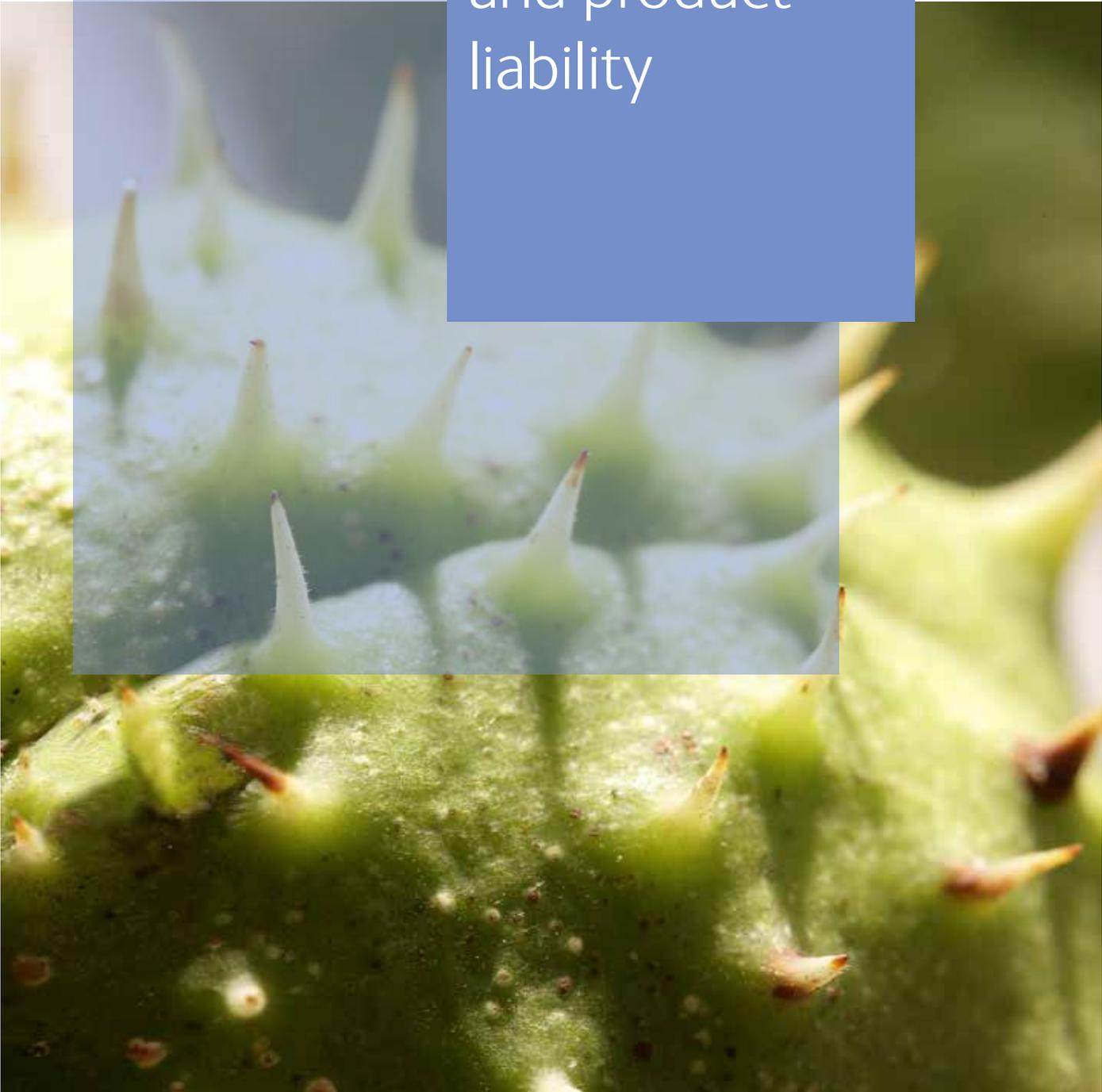


Product safety  
and product  
liability



## Core strengths

Our product safety and liability practice advises clients across multiple jurisdictions on the legal problems that can arise at any stage during the lifecycle of a product.

Our clients include designers, manufacturers, distributors, importers and retailers from a range of sectors including consumer goods, food and beverages, cosmetics, chemicals, vehicles technology, medical devices and pharmaceuticals.

## Our services

Able to counsel clients on the complete range of supply chain issues.

Chambers UK 2015

### Product safety

Designing, manufacturing and marketing a product in compliance with applicable product safety legislation is the first stage. Product safety is increasingly a highly regulated space, with both product specific standards as well as general product safety duties. The EU landscape is especially regulated, though compliance here brings with it the benefit of the single market. Our product safety specialists are highly regarded by industry for their expertise, including on compliance with relevant rules, labelling and marketing, instructions, and safety information.

### Product recalls and crisis management

Problems associated with unsafe or defective products or food can develop at speed. Increasingly widespread cooperation between regulatory authorities means that a safety issue identified in one part of the world could have wider implications affecting business in other parts of the world. Our objectives are to advise effectively and swiftly for our clients to understand and comply with the regulatory requirements, work with their distributors/retailers effectively to help them manage publicity and minimise financial damage to their businesses and brands.

Beyond single country recalls, we deploy our international network to coordinate effectively with different regulators.

### Risk evaluation and regulatory compliance

Business exposure to product recalls or civil damages claims can be minimised by effective preparation. To assist clients we have advised on diverse aspects of pre-crisis processes and strategies. These include:

- advising on product labelling and advertising
- drafting contractual limitations of liability for recall costs or liability damages
- designing procedures for claims handling and recalls
- advising on whether notification to the authority and/or recall is necessary based on the facts and circumstances
- holding dialogues with regulators to ensure regulatory compliance

### Product liability claims defence

With or without an effective product recall, clients can be faced with civil claims for damages from those harmed by defective or unsafe products. Increasingly, countries are adopting procedures which enable class or group litigation to be brought against manufacturers and suppliers with potentially devastating effects. We defend clients in a wide range of product sectors against claims from individuals and from groups.

Our advice and participation goes beyond the courtroom and, as with product recalls, extends to managing all aspects of problems, including the media, for the ultimate benefit of the client's business. Again, our global network enables us to coordinate product liability claims across jurisdictions to avoid any detrimental pursuit of conflicting strategies.

## Expertise in practice

### Merck & Co

- in relation to one of the world's largest ever product liability cases. We obtained a favourable judgment in the first case tried in France (and one of the first cases in Europe)

### Manufacturer of specialty chemicals

- wide-reaching disease claims arising from alleged exposure to asbestos

### Medical devices manufacturer

- advising a manufacturer (specifically ultrasound, dedicated magnetic resonance and software to manage the diagnostic process) on product liability claims

### GlaxoSmithKline

- successfully acting in product liability cases filed in France and Italy against this client, both at first instance and on appeal; protecting the client from damages claimed in connection with both pharmaceutical products (vaccines and drugs) and alleged defects in the conduct of clinical trials

### Global entertainment company

- reviewing the client's manufacturing and supply contracts and advising on the product safety and product liability policy that should be implemented in sourcing products for sale throughout its stores and franchises

### Global toys importer

- ongoing advice on relations with regulatory authorities, compliance issues, management of recalls of toys or other potentially unsafe products

### Supplier of reduction gearboxes

- advising the German supplier of reduction gearboxes for the underground railway in Toulouse within expert determination launched after the deterioration of components of the gearboxes during operation

### US home electrical appliance manufacturing group

- advising on the UK recall of their cooker which had a fire hazard by liaising with the Trading Standards
- assisting in UK and France on withdrawal of RAPEX notice

### US toy manufacturer

- advising on the recall of baby toys using RAPEX and working with the Trading Standards and BERR (now BIS) and DG SANCO
- advising generally on product specific EU regulatory requirements

### Exceptional team

Legal 500 2013

## Key international contacts

Key contact biographies can be viewed at [simmons-simmons.com](http://simmons-simmons.com)

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