

Jones Walker E*Zine

Products Liability
February 2001 Vol. 2



NEWSFLASH:

The U.S. Supreme Court Issued an Important Decision Today in a Medical Device Products Liability Case

The Court held that even though a medical device manufacturer represented to the FDA it would market its product for certain specific uses and then promoted it for others, it can't be sued in tort for fraud because the claim is preempted by the 1976 Medical Device Amendments to the Federal Food, Drug, and Cosmetics Act, 21 U.S.C. §321, *et seq.*

[Click here to see *Buckman Co. v. Plaintiff's Legal Committee*](#)

Remember that these legal principles may change and vary widely in their application to specific factual circumstances. You should consult with counsel about your individual circumstances. For further information regarding these issues, contact:

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