Central Underwriting Agency

Products liability questionnaire

NOTE

If sufficient space is not available for any information required, please provide it on a separate sheet of paper containing your official letterhead and date and sign each sheet.

1. GENERAL

1.1. Insured (list subsidiaries included as well).

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1.2. Situation of business premises.

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1.3. Description of business i.e. whether you manufacture, service, repair or distribute the products and year established.

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1.4. Description and Annual Turnover of all products. (Please list your main products and include a miscellaneous item for the balance. Do not include exports to USA and Canada as these are not insured by the policy.

1.4.1. Products manufactured by you.

	Annual Turnover				
	Local Use	Exports to			
Product and Intended Use		Europe	Australia	Other	Total
Miscellaneous					
Total					

1.4.2. Products supplied by you.

	Annual Turnover				
	Local Use	Exports to			
Product and Intended Use		Europe	Australia	Other	Total
Miscellaneous					
Total					

1.4.3. Products serviced or repaired by you.

	Annual Turnover				
	Local Use	Exports to			
Product and Intended Use		Europe	Australia	Other	Total
Miscellaneous					
Total					

1.5. Special Industries

Are any of your products used in the following industries?..... YES/NO

If so, indicate which product and annual turnover

1.5.1.Aviation ..... R .....

1.5.2.Aerospace ..... R .....

1.5.3.Nuclear energy ..... R .....

1.5.4.Shipping ..... R .....

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2. COMPLAINTS/CLAIMS HISTORY

Describe the complaints you have received in the last 5 years about your products or the claims that have been made against you for injury or damage allegedly caused by your products in the past 5 years. Please provide this information in the following table

Date	Product	Type of Accident	Cause of Accident	Amount Paid or Outstanding

What steps have you taken to prevent a recurrence of the above incidents?

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3. QUALITY CONTROL

Please explain in terms of the specifics below the steps taken by you to prevent the supply of defective products or the supply of products with incorrect labels or inadequate warnings on them?

3.1. Defective Products

3.1.1. Do all your products carry the SABS mark?..... YES/NO ☐ ☐

If not, please give reasons on a separate sheet.

3.1.2. Please detail on a separate sheet the quality control system in use to prevent the inclusion into your products of defective ingredients/ components received from suppliers. Detail required per item / batch.

3.1.3. Please detail on a separate sheet the quality control system in force per item / batch to prevent the supply of defective products to your customers.

3.1.4. Who audits the control systems to ensure that they are maintained at all times?

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3.2. Incorrect Labels

What precautions are taken to prevent incorrect labelling?

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3.3. Inadequate Warnings / Instructions on Labels

3.3.1. Do the labels on your products carry adequate warnings about the possible dangers of the products or their incorrect use?..... YES/NO ☐ ☐

3.3.2. Do the labels / instructions contained in or on the product carry clear instructions as to the manner in which they should be used?..... YES/NO ☐ ☐

3.3.3. Are the warnings / instructions / labels referred for legal opinion before being used?..... YES/NO ☐ ☐

3.3.4. Who proof reads the labels after printing?

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4. HARMFUL PRODUCTS/INGREDIENTS

Do your products contain any components or ingredients that could be harmful to anyone using them? ..... YES/NO ☐ ☐

If so, please detail on a separate sheet:

4.1. The harmful ingredient / component and its possible harmful effects.

4.2. The steps taken to eliminate or reduce the possibility of such harm.

5. DESIGN OF THE PRODUCT

5.1. State extent to which goods are manufactured to your own design formula or specification together with full details.

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5.2. Do you have a separate design section or laboratory?..... YES/NO ☐ ☐

5.3. Detail age, experience and qualifications of each employee concerned with design, formula or specification of goods.

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5.4. Detail steps in design or formula process e.g. drawing board model, prototype.

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5.5. Detail extent and manner of tests and checks on new product before production.

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5.6 . To what extent do you introduce new products? Please detail.

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5.7 . Give the period during which existing products have been in production and on sale.

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5.8 . To what extent do you manufacture to customer's design, formula or specification? Please detail.

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5.9 . What checks and tests are made by customer before production run actually commenced?

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5.10 . To what extent are goods designed by third parties on your behalf? Detail standing and experience of third parties and details of conditions of agreement under which design work is undertaken.

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5.11 . State extent to which you design 'one off jobs' as opposed to general production runs.

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5.12 . Is design, formula or specification risk confined to improvements and modifications of existing range of goods? ..... YES/NO ☐☐

6. TERMS OF PURCHASE / SALE

6.1. When you purchase your products for resale or the components / ingredients used in your products, do you retain full rights of recourse against the seller?..... YES/NO ☐☐

If not, please provide details?.....

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6.2. Do you disclaim liability for any injury or damage caused by your products?..... YES/NO ☐☐

If so, please provide details.?.....

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6.3. Have you in the past had any claim made against you which was not paid by you or your insurers because of the disclaimer included in your terms of sale? ..... YES/NO ☐☐

In terms of the E.C. Directive it should be noted that your disclaimer will no longer be enforceable for goods exported to these countries

7. ACTION ON DISCOVERY OF A DEFECT IN PRODUCTS SUPPLIED / RECORDS OF PRODUCTS SUPPLIED

7.1. If it is necessary to recall products, can you identify to whom they were sold?..... YES/NO ☐☐

7.2. Give details of your product recall contingency programme.

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7.3. Has your programme been approved by attorneys and will future amendments also be vetted by them?..... YES/NO ☐☐

7.4. Do you keep adequate records for up to 10 years to clearly identify by batch number, serial number, date stamp or similar, the date the actual product was put into circulation?..... YES/NO ☐☐

N.B. These records (as mentioned in 7.4) are required as a defence against any claim brought against you in terms of the E.C. / E.F.T.A. Directives issued in Europe and it is a policy condition that you maintain such a record. It is not required to keep the record for raw materials.

8. INDEMNITY LIMIT

What indemnity limit is required for any one 12-month period of insurance for your products R .....?

DECLARATION

I confirm that the particulars in this questionnaire are true and complete and that I have not withheld any material information nor am I aware (after due enquiry) of any incidents that could lead to a claim other than those listed in 2 above.

DATE ..... AUTHORISED SIGNATORY .....

DESIGNATION .....