

Safety & Goods

What do you mean by 'safe goods'?

According to Section 36 of the Consumer Protection Act, 'safe' means that no-one should be exposed to risk (or that any risk has been reduced to the absolute minimum) of death or personal injury through:

- the keeping, use or consumption of goods
- the assembly of any goods which are supplied unassembled
- any emissions or leakages from goods
- relying on the accuracy of any measurement, calculation or reading made by the goods.

Does this apply under any circumstances?

Section 37 (2) of the Act says that a number of factors must be taken into account when determining the safety level of goods. These are:

- the manner in which and the purposes for which the goods are being marketed
- the use of any mark in relation to the goods and any instructions or warnings which are given with respect to the keeping, use or consumption of the goods
- any standards of safety for particular goods published by a legal authority
- the existence of any reasonable means which could have made the goods safer.

Who would be considered liable for unsafe goods?

Product liability lies with:

- the producer of the product
- any person who, by putting his name on the product or using a trade mark or other distinguishing mark in relation to the product, has held himself out to be the producer of the product
- any person who has imported the product into Barbados in order, in the course of any business of his, to supply it to another.
- the supplier or retailer in limited circumstances – e.g. where he refuses to identify any of the parties listed above.

Are there any defences available to the supplier of a product?

If proceedings are taken against a person for supplying unsafe goods, he can defend himself if they can prove:

- that he reasonably believed the goods would not be used or consumed in Barbados.
- that at the time he supplied the goods, he did not know nor did he have reason to believe that the goods failed to comply with the safety requirements

What should I do protect myself?

As a consumer, you have the right to be protected against unsafe goods and you also have the responsibility to be careful by doing things such as:

Always reading to make sure that you understand any warnings and product information such as installation instructions, maintenance and safe operation. Using the product as stated in the instructions, as failure to follow the instructions could be hazardous to your health.