



## **The McDonald's Hot Coffee Case**

Stella Liebeck, 79, purchased the coffee and while driving her car, placed the coffee cup between her legs and tried to remove the lid. The cup spilled and coffee ran into her lap. Wearing a sweatsuit and sitting in a bucket seat, she received second- and third-degree burns across her buttocks, thighs, and labia.

After the spill, Liebeck spent seven days in the hospital and three weeks recuperating at home with her daughter in attendance. This was followed by skin grafts. During this period, she lost 20 pounds—to 83 pounds—almost 20% of her body weight.

Liebeck wrote to McDonald's and asked them to turn down the coffee temperature, which was set at 170 degrees. She also asked for her out-of-pocket medical expenses of about \$2,000 plus the lost wages of her daughter. McDonald's offered \$800. She sued, asking for no less than \$100,000 in compensatory damages, including pain and suffering, and triple punitive damages. Just before trial, she offered to settle for \$300,000, but McDonald's rejected the offer.

The case went to trial in August, 1994. After the trial one juror said, "I was just insulted. The whole thing sounded ridiculous to me." McDonald's moved for summary dismissal, defending the heat of its coffee and blaming Liebeck for spilling it. She was, according to McDonald's, the "proximate cause" of the injury.

Photos were shown of Liebeck's burned skin, and a burn expert, Dr. Charles Baxter (Southwestern Medical School), testified that 170-degree coffee would cause second-degree burns within 3.5 seconds of hitting the skin. Christopher Appleton, a quality assurance supervisor at McDonald's headquarters testified that the company had not lowered the heat under the coffee despite receiving 700 burn complaints in 10 years. Safety consultant Robert Knall said that 700 complaints was about 1 in 24 million cups and "basically trivially different from zero."

A juror's response, "Each statistic is somebody badly burned. That really made me angry." The juror also was not impressed with the CAUTION: CONTENTS HOT label on the cup. She said she needed her glasses to read it.

After four hours of deliberation, the jury found for Liebeck. She was awarded \$200,000 for compensatory damages, reduced by 20 percent because Liebeck had contributed to the accident. They also awarded \$2.7 million in punitive damages. One juror said, "It was our way of saying, 'Hey, open your eyes. People are getting burned'."

Trial Judge Robert Scott reduced the award to \$640,000, calculating the punitive damages at three times the compensatory damages. He stated that it “was appropriate to punish and deter” McDonald’s corporate coffee policy. Scott, a self-described conservative Republican, says the case “was not a runaway. I was there.”

The two sides ultimately settled for an undisclosed amount.

According to Andrea Gerlin’s excellent Wall Street Journal article, “*A Matter of Degree: How a Jury Decided that a Coffee Spill is Worth \$2.9 Million*,” Sept. 1, 1994, p. A1, members of the jury learned at the trial that 180-degree coffee like McDonald’s served may produce third-degree burns in about 12 to 15 seconds. Lowering the temperature by 20 degrees (to 160 degrees Fahrenheit) would increase the time for the coffee to produce such a burn to 20 seconds. Those extra 5 to 7 seconds in many cases could provide adequate time to remove the coffee from exposed skin, thereby preventing such burns. Ms. Gerlin also reported that McDonald’s reason for serving such hot coffee in its drive-through windows was that, because those who purchased the coffee typically wanted to drive a distance with the coffee, the high initial temperature would keep the coffee hot during the trip.

**Questions:**

1. *If you had been on the jury, how would you have decided this case?*
2. *Is it an adequate defense to Ms. Liebeck’s harms for McDonald’s to say that the benefits of the hot coffee exceeded the costs, where the costs are measured as the probability of an injury times the medical and other expenses of an accident?*
3. *Could McDonald’s avoid liability in subsequent cases by increasing its warning about the temperature of its coffee? How would you advise them to change their warning?*

**Note:**

You might compare this case with *McMahon v. Bunn-O-Matic*, 150 F.3d 65 (1998). Jack and Angelina McMahon had stopped at a gas station-convenience store to get coffee. Later, as they were driving, Angelina tried to pour the coffee from the Styrofoam cup provided at the convenience store into a smaller cup that would, she felt, have been easier for her husband, Jack, to hold while driving. She was burned severely by the hot coffee falling on her lap. The McMahons sued the manufacturer of the Styrofoam cup and lid and the manufacturer of the commercial coffee maker. They settled their complaints against the cup and lid manufacturers but sought to proceed to trial against Bunn-O-Matic. Their theories were that the manufacturer had a duty to warn consumers of the product that the coffee sold to them would be 180 degrees Fahrenheit and that any coffee served at a temperature of greater than 140 degrees Fahrenheit was “unfit for human consumption” and, therefore, a defective product. Judge Easterbrook held for the Seventh Circuit Court of Appeals that neither of these theories withstood scrutiny.