

1 **13-1416. Duty of the supplier; directions for use.**

2 The supplier must use ordinary care to provide directions for use of the product to avoid a
3 risk of injury caused by a foreseeable manner of use.

4 Under plaintiff's claim of "products liability", a product presents an unreasonable risk of
5 injury if put on the market without directions for use to avoid a risk of injury caused by a
6 foreseeable manner of use.

7 [The supplier has no duty to provide directions when ~~[he]~~ ~~[she]~~ ~~[it]~~ the supplier can
8 reasonably expect that the safe and proper use will be obvious or known to foreseeable users of
9 the product.]

10 USE NOTES

11 This instruction must be given where the supplier's failure to provide adequate directions
12 for use of the product is a submissible issue.

13 The first paragraph shall be given in a negligence case. The second paragraph shall be
14 given in a strict liability case. Where both theories are submitted, both paragraphs shall be given.
15 If only strict liability is submitted, drop from the second paragraph the introductory phrase "Under
16 plaintiff's claim of 'products liability.'"

17 The bracketed third paragraph is used only if there is sufficient evidence to support a jury
18 determination that proper use of the product is obvious without directions.

19 [As amended, effective November 1, 1991; as amended by Supreme Court Order No. S-1-RCR-
20 2025-00126, effective for all cases pending or filed on or after December 31, 2025.]

21 **Committee commentary.** — The duty of ordinary care may require the supplier to provide
22 information which is more aptly described as instructional. Dillard and Hart, *Product Liability:*
23 *Directions for Use and Duty to Warn*, 41 Va. L. Rev. 145 (1955); *McClanahan v. California Spray*

- 1 *Corp.*, 194 Va. 842, 75 S.E.2d 712 (1953); 1 Frumer and Friedman, Products Liability § 8.05(1)
- 2 (1976). Absent necessary directions for use, a product presents an "unreasonable risk of injury"
- 3 under strict products liability.