



No Good Option Goes Unpunished

Lawsuits against Sig Sauer would make a gunmaker liable for giving its customers a choice.

by Cory L. Andrews

Buy a Sig Sauer P320 and you have a choice. Sig sells the pistol with an external thumb safety and without one. If you change your mind later, the company will sell you a kit to add the safety. Many buyers, especially those who carry for self-defense, prefer the version without it. Now a string of lawsuits argues that Sig should pay for giving its customers the choice.

Like the P320, the lawsuits come in two varieties. In the garden-variety suit, injured plaintiffs argue that every P320 lacking an external safety [is defectively designed](#). The latest variety, in putative class actions filed [this year](#) in Florida and Oklahoma federal courts, go further. The named plaintiffs in those suits don't claim their pistols misfired or caused any physical harm. Their alleged injury? They read news reports after buying, grew uneasy, and now seek damages on behalf of every buyer in the state who chose the safety-free model. The Eighth Circuit [threw out](#) a nearly identical Missouri class in July because the lead plaintiff hadn't suffered any injury. Undeterred, the same lawyers are pressing the same theory elsewhere.

The premise of these suits is that a feature the buyer declined is now a defect the seller must answer for. That is a strange theory of product liability. The question has always been whether a product was unreasonably dangerous as designed and sold. It isn't whether a safer version exists. Greater safety can almost always be had at some cost in price, function, or choice. The question is whether offering the buyer a choice, and honoring it, made the product unreasonably dangerous.

The Arizona Supreme Court rejected the novel theory [unanimously in July](#). It held that a Toyota 4Runner wasn't defective merely because it lacked a lane-departure warning system. A contrary rule, the court warned, would effectively require manufacturers to add every feasible safety feature to every model. That would make most products prohibitively expensive.

If that logic protects a carmaker that never offered the safer feature, it should also protect a gunmaker that offered it and was refused. But not every court agrees. In 2025 a divided Sixth Circuit panel [revived a P320 design-defect claim](#) brought by a man who had knowingly bought the pistol without a manual safety. The majority brushed that fact aside. The question, it said, was whether Sig acted prudently in designing and selling the gun, not whether the buyer acted prudently in buying or handling it.

Judge Amul Thapar's [dissent](#) in that case had the better of it. Many people who carry a handgun don't want a manual safety. A person facing a threat has no time to draw, remember the safety, disengage

it, aim and fire. Americans have carried handguns without manual safeties since Samuel Colt [patented his revolver](#) in 1836. The double-action revolver, standard police issue [for most of the 20th century](#), never had one. The golden rule of gun safety is to keep your finger out of the trigger guard until you're ready to shoot. As Judge Thapar put it, the absence of a manual safety is "a feature, not a bug."

In a free market, the customer weighs that trade-off and makes the call. These suits would make the manufacturer answer for a decision it didn't make and had every reason to respect. The added irony is that these consumer class actions seek payouts for owners whose guns worked exactly as Sig promised and their owners chose. Remember, the class plaintiffs in Florida and Oklahoma don't even allege a harmful defect in the guns they own.

Even worse are the incentives this latest litigation creates. If it prevails, offering consumers a choice becomes among the most dangerous things a manufacturer can do. The safer option itself becomes Exhibit A in every trial for proving that the safety feature was feasible, affordable, and known to the company. A gunmaker that never sold a thumb safety could at least argue the feature was impractical. One that sold it, and a retrofit kit besides, has handed plaintiffs' attorneys their safer alternative design.

The rational response to all this is to stop offering choices. A manufacturer can bolt the safety onto every pistol, forcing it on the police officers and armed citizens who deliberately rejected it. Or it can drop the safety-equipped model so no plaintiff can point to it. Neither outcome makes anyone safer. The first overrides the judgment of the people best positioned to exercise it; the second takes the option away from the buyers who wanted it.

Nor would the mischief stop at firearms. Automakers sell driver-assistance features as options and in higher trim levels. Tool makers sell guards and sensors as upgrades. If declining an option is now grounds to sue, every entry-level model becomes a liability and every upgrade an admission. Manufacturers will respond by narrowing the menu of options and raising prices. The losers will be buyers who wanted a simpler, cheaper product, and they are often the ones with the least money to spare.

Courts have a clear path to restore sanity. A purchaser who knowingly declines an optional safety device is best positioned to weigh its costs and benefits. A product isn't defective because its buyer declined an available safety feature. And buyers who got exactly what they chose, and suffered nothing, have no claim at all.

Customers who want a thumb safety on a P320 have always been able to buy one. Punishing Sig Sauer for letting them decide would mean fewer choices for gun owners and no gain in safety.