The Ethical Dilemma of Selling Defective Products: Legal Compliance vs. Consumer Safety

Sachita J. Rayapati

ENGR 190W: Communications in the Professional World

Dr. Stephen Bach

January 30, 2025

Engineers have a duty to ensure the safety and well-being of the public in all aspects of their work. This responsibility becomes more critical when faulty products, which are legal in some markets, present significant safety hazards. Selling flawed products, like the Gee-Whiz Mark 2 (GWM2), in less-regulated markets violates this responsibility in regions with weak safety standards and exploits regulatory gaps, prioritizing profit over consumer well-being. Ethical engineering mandates a safety-first approach, as sustainable success relies on trust and accountability. The ethical course of action is to scrap the defective units and accept the financial loss, since legal standards alone cannot define ethics, and sacrificing safety for profit reduces both a company's integrity and its global reputation.

Legal immunity does not absolve a company from its ethical duty to prevent harm. Even if the GWM2 units can be legally sold in certain markets with weaker regulations, the company has a moral obligation to prevent harm. Selling products with known safety issues, such as the risk of electric shock, prioritizes profit over consumer well-being, especially in vulnerable regions. Taking advantage of regulatory gaps to avoid safety standards undermines ethical responsibility and breaches public trust. Ignoring these risks is not only an ethical misstep but a betrayal of the foundation on which sustainable businesses are built. Ultimately, prioritizing short-term profit over safety compromises long-term reputation and integrity, with consumer protection always taking precedence.

Bypassing safety in low-regulation regions exploits legal gaps, unlike designing for regulatory compliance. Choosing to sell the GWM2 units despite knowing that it has risks of shock, reflects an intent to sidestep ethical responsibility, exposing consumers to predictable harm. This endangers users and damages trust in the company's commitment to safety and quality. However, designing products that meet the safety standards, regardless of where they're

sold, promises consumer safety. This proactive approach demonstrates ethical responsibility, builds trust, and strengthens the company's reputation as a reliable brand in the global market.

Legal standards do not define ethical responsibility, as compliance alone does not guarantee consumer safety. Ethical engineering demands risk mitigation beyond regulatory requirements. Selling defective GWM2 units, even in regions with weak regulations, violates safety-first principles and undermines professional integrity. A notable failure occurred with Magellan Diagnostics, whose LeadCare testing devices, despite FDA clearance, produced inaccurate results due to a flaw in the rubber stoppers used in certain blood collection tubes. The stoppers released reactive chemicals that interfered with lead detection, compromising test accuracy (FDA, 2018). This failure resulted in a $42 million settlement, proving that meeting legal standards does not prevent harm (Appleby, 2024). This case highlights how relying solely on legal compliance exposes consumers to risk and companies to financial and reputational damage. Ethical engineering requires proactive safety measures, addressing known defects before harm occurs.

In conclusion, scrapping defective GWM2 units is the ethical decision, as safety must take precedence over short-term profit. While legal standards may allow the sale of these units, doing so compromises consumer safety and undermines corporate integrity. The immediate financial loss of scrapping the units is negligible compared to the potential harm to consumers and the long-term damage to the company's global reputation. Prioritizing safety and ethical responsibility fulfills the company's moral obligations, mitigates risks, and ensures the preservation of long-term trust. Selling defective products for short-term financial gain would erode public confidence and contradict the company's commitment to public welfare, jeopardizing its sustainability in the marketplace.

References

Appleby, J. (2024, June 6). Thousands of children got tested for lead with faulty devices. Here's what parents should know. CBS News. Retrieved January 30, 2025, from https://www.cbsnews.com/news/faulty-lead-tests-magellan-diagnostics-what-parents-should-know/

FDA (2018, 9 27). Safety Issue on Magellan Diagnostics LeadCare Testing Systems. U.S. Food & Drug. Retrieved January 30, 2025, from https://www.fda.gov/medical-devices/tests-used-clinical-care/safety-issue-magellan-diagnostics-leadcare-testing-systems