has calculated that Americans would save \$589 billion every year if our tort costs were simply comparable in size with other industrialized countries. Imagine if that money went to job creation or innovation instead. With changing consumer behavior based on either too many labels or warnings that scare users away from products, this real threat to public safety is no laughing matter.

Email Bob at [Bob@CenterforAmerica.org](mailto:Bob@CenterforAmerica.org)



Bob Dorigo Jones and John Stossel on the set of “Stossel” discussing the 2012 Wacky Warning Labels Contest winners and the many ways frivolous litigation stimulates the proliferation of defensive labels that confuse and scare consumers. The program aired nine times on FOX Business News and FOX News Channel in June 2012. Watch the discussion on the Center for America website, [www.CenterForAmerica.org/bdj\\_stossel\\_2012.html](http://www.CenterForAmerica.org/bdj_stossel_2012.html).