

## THE MCDONALD'S HOT COFFEE CASE

### I. Remember the McDonald's Hot Coffee Case?

- A. A woman spilled hot coffee on herself and won a “gazillion dollars”
- B. With so much negative publicity about this verdict, let's look at the case from the woman's side.
- C. Here some facts of the case that you may not have known

### II. Facts of the Case

- A. The woman was 79-year-old Stella Liebeck of Albuquerque, New Mexico.
- B. She earned \$5,000 a year as a sales clerk.
- C. One February a.m. in 1992, Stella and her grandson drove through a McDonald's drive-in to buy food and coffee.
- D. She sat in the front passenger bucket seat of her son's Ford Probe car
- E. She was wearing sweat pants. (That becomes important later)
- F. Chris drove the car away from the drive-in window and stopped so Stella could add cream and sugar, but she had trouble getting off the lid.
- G. So she placed the styrofoam cup between her legs, thus freeing up both hands to remove that lid.
- H. The coffee cup tipped over, spilling hot coffee over Stella's legs, groin and buttocks.
- I. She suffered the most severe kind of burns—3<sup>rd</sup> degrees burns—over 6% of her 79-year-old body.
  - 1. A third degree burn means that all the layers of the skin are burned completely through, called a “full thickness burn.”
  - 2. She went through skin grafts where skin was shaved from one part of her body to place it on top of the burned areas.
  - 3. She was in severe pain.
  - 4. Her medical bills totaled more than \$10,000.

J. Two weeks later Stella wrote McDonald's to tell them about the coffee spill, and her burns.

### III. The Lawsuit

A. One year after the accident she filed a lawsuit against McDonald's, alleging the hot coffee was not only hot but—in fact—too hot.

B. In legal language we call that “product liability.” The lawsuit said the coffee was manufactured “defectively” due to its excessive heat.

C. Simply put: Stella claimed the high temperature of the coffee presented an unreasonable risk of injury.

### IV. How Hot is Too Hot?

A. McDonald's brews coffee at 195 to 205 degrees and then keeps it for sale to customers at between 180 and 190 degrees.

B. They've been doing that since at least 1978.

C. McDonald's said that's the temperature recommended by the national coffee associations to get maximum flavor from coffee.

D. It said many people don't actually drink the hot coffee until they get to work.

E. McDonalds argued: everyone knows coffee is supposed to be served hot, so that could not have been a surprise to Stella. Warning “hot” is printed on coffee cups.

F. Coffee is unsafe to drink at 180 to 190 degrees, and will cause burns to the throat if swallowed within the first few minutes. Can cause severe burns at 130 degrees.

G. More than 700 people have reported burns from drinking McDonald's coffee over the years, and despite the large of number of burn complaints, the company continues to serve it at least 180 degrees.

H. One burn specialist said it took only a fraction of a second at 180 degrees to produce a serous burn; at 130 degrees it would take 30-40 seconds.

I. Stella's Sweat Pants: the hot coffee soaked through them and it took her about 30 seconds before she could pull them away from her body.

J. McDonald's argued: in previous coffee burning cases, courts have focused on the person who spilled the coffee, and never before had found that the coffee itself was defective because of high temperature.

1. In a case in Pennsylvania, a woman also placed a cup of hot coffee between her legs and was burned when it spilled.
2. The court said: "a purveyor of hot coffee cannot be held liable for burns sustained by a customer when an external force causes the beverage to spill."
3. The company argued that it has sold more than 10 BILLION cups of coffee over the years and yet received very few complaints.
  - a. It admitted it has strengthened and tightened its styrofoam coffee cups and stamped a warning on them, a warning that its competitors have not done.

K. McDonalds admitted—and this may be the reason for the huge punitive damage award—that it had not reduced the temperature of its coffee, and has no intention of doing so, even though it has known since 1983 that people were getting burned from spilling coffee.

1. McDonalds said more than 700 persons have been burned at its stores, most from hot coffee.
2. McDonalds called that figure "statistically trivial."
3. A witness for the plaintiff called that remark "corporate callousness."

L. McDonald's also admitted people over 65 are at an increased risk for coffee spills.

1. Coffee-drinking customers are probably not aware that they can get 3<sup>rd</sup> degree burns if they spill coffee on themselves, especially if they cannot escape the hot liquid within a very few seconds of the spill.
2. Stella said she saw a warning on the cup: "Caution contents hot," but said, "What you don't expect is a cup of coffee to be so hot that it would burn you."
3. Coffee-drinkers over age 65 are especially susceptible to coffee burns
4. their vision is not as good, and neither is their grip strength-- their ability to grasp the coffee cup without spilling it.

5. They tend to drop things easier and their temperature perception isn't good: they have trouble detecting temperature differences.

M. Survey of restaurants in Albuquerque found coffee was served below 160 degrees; and other fast food chains sold their coffee below 180 degrees.

N. Experts said a "safe" range for serving coffee is between 150-165 degrees.

1. At 185 degrees when spilled, the temperature would drop to 165 degrees by the time it hits the body and when it soaks through the sweat pants it will cause severe burns. That takes about 25 seconds—not a very long time to get out of clothes, especially if you are over 65.

2. But coffee served at 155 degrees would cool to 140 degrees by the time it hit the body and take a significant longer time (about 60 seconds) to cause serious burns, time enough to get out of the clothes.

O. Experts said coffee served at 185 degrees will cause 3<sup>rd</sup> degree burns in 3-10 seconds. Stella was exposed for 25 seconds. At 170 degrees it takes 20 seconds and at 155 degrees it takes 60 seconds.

P. McDonalds says it sells one BILLION (one thousand million) cups of coffee each year nationwide. That's nearly 2-and-a-half million cups a day.

## **V. The Verdict**

A. After hearing all the evidence, the jury found that McDonalds was 80% at fault and Stella was 20% at fault.

B. It awarded Stella \$160,000 to compensate her for her injuries, and also gave her \$2.7million in punitive damages.

C. The trial judge, however, later reduced the entire judgment to \$450,000.

D. McDonalds did not appeal.

## **VI. You Be The Judge**

A. If you had been on the jury how would you have voted?

B. Was it Stella's fault for trying to add sugar and cream while sitting in a car?

C. Or was in McDonalds fault for selling coffee so much hotter than any other place?