

THE TRUTH ABOUT THE MCDONALD'S COFFEE CASE

The insurance industry loves to bring up the famous \$2.9 million verdict in California in favor of the woman who spilled coffee in her lap at a McDonald's drive thru as an example of out of control jury system that needs to be reformed by legislative action.

Here's what they don't tell you. The Plaintiff in that case, Stella Liebeck was 79 years old and was a passenger in the car which was being driven by her grandson. He pulled forward and stopped so she could put cream and sugar in her coffee. As she removed the lid, the entire contents of the cup of coffee spilled into her lap. A vascular surgeon testified that she suffered full thickness or third degree burns over 6 per cent of her body including her thighs, buttocks, groin, perineum and genital areas. She was hospitalized for eight days and underwent multiple skin grafts and later had debridement treatments for her scarring. Despite these injuries, she was willing to settle with McDonalds for her medical bills, which totaled \$20,000, but McDonald's refused, forcing her to file suit.

During discovery, Plaintiff's attorney learned that McDonald's had over 700 claims by customers burned by their coffee in the 10 year period before Ms. Liebeck's incident. Some of those claims involved severe third degree burns similar to hers. McDonald's admitted that they intentionally heated its coffee to 190 degrees, 10 degrees higher than any other fast food outlet and 50 degrees hotter than the coffee you would drink at home. That's because they felt their coffee taste better when it was really hot. Liquids hotter than 140 degrees constitute a burn hazard but at 190 degrees will cause third degree burns in two to seven seconds. McDonald's own expert admitted that their coffee was too hot to drink because it would burn the throat and mouth.

The jury that heard the evidence and the vigorous defense put forth by McDonald's team of attorneys found her damages to be \$200,000. They awarded punitive damages of \$2.7 million to punish McDonald's for its callous lack of concern for the safety of its customers. \$2.7 million is two days of sales of McDonald's coffee. The judge that presided over the case reduced the punitive damage award to \$480,000, though he called McDonald's conduct reckless, callous, and wilful. The case was settled without an appeal.

Since then McDonald's has lowered the temperature of its coffee to 158 degrees. We thought you should know the whole story.