

## Beware Potential Burn Hazards at Restaurants

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Many people have heard about the McDonald's "hot coffee" spill lawsuit from 1994. That was one of the first cases to highlight the significant, life-threatening scalding injuries that can occur when hot beverages are spilled or consumed. Unfortunately, a recent case further illustrates the very real dangers and the often horrific injuries associated with the negligent service of hot beverages in restaurants.

A 6-year-old boy was having lunch with family members at a Chinese restaurant. During the meal, a server placed a pot of hot tea on the table's lazy Susan. When the lazy Susan turned, the pot tipped over and spilled scalding tea onto the child, causing second and third degree burns to many different parts of his body. The child had to be transferred to a burn center where he underwent skin-graft procedures in which skin was harvested from uninjured parts of his body and grafted onto the burned areas. Unfortunately, the locations on his body used for skin donations failed to heal, and he required a second procedure that harvested skin from a different part of his body to cover the wound created by the first skin-graft. The damage caused by the skin-grafts nearly doubled the total body surface area that was damaged and injured in the spill incident at the restaurant.

The victim now has permanent scarring to many areas of his body, and he incurred about \$230,000 in past medical expenses. It is likely he will incur at least an additional \$150,000 in future medical expenses in order to pay for scar revision treatment, skin reorganization, and more skin-graft procedures for his injuries.

The child's mother, as guardian on his behalf, filed a lawsuit against the restaurant. The suit alleged that it was negligent in placing the tea pot on a lazy Susan, which the restaurant knew was likely to cause spills. The suit also alleged that the restaurant failed to take established precautions to prevent the spill and that the restaurant was negligent in serving the tea at temperatures capable of causing severe burns.

The plaintiff was able to produce evidence of prior incidents at the same restaurant where other patrons had been burned when hot tea fell from lazy Susans. The plaintiff also was able to show evidence that the restaurant was aware of the danger and had done certain things such as placing a silicon pad beneath the teapot to prevent it from slipping, placing the tea in the center of the lazy Susan, placing it away from children on a stationary portion of the table, and using ice or water to cool the tea before serving it. The plaintiff then showed that these procedures or protocols were not used on the day that the child's injuries occurred.

The case went to trial, and the plaintiff's expert testified that the tea was served at higher than 180 degrees. The expert further testified that water or tea at that temperature would cause immediate second degree burns and third degree burns on contact with skin. The defendant restaurant argued that the child's family did not properly supervise him at the table. The jury found the restaurant to be 100% at fault and awarded the plaintiff \$998,500.

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