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PRODUCTS LIABILITY STANDARDS FOR THE DUTY TO WARN—WHEN TO WARN (AND WHEN NOT TO)

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No one can forget the elderly woman who won a lawsuit against McDonald's for failing to warn her that its coffee was hot. Coffee spilled in her lap as the woman attempted to remove the lid of her coffee cup, resulting in third degree burns. A jury awarded the woman almost $3 million in compensatory and punitive damages. The damages were later reduced by the judge, and the case settled before appeal for an undisclosed amount.

This article looks at the duty to warn of product dangers from both a legal perspective and an engineering perspective. First, this article will review general products liability law in Indiana and the corresponding duty to warn. Second, this article will discuss research concerning when warnings are, and are not, appropriate. Within such discussion, this article will review the most common products liability defenses in failure to warn cases. The discussion will also address the legal requirements for the content of warnings. Next, this article will analyze the factors considered when deciding whether a warning should, or should not, be provided. This article concludes that determining if a warning is appropriate should be based on rational criteria regarding a warning's potential utility.

I. Legal Standards for Products Liability Actions

In products liability actions, such as the McDonald's case, a plaintiff must prove that the product is in a defective condition that renders it unreasona-

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bly dangerous.[1,2] "The requirement that the product be in a defective condition focuses on the product itself while the requirement that the product be unreasonably dangerous focuses on the reasonable expectations of the consumer."[3] A product may be defective because of a manufacturing flaw, a defective design, or a failure to warn of dangers in the product's use.[4]

The duty to warn exists if the supplier or manufacturer of the product knew or had reason to know that the product was likely to be dangerous when used in a foreseeable manner.[5] The duty to warn is actually two duties: (1) the duty to provide adequate instructions for safe use, and (2) the duty to provide a warning about dangers inherent in improper use.[6] A manufacturer has a duty to warn of latent dangers even if there is otherwise no defect in the product.[7]

The duty to warn is generally nondelegable.[8] As such, the manufacturer must warn the product's ultimate user. However, under the "sophisticated user" exception, there is no duty to warn the product's ultimate user when the product is sold to a "knowledgeable" or "sophisticated intermediary."[9] Courts look to the following factors to determine if there is a sophisticated intermediary: the likelihood of harm if the intermediary does not pass on the warning to the ultimate user; if the nature of the probable harm is trivial; the probability that the particular intermediary will not pass on the warning; and the ease of the manufacturer giving the warning to the ultimate user.[10]

The duty to warn stems from the view that a product manufacturer should have superior knowledge of its product. Thus, the intermediary

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1 Section 34-20-2-1 of Indiana's Product Liability Act (the "Act") provides:

> [A] person who sells, leases, or otherwise puts into the stream of commerce any product in a defective condition unreasonably dangerous to any user or consumer or to the user's or consumer's property is subject to liability for physical harm caused by that product to the user or consumer or to the user's or consumer's property if:
> (1) that user or consumer is in the class of persons that the seller should reasonably foresee as being subject to the harm caused by the defective condition;
> (2) the seller is engaged in the business of selling the product; and
> (3) the product is expected to and does reach the user or consumer without substantial alteration in the condition in which the product is sold by the person sought to be held liable under this article.

2 Birch v. Midwest Garage Door Sys., 790 N.E.2d 504, 517 (Ind. Ct. App. 2003); Welch v. Scripto-Tokai Corp., 651 N.E.2d 810, 814 (Ind. Ct. App. 1995).

3 *Birch*, 790 N.E.2d at 517; *Welch*, 651 N.E.2d at 814.

4 Natural Gas Odorizing, Inc. v. Downs, 685 N.E.2d 155, 161 (Ind. Ct. App. 1997).

5 Hinkle v. Niehaus Lumber Co., 525 N.E.2d 1243, 1245 (Ind. 1988).

6 *Downs*, 685 N.E.2d at 161; McClain v. Chem-Lube Corp., 759 N.E.2d 1096, 1103 (Ind. App. 2001).

7 *Downs*, 685 N.E.2d at 161.

8 *Id.* at 163; Schooley v. Ingersoll Rand, Inc., 631 N.E.2d 932, 941 (Ind. Ct. App. 1994).

9 *Downs*, 685 N.E.2d at 163.

10 *Id.*

must have knowledge or sophistication equal to the manufacturer's.[11] Further, it must be reasonable for the manufacturer to rely on the intermediary to warn the ultimate consumer.[12] "Reliance is reasonable only if the intermediary knows or should know of the product's dangers."[13] For example, an intermediary knows or should know of the product's dangers if the manufacturer or supplier has provided an adequate warning of the dangers or information concerning the product's dangers is in the public domain.[14] Ultimately, whether a manufacturer's reliance was reasonable is fact-sensitive and depends on the product's nature, the complexity and associated dangers, the likelihood that the intermediary will communicate warnings to the ultimate consumer, the dangers posed to the ultimate consumer by an inadequate or nonexistent warning, and the feasibility of requiring the manufacturer to directly warn the product's ultimate consumers.[15]

The most common allegation in a failure to warn case is that the lack of warning was the proximate cause of an individual's decision to undertake some risky action that resulted in harm or injury. However, there occasionally are instances where a warning, while potentially appropriate, could actually produce negative consequences (*i.e.*, an increased rather than decreased incidence of the warned-against behavior). This leaves the product manufacturer in a quandary. The decision to include a warning with or on a product is complicated, and no "one-size-fits-all" answer is possible.

II. To Warn . . .

While warnings are necessary in many cases, they are either unnecessary or inappropriate in others. Research has provided guidelines to assist in deciding when warnings should be used. There is a hierarchy of risk reduction techniques that has been accepted by product designers for many years:

1) Design dangerous features out of a product
2) Protect against remaining hazards by shielding
3) Provide adequate warnings of residual hazards and instructions for proper use

In general, in order to promote maximum effectiveness, each hazard should be addressed at the highest possible level in the hierarchy. The most

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11 *Id.*

12 *Id.* at 164.

13 *Id.*

14 *Id.*

15 *Id.* In *Downs*, the intermediary admitted that it was aware of the danger. The court, however, found there was a question of fact as to whether the manufacturer reasonably relied on the intermediary to warn the ultimate user since the manufacturer failed to provide any warnings or insure that the intermediary would warn customers.

effective strategy for dealing with a hazard is to design it out of the final product if practical. If impractical, appropriate guarding should be used. However, even if some level of residual risk still exits after the first two stages, warnings are not necessarily always appropriate.

The primary purpose of warnings is to provide information regarding potential hazards to product users. An additional purpose may be to remind product users of the danger at a time and place when the danger is most likely.[16] With most products, this is a more or less straightforward process of determining the residual risk, the likelihood it occurring, the potential severity of resulting injuries, and similar related factors. According to the American Society of Safety Engineers,[17] warnings are desirable when the hazard is foreseeable and

1) The hazard is, by definition, dangerous;
2) The danger poised by the hazard is or should be known to the producer, manufacturer, supplier, or facility manager;
3) The danger is not one that is obvious, known, or readily discoverable by the user; and
4) The danger is not one that arises because the product or substance is put to some irrational use.

III. PRODUCTS LIABILITY DEFENSES

The foregoing criteria can be applied to Indiana's standard of product liability. In every products liability action, there must be a dangerous product or there is no duty to warn.[18] In fact, the product must be unreasonably dangerous. Such a requirement accounts for products that may be dangerous in the colloquial sense but that are not unreasonably dangerous.[19] Accordingly, Indiana courts have held that a weight machine was not "unreasonably" dangerous when it functioned properly as exercise equipment even though the machine could be dangerous when used by children.[20] Similarly, a lighter was not unreasonably dangerous even though there was no dispute that the lighter was dangerous in the hands of a child. This was because the lighter functioned as expected by the ordinary lighter consumer.[21]

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16 M.S. SANDERS & E.J. MCCORMICK, HUMAN FACTORS IN ENGINEERING AND DESIGN (7th ed. 1993).

17 T.F. Bresnahan et al., *The Sign Maze: Approaches to the Development of Signs, Labels, Markings, and Instruction Manuals*, AMERICAN SOCIETY OF SAFETY ENGINEERS, 1993.

18 *See* Black v. Henry Pratt Co., 778 F.2d 1278, 1283 (7th Cir. 1985); American Optical Co. v. Weidenhamer, 478 N.E.2d 181, 187 (Ind. 1983).

19 Baker v. Heye-America, 799 N.E.2d 1135, 1140 (Ind. Ct. App. 2003).

20 Smith v. AMLI Realty Co., 614 N.E.2d 618, 622 (Ind. Ct. App. 1993). In finding that the weight machine was not unreasonably dangerous, the *Smith* court compared the weight machine to a loaded gun. The court reasoned that a gun that works properly may not be unreasonably dangerous; however, the same gun in the hands of a child is a dangerous instrument.

21 Welch v. Scripto-Tokai Corp., 651 N.E.2d 810, 814-15 (Ind. Ct. App. 1995).

A. THE OPEN AND OBVIOUS RULE

A manufacturer or supplier must know, or have had reason to know, of the danger.[22] However, there is no duty to warn if the danger is open and obvious. The test for determining if a danger is open and obvious is if the defect is hidden and normally unobservable, being a latent danger in the use of the product.[23] The test is objective and based on what the reasonable consumer would have known.[24] Although the open and obvious defense applies only to products liability claims based on negligence and not to strict liability product claims, the relative obviousness of a product's dangers is still relevant and admissible in determining if a product is defective and unreasonably dangerous.[25]

B. MISUSE

A manufacturer or supplier will not be liable, and there is no duty to warn, if the danger arises because the product is misused. In *Barnard v. Saturn Corp.*,[26] a widow made a wrongful death claim against a car manufacturer and the manufacturer of the included car jack, when the couple's car fell on her husband as he attempted to change the car's oil by lifting the car with the jack. The jack itself had a warning that the jack should be used only for changing tires. In addition, the car owner's handbook repeatedly warned that a vehicle may slip off the jack and injure the user. The handbook further warned that the user should never get under the car while it is supported only by a jack. The handbook specifically cautioned against changing the oil while the car was on a jack.

The *Barnard* court noted it is a defense to a products liability claim where the cause of the harm is a misuse of the product that is not expected when seller conveys the product to another party. Misuse has also been defined as use for a purpose or in a manner not foreseeable by the manufacturer.

The *Barnard* court reasoned that sellers have a right to assume that a warning given will be read and heeded.[27] The decedent had disregarded multiple warnings and instructions. While the manufacturers could have reasonably foreseen the decedent's misuse, the court still found that the

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22 Peters v. Judd Drugs, Inc., 602 N.E.2d 162, 164-65 (Ind. Ct. App. 1992).

23 Anderson v. P.A. Radocy & Sons, Inc., 67 F.3d 619, 621 (7th Cir. 1995).

24 *Id.* at 622.

25 Miller v. Todd, 551 N.E.2d 1139, 1143 (Ind. 1990); *Welch*, 651 N.E.2d at 815.

26 790 N.E.2d 1023 (Ind. Ct. App. 2003).

27 *Id.*

decedent misused the jack when he used it directly contrary to its reasonably expected permitted use.[28]

C. INCURRED RISK

Similar to the defense of misuse, the incurred risk defense also precludes an award of damages for a products liability claim. A plaintiff incurs a risk if the plaintiff (1) has actual knowledge of the specific risk and (2) understands and appreciates the risk.[29] In *Coffman*, a truck driver sued the manufacturer of the trailer he has hauling and the manufacturer of the tarp system attached to the trailer for failing to warn him of the dangers of operating the tarp near power lines.

The driver admitted that he had knowledge of the risk of injury from a trailer's contact with power lines and detailed an earlier incident in which his trailer had struck a power line. The driver further admitted that he was aware of the power lines at the accident location because he had driven to such location before but "didn't think about them."

The court noted the tarp carried a warning of the dangers posed by overhead power lines and that the driver could not have avoided seeing the warning since it was on the handle that operated the tarp system. The court concluded that the driver had understood the risk but disregarded the warnings provided. The court felt no warning could have prevented the accident since the driver was not paying attention to where he was or what he was doing. The court affirmed summary judgment for the defendants, finding as a matter of law that the driver incurred the risk of his injuries and that his contributory negligence was more than the total negligence of the defendants.[30]

Based on the four criteria listed above and the defenses available in products liability actions, the following warnings may not be necessary in Indiana:

> A warning on an electric router made for carpenters cautioning, *"This product not intended for use as a dental drill."*

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[28] *Id.* at 1031. The court's observation in *Barnard* that it was likely that the manufacturer could have foreseen the decedent's misuse raises the issue of whether a manufacturer has a duty to warn if a manufacturer knows that its product is being misused. I.C. § 34-20-6-4 provides:

> It is a defense to an action under this article (or I.C. § 33-1-1.5 before its repeal) that a cause of the physical harm is a misuse of the product by the claimant or any other person not reasonably expected by the seller at the time the seller sold or otherwise conveyed the product to another party.

Courts have construed this language to find that a manufacturer does have a duty to warn against the consequences of misuse if the manufacturer knows that its product is being misused. *See* Leon v. Caterpillar Indus. Inc., 69 F.3d 1326, 1343 (7th Cir. 1995).

[29] Coffman v. PSI Energy, Inc., 815 N.E.2d 522, 527-28 (Ind. Ct. App. 2004).

[30] *Id.* at 529.

A warning label found on a baby stroller warning the user to *"Remove child before folding."*

A cartridge for a laser printer alerting the buyer, *"Do not eat toner."*

A household iron providing the sage advice to *"Never iron clothes while they are being worn."*

A cardboard car sunshield that keeps sun off the dashboard saying, *"Do not drive with sunshield in place."*

A can of self-defense pepper spray surprising us by letting us know that it *"May irritate eyes."*

A warning on a pair of shin guards for bicyclists enlightening us that *"Shin pads cannot protect any part of the body they do not cover."*

IV. Content of Warning

When a warning is required, the product label must make apparent the potential harmful consequences.[31] The warning should be intense enough to cause a reasonable person to use caution commensurate with the potential danger. In reviewing the adequacy of a warning, a court will therefore look at the factual content, the manner in which the content is expressed, and the adequacy of the method of conveying the warning.[32] Usually, the adequacy of a warning is a question of fact reserved for the jury.[33] A warning is adequate if it reasonable under the circumstances.[34]

V. . . . Or Not to Warn?

There is considerable research showing that the presence of a warning may, on occasion, actually increase the likelihood of the proscribed behavior rather than deter it. Warnings do not necessarily prevent risk-taking behavior; they cannot prevent the action from being taken. In a study by Goldhaber and de Turck of middle- and high-school students' risk-taking

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31 Jarrell v. Monsanto Co., 528 N.E.2d 1158, 1162 (Ind. Ct. App. 1988).

32 McClain v. Chem-Lube Corp., 759 N.E.2d 1096, 1104 (Ind. App. 2001); *Jarrell*, 528 N.E.2d at 1163.

33 *McClain*, 759 N.E.2d at 1104; *Jarrell*, 528 N.E.2d at 1163. In *Jarrell*, for example, the court found that there was an issue of fact as to whether a label on a sulphur bag that read "Warning! Sulphur Dust Suspended in Air Ignites Easily!" and "Avoid creating dust while handling" was sufficient to convey to a reasonable user the nature of the danger. Whether a warning is adequate is not always a question of fact however. In *York v. Union Carbide Corp.*, 586 N.E.2d 861, 871 (Ind. Ct. App. 1992), the court found that the defendant adequately warned a steel company of the dangers of argon gas when the defendant supplied the company with a safety booklet more than 100 times and provided the company with safety data sheets as required by OSHA.

34 For example, the court in *Ziliak v. AstraZeneca LP*, 324 F.3d 518, 521 (7th Cir. 2003), found that the warning on an asthma inhaler was adequate because it warned doctors that specific adverse side effects were associated with the use of the inhaler.

behavior, there was a significant interaction between age and gender.[35] The presence of the warning signs had no effect on middle-school students; the occurrence of risky behavior in the presence of warning signs actually caused an increase in risk-taking behavior among males, though females showed a decrease in risk-taking behavior. Other studies have shown the same type of "boomerang" effect on young people in studies dealing with warnings on alcohol and antidrug messages.[36] Research on the effectiveness of on-product warning labels was reviewed by McCarthy et al., who found no impact on behavior or accidents.[37] Other studies have demonstrated at least some impact on behavior in laboratory settings, but no actual reduction in accidents or injuries.[38] If a warning can be expected to produce little or no positive impact, but could potentially result in a negative impact, is it fair to fault manufacturers for deciding to omit warnings on their products?

One example of this situation involves warnings of inhalant abuse, particularly on aerosol products. Inhalant abuse in the United States has been on the rise for a number of years, with an estimated twenty percent of all middle- and high-school students having at least experimented with it.[39] Much of this type of activity involves the inhaling of gasoline, paint or adhesive product fumes, but a sizeable amount involves the inhalation of aerosol propellants. There does not appear to be a workable design alternative for any of these products. Guarding is unfeasible because there are no mechanical hazards against which guards would be effective. Normally, the next step would be to warn of the potential hazard, but with these products such an action would serve as a ready identification of products that could be misused as inhalants. Thus there is a conflict between the good design practice of incorporating on-product warnings about known hazards and the equally important good design practice that the elimination of a potential hazard should not result in the creation of a different and potentially more dangerous one.

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35 G.M. Goldhaber & M.A. de Turck, *A Development Analysis of Warnings Signs: The Case of Familiarity and Gender, in* PROCEEDINGS OF THE HUMAN FACTORS SOCIETY 33RD ANNUAL MEETING.

36 L.B. Snyder & D.J. Blood, *Alcohol Advertising and the Surgeon General's Alcohol Warnings May Have Adverse Effect on Young Adults*, presented at the International Communication Association Annual Conference (May 1991); P.C. Feingold & M.L. Knapp, *Anti-Drug Abuse Commercials*, 27 J. COMM. 20-28 (1977).

37 R.L. McCarthy et al., *Product Information Presentation, User Behavior, and Safety, in* PROCEEDINGS OF THE HUMAN FACTORS SOCIETY 33RD ANNUAL MEETING at 81-85.

38 S.S. Godfrey et al., *Warnings: Do They Make a Difference?, in* PROCEEDINGS OF THE HUMAN FACTORS SOCIETY 29TH ANNUAL MEETING.

39 C.E. Anderson & G.A. Loomis, *Recognition and Prevention of Inhalant Abuse*, AMERICAN FAMILY PHYSICIAN, 2003, at 869-74.

VI. How to Decide?

Many jurisdictions take the position that product users will actively seek out information and will comply with warnings if they are provided. Such a view is optimistic at best. Cost is one of the most important factors in predicting potential warning compliance and *"virtually any type of discomfort, restriction of movement or freedom, or other encumbrance can serve as a barrier to compliance. The simple fact that behaving unsafely is sometimes more pleasurable or rewarding than behaving safely also qualifies as a cost of compliance."*[40] This effect has been demonstrated in a number of studies, such as those conducted by Wolgalter and Dingus et al.[41] In all of these studies, relatively small increments in "cost" produced large decrements in compliance with warnings. The gist of these studies is if a "cost" to comply with a warning is perceived as being outweighed by noncompliance, the warning will not be followed.

The court in *Traylor v. Husqvarna Motor*,[42] recognized this phenomenon when it stated:

> But Americans are not Prussians—they are not schooled to obedience as the prime virtue of the good citizen—so they are constantly putting things to new uses. If they have no reason to think the new use unreasonably dangerous, and therefore reasonably believe that the benefit of the deviant use exceeds its cost, their culpability in disobeying the instructions is slight. If the producer can protect the user at lower cost by a simple warning, this may be the cheapest method for the prevention of accidents. Although a maul is intended for splitting logs rather than for pounding other mauls, it is the most natural thing in the world, if you find yourself with one maul stuck in a log, to whack it with another maul in an effort to make the first complete the splitting of the log in which it is stuck, and thus get free. If there are hidden dangers in such a procedure, optimal accident avoidance may require the producer of the maul to warn of these dangers.

Ayres et al. listed several criteria for determining when a warning "might" change behavior:[43]

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40 M.S. Wolgalter et al., Warnings and Risk Communication (Taylor & Francis, Inc. 1999).

41 M.S. Wolgalter et al., *Effectiveness of Warnings*, 29 Human Factors 599-622 (1987); M.S. Wolgalter et al., *Effects of Cost and Social Influence on Warning Compliance*, 31 Human Factors 133-40 (1989); T.A. Dingus et al., *Warning Variables Affecting Personal Protective Equipment Use*, 16 Safety Science 655-73 (1993).

42 988 F.2d 729, 735 (7th Cir. 1993).

43 T.J. Ayres, *What Is a Warning and When Will It Work?*, *in* Human Factors Perspectives on Warnings (1994).

A Warning (Sign or Label) Might Change Behavior If a Person:

1. Reads and understands the warning, *and*	2. Is motivated and able to change behavior
THE PERSON: Is alert and sober, *and* Is seeking information, *and* —Feels need for information, based on past experience —Hazards suspected, but not observable Doesn't filter out the warning —Not overloaded with information —Not previously exposed to excessive, unnecessary warnings THE SIGN OR LABEL: Is present (only) when and where needed, *and* Includes (only) the information needed, *and* Is in an appropriate format —Noticeable, at person's level of information seeking —Brief, legible and understandable	THE PERSON: Would not know there was a hazard without the warning *and* Believes the warning, *and* —Warning information is consistent with past experience —Conduct of others is consistent with warning —Source is credible Does not accept the risk, *and* —Consequences are seen as highly likely (or severe and moderately likely) —Does not believe hazard is under his/her control —Risk outweighs the attraction of the activity —Risk outweighs the social pressure to take risk —Risk outweighs the cost/effort of avoidance Is capable of making an appropriate change, *and* Remembers to change

Some explanation for the rationale behind these guidelines may be appropriate. For a warning to be actively heeded, the viewers must be in an information-seeking mode, primarily because they either suspect unknown hazards or because their experience suggests that a hazard may exist. The greater the level of knowledge the user possesses, the less likely warnings will be sought out.[44] The level of such knowledge is subjectively determined by the user and may not reflect the true, absolute level. For example, most of us have rented an automobile; but few, if any, of us take the time to read the owner's manual of the rented vehicle from cover to cover before turning the key. The same is often true of our own vehicles. We may skim through the manual, or use it to look up specific information, but we rarely read all of it. We judge that our current knowledge regarding the safe operation of an automobile is sufficient for us to drive a less familiar one without incur-

[44] D. Dejoy, *Attitudes and Beliefs*, *in* WARNINGS AND RISK COMMUNICATION 189-219, M.S. Wolgalter et al. eds. (Taylor & Francis, 1999).

ring undue additional risk. Studies have shown that the greater the familiarity a user has with a product, or the greater the similarity between a new product and one familiar to the user, the less likely the user is to read the accompanying warnings and instructions.

The same is true of a product's perceived complexity. The common ladder is festooned with stickers giving detailed information regarding the product's proper use. The product's basic method of use is, however, clear to the casual observer. Thus, it is highly likely that the warnings and instructions will be ignored by the purchaser. But judging by the number of cases alleging lack of adequate warnings on such products, few users are aware of the 1:4 ratio for the distance that the base of a ladder should be placed from a vertical surface, or that one should not go beyond a certain height when climbing the ladder.

Another potential problem occurs when too many warnings are provided to the user; a saturation level may be reached by the user reading the warnings. This "warning dilution" is particularly evident if the user perceives the information provided as either obvious or dealing with irrational actions (*e.g.*, the warnings that sleeping pills "*May cause drowsiness*"; or that a CD player should not be used "as a projectile in a catapult" (both actual product warnings). Such warnings are likely to cause the user to conclude that all of the remaining warnings deal with similarly obvious or irrational issues. Since product users more often than not perceive themselves to be both knowledgeable and rational, they may see no need to read further. The likelihood of additional reasonable warnings being attended to is thus diminished.

Finally, warnings are affected by the social context in which they are viewed, something over which the manufacturer has no control. If appropriate warnings are conspicuously placed on products, yet others in the workplace routinely ignore them without penalty, the likelihood of their being heeded is reduced. Most products currently available in the marketplace are at least relatively safe and accidents are infrequent. The same accidents do not happen in the same place on a daily basis. Perception of risk is a subjective phenomenon that is normally based on both the perceived likelihood of negative consequences and the severity of the consequences. If the likelihood of occurrence of a negative event is perceived as low or its consequences are perceived as minimal and the potential use is perceived as desirable, then the activity warned against is likely to occur regardless of a warning.

VII. Conclusion

Lack of adequate warnings is a common allegation in products liability cases. There are many instances where warnings are important to prevent well-intentioned but improper use of a product or to alert users to reasonable hazards of which they may be genuinely unaware. However, warnings

are neither a universal remedy nor always appropriate. It is unreasonable to expect product manufacturers and suppliers to anticipate every possible irrational manner in which their products may be misused or to attempt to provide users with warnings regarding the potential consequences of such misuse. There are instances where providing a warning may increase, rather than decrease, unsafe use of a product so the idea that "more is better" does not necessarily hold true for warnings. Determining if a warning is appropriate should be based on rational criteria regarding its potential utility.