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Cleveland State Law Review

Volume 8
Issue 1 *Advertised-Product Liability (A
Symposium)*

Article

1959

Editor's Preamble

Cleveland-Marshall Law Review

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8 Clev.-Marshall L. Rev. 1 (1959)

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Advertised-Product Liability (A Symposium)

Editor's Preamble

The major aspects of liability of manufacturers and distributors for defects in products made and delivered or distributed are treated in this Symposium—all in the light of recent decisions emphasizing the impact of advertising and modern merchandising methods on this subject.

In substance, the chief aspects discussed, and the authors of the articles on each aspect, are as follows:

Nature of the Problem (Judge Lee E. Skeel)

Defense Viewpoint (Hanley and Mason)

Applicable Law, Generally (Holdridge)

Distributors' Viewpoint (W. Hotes)

Impact of Advertising (Dunsmore)

Consumers' Viewpoint (C. Hotes)

Food, Drug and Cosmetic Act (Kerlan)

Food and Drug Allergy (Evans)

Poisonous Household Products (Mercer)

Proof of Product Defect (Brannon, Hehemann and Weigle).

Judge Lee E. Skeel, whose penetrating analysis and decision in the celebrated *Rogers v. Toni Home Permanent Co.*, case turned the tide in the law of product liability, graciously consented to introduce the Symposium that follows his brief remarks. His introductory remarks follow, on the next page.

His opinion in the *Rogers v. Toni* case, concurred in by his colleagues of the Ohio Court of Appeals in Cleveland (Judges Joy Seth Hurd and Julius M. Kovachy), and affirmed on the basis of his reasoning by the Ohio Supreme Court [105 Ohio App. 53, 139 N. E. 2d 871 (1957), *affd.* 167 Ohio St. 244, 147 N. E. 2d 612 (1958)], has been widely acclaimed as one of the great decisions of this era. The case, his reasoning, and the logical consequences, are fully discussed in the articles that follow his introductory statement of the problem involved.

It is most interesting to note that the key to the solution lay in long-known, but long-confused legal and logical facts and principles—the principles of *warranty*. Resolution of the vital problem involved required the calibre of high legal scholarship and practical understanding that long have characterized this great judge's decisions. The problem itself—what law should govern modern mass production, sale, and *advertising* of manufactured products—is treated in detail in this Symposium.