



McDonald's Liable for Fat Employees

The madness of the courts and the greed of trial lawyers are proverbial. The woman who won a huge award from McDonald's when she spilled hot coffee on her lap has become, perhaps, the archetypical example of litigation run wild. Now McDonald's again finds itself making headlines in a lawsuit over conduct that seems safe and ordinary to most of us.



A court in Brazil has ordered McDonald's to pay a man who worked for the company for a dozen years an award of \$17,500. What offense did the fast-food chain commit? It offered free lunches to employees. It also hired people incognito to visit restaurants and report on food quality, which forced the plaintiff to sample the food to make sure that the quality was good.

As a result of this, the former franchise manager sued McDonald's for his gain of 65 pounds over a 12-year period. This case is another stark reminder of why America must not accept "international law" as legal precedent in American courts. The Brazilian plaintiff, whose name was not revealed, was the manager of a McDonald's restaurant. He was given the responsibility of insuring that the food was prepared in the same manner daily, that the floors were clean and safe for customers, that the restrooms were sanitary, and that employees did not steal money or products. Yet, this former manager alleged he was unable to control his eating while at McDonald's.

The fact that most people, particularly middle-aged men, gain weight as they grow older was apparently not a strong consideration. McDonald's notes in its defense that the employee could have avoided gaining weight through exercising more, taking smaller portions of food to taste (or asking other employees to taste the food), or taking advantage of the corporation's offering of healthier food to eat for his free meals. He could also have sought employment in another restaurant, perhaps one catering to vegetarians or people conscious about their weight.

Beyond that, the plaintiff alleges that the negligence of McDonald's occurred over a 12-year period. Sensible people get regular checkups from their doctors. If this weight gain, about five pounds a year, was creating a health problem, then the plaintiff and his physician should have addressed that long before he had gained so much weight. Even managers, it seems, have no will of their own, no responsibility to behave sensibly, and no obligation for health problems created by their own conduct. The Nanny-State is marching on.



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