

NEWS RELEASE

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For more information

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Court and Federal Agency Rule Amazon Responsible for Defective Products Sold on Its Website

The U.S. Consumer Product Safety Commission (CPSC) has determined that because Amazon is a distributor for items sold on its website, it is responsible for products that are defective or dangerous. The Commission's landmark decision followed shortly after a significant decision by the Louisiana Supreme Court that ruled Amazon is a seller under the Louisiana Product Liability Act.

In making its ruling, the CPSC said when defective products are sold through the Fulfilled By Amazon (FBA) program, Amazon is responsible for recalling these products and notifying purchasers and the public about the dangers of such products.

The Louisiana Supreme Court's opinion was prompted by two questions raised by a federal court case filed by Houston attorney Janie Jordan, representing the Pickard family against Amazon. The Court's opinion is consistent with the CPSC's ruling on Amazon's status in the marketplace, according to Jordan of Mithoff Law.

In Jordan's case, Archie Pickard, a 74-year-old Louisiana man, died from burns sustained in a fire caused by a battery charger he purchased on Amazon's website. Pickard, of Shreveport, purchased the \$15 battery charger in December 2019 on Amazon. The product, a 4-Slot Rechargeable Li-ion Battery Charger was manufactured and sold by a third party, Jisell, a Chinese company in Shanghai, China. In its opinion, the Louisiana Supreme Court determined Amazon may be liable as a "seller" of the battery charger under the Louisiana Product Liability Act. In explaining Louisiana law, the Court stated that liability can be imposed on a seller, such as Amazon, when it acts as a de facto manufacturer.

According to the lawsuit, Pickard was at home resting in December 2019 and using the charger to charge batteries. He was in his living room when the charger caught fire, which quickly spread throughout his home. A neighbor tried to put out the blaze with a fire extinguisher while they waited for firefighters to come. Pickard was badly burned in the fire, rushed to the hospital, where he died from complications from the burns

"Amazon knew or should have known of the fire risk posed by the battery charger sold to Mr. Pickard," said Richard Mithoff, a nationally recognized litigator who also represents the Pickard

family with attorneys Jordan and Russell Post of Beck Redden. Amazon received complaints about a similar 6-slot Jisell battery charger that had the same defective electrical cord as Pickard's battery charger. Some of the reviews of the 6-slot charger noted "it's junk," "it sparked like crazy when plugged in," "caught fire" and "Do Not Buy." Pickard's adult children sued Amazon for their father's death and the pain and suffering he endured prior to his death.

Amazon denied that it is liable for products sold by third parties on its website because it is not a "seller" under Louisiana law.

Mithoff said the next step will be to take the Pickard case to trial, which is scheduled for Feb. 3, 2025 in Shreveport, La.

Learn more about this case:

[Supreme Court of Louisiana Ruling](#)

[Consumer Product Safety Commission Ruling](#)

[Pleading - Pickard vs. Amazon](#)