



New AAJ Report On Corporations Failing to Protect Consumers from Faulty Products

Written On October 28, 2009 By [Bob Kraft](#)

This press release is from the American Association for Justice:

Today, as the U.S. Chamber celebrates their annual “legal reform summit” – an event dedicated to blaming lawsuits and trial lawyers for all of our country’s ills, the American Association for Justice has released a report entitled “They Knew and Failed To,” detailing numerous examples of medical devices, prescription drugs, and other consumer products that remained on the market after critical safety concerns had been raised within the company.

One example details police officer Tony Zeppetella’s bullet proof vest that he had paid \$313 to upgrade from his standard-issue vest.

Second Chance, the manufacturer of the vest, had known as early as 1998 that heat and sunlight caused the material to degrade, making the vests penetrable. “They Knew and Failed To” shows where internal corporate memos from 2001 revealed an executive at the company had recommended notifying customers about the products’ defect, saying, “Lives and our credibility are at stake.” It was not until years later the company acted to protect the public.

In September 2003, the company eventually recalled 130,000 vests, three months after Zeppetella was shot and killed. The company had known for five years there were problems with their vests, but failed to notify consumers, putting law enforcement and service members’ lives at risk. Several years later,

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Second Chance recalled another 98,000 vests. This is just one of many examples that show corporations knew their products were dangerous, yet failed to act and protect consumers.

While we know most businesses act in good faith to serve consumers, unfortunately some corporations recklessly put lives at risk for the sake of profit. The civil justice system acts as a check so manufacturers make sure their products are safe. Without a robust civil justice system, manufacturers have little incentive to make safe products and fix or recall ones they know are harmful. Manufacturers need to be held accountable for their misconduct.

In an added twist of irony, on Monday, the U.S. Chamber of Commerce announced it would sue a group of activists who tried last week to impersonate their organization. As detailed in The Hill newspaper, the Chamber “demands trial by jury,” in their complaint, the same system which they have worked tirelessly to undermine.

While we feel all people should have access to the civil justice system, the Chamber's stance is especially hypocritical. The Chamber spends millions of dollars working to protect its corporate financiers – bailed-out banks, polluters, and insurance companies – from being held accountable for their negligence. And the Chamber's “legal reform summit” practically celebrates corporate misconduct and touts eliminating civil justice remedies to pad corporate balance sheets.

Yet the Chamber has no problem using that very same legal system when it advances its own agenda. According to Roll Call, Lisa Rickard, president of the chamber's Institute for Legal Reform, said some lawsuits are necessary, “We agree that when an organization is impersonated and lies are told in their name, a lawsuit should go forward,” Rickard said in a statement.

I wonder if that applies when a consumer has been injured or even killed by a hazardous product that a company knew was dangerous? Shouldn't that lawsuit also go forward?

See www.justice.org/clips/TheyKnewAndFailedTo.pdf. for a copy of the full report.