

3209 IMPLIED WARRANTY: SUSCEPTIBILITY OR ALLERGY OF USER

Any warranty with respect to the produce sold is based on the assumption that the product will be used by a normal person. There is no warranty to a person who is unusually susceptible or unusually allergic to the use of the product.

A susceptibility or allergy is unusual if it exists in only an insignificant percentage of people.

COMMENT

The instruction and comment were originally published in 1971. The title was updated in 2009. The comment was updated in 1980.

Prosser, Law of Torts (3d) § 96 at 668-69 (1964); 26 A.L.R.2d 966 (1952).