

Aberdeen's

# CONSTRUCTION MARKETING *today*

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## Keep your advertising from attracting a lawsuit

In many product liability lawsuits, plaintiffs allege that manufacturers' promotional efforts played a

role in causing their injuries. Here's how you can reduce your risk:

**Don't make promises.** Don't use the words "guarantee," "warranty," or "promise." Qualify your language by using less-definite words like "may," "might," or "could," or by referring to results as "possible," "estimated," or "variable." Also, make sure your product is depicted the way you want it to be in the photo or illustration, especially with regard to safety issues.

**Realize the limitations of warnings.** First, a plaintiff might

argue that the warning was insufficient or that other laudatory statements undercut its effect. Second, a plaintiff might argue that the warning itself is a concession that you are aware of some inherent risk in using your product.

**Think like a plaintiff.** While the law allows some latitude in puffery or sales talk about products, be vigilant in evaluating all potentially troublesome language.

*Source: Attorney Lawrence Savell in BrandWeek, cited in Metalworking Marketer.*