

3264 STRICT LIABILITY: DEFINITION OF BUSINESS

The term "business" means some particular occupation or employment habitually engaged in for livelihood or gain.

It is not necessary that the (manufacturer) (seller) be engaged solely in the business of selling the product involved herein, provided it is more than an occasional or isolated sale. The term "business" does not apply to an isolated or an occasional sale of a product by one who is not engaged in that activity as a part of his or her business.

COMMENT

This instruction and comment were originally published in their present form in 1971. Editorial changes were made in 1994 to address gender references in the instruction. No substantive changes were made to the instruction.

Schreiber and Rheingold, Products Liability 2:124 (1967); State v. Joe Must Go Club, 270 Wis. 108, 70 N.W.2d 681 (1955); Restatement, Second, Torts § 402A, Comment f (1965).