

One more scalded customer is too many...

A hidden danger. Why we must take action

A discussion document on the scalding issue, by the Coffee Council.



The Coffee Council has been tracking the continuing appearance of stories in the regional and national news media concerning those of the trade's customers who have suffered scalding injuries from hot beverages.

It would be wrong to suggest that this is a 'common' problem – many millions of hot drinks are served safely every day. Nevertheless, the Coffee Council believes that the continuing appearance of such stories warrants a reminder to the trade of the dangers presented by hot beverages.

The Coffee Council suggests that for reasons of both customer safety and the protection of a foodservice operator's own business, it is in their best interests to review their appreciation of the subject and their own precautions and working practices.

In the following pages, we look at some recent scalding incidents and at various issues surrounding the safe handling of hot beverages.

The Coffee Council invites the catering industry to consider the matter and to join us in the determination that one more scalded customer is one too many.

The Coffee Council

The Coffee Council is an informal association of members of the catering trade, specifically from the coffee side of the trade, who believe that it is valuable for issues of importance to be highlighted and discussed throughout the trade.

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1. Scalding

Scalding is the situation in which a hot liquid beverage is spilled and causes physical injury. It is indeed a current topic in the beverage trade and has been for several years - many cases are reported only locally, but *Coffee House* magazine monitors the British regional press and picks up a relevant story about every three months.

The two major considerations for the beverage trade are : the safety hazard to the customer, and the responsibility of the beverage operator.

As a general issue, not specifically related to the catering trade, the incidence of scalding injuries appears to be rising, and the majority of reported cases in the UK appear to involve young children.

It is often impossible to reconcile the various reported statistics on any subject. In this case, there are many figures given by many different organisations. One typical figure says that in the UK, over 15,000 children are scalded from hot beverages every year, and that 1,100 of these children require major treatment. The Netmums organisation suggests that more than 100 children and young people attend Accident and Emergency departments each day with a scald or burn injury, but another safety organisation puts the figure at 6,500 under-fives a year. Another source suggests that in the years 2008-9, two young children each day were admitted to hospital with scald injuries, and at 2009, the figure of child scald injuries treated by hospitals was reported to be increasing by 37 per cent a year.

It is sufficient to appreciate that the hazard exists to a perceptible degree.

Hot drinks are the main cause of scald injuries among young children, and the NHS spends £131 million a year in coping with such accidents. The Child Accident Prevention Trust has calculated that the average cost of a 'relatively minor' drink scald, if hospital admission is required, is around £2,580.

There is a distinct difference between scald hazards for children and adults, because a child's skin is thinner. One health and safety organisation has illustrated the difference by saying that one cup of hot liquid spilled over a baby or a toddler is the equivalent of a bucket of hot water being spilled over an adult.

A liquid at 60C (140F) will cause a third-degree burn within three seconds. Boiling water at 100C will cause serious burns in under one second. However, even if tea made with boiled water is left to stand for between five and ten minutes, it may still be hot enough to cause an appreciable burn. The Child Accident Prevention Trust says that after fifteen minutes, a hot beverage may still be rated at 55C, which will scald a young child in ten seconds.

Aside from the matter of injury to the consumer, the hazard to the catering operator is partly of reputation, and partly of a financial claim.

The matter of reputation is getting more serious. One of the very biggest fast-food names was recently accused in the press of an 'amateurish' response to a scalding incident on its premises, and the trade's leading news magazine has noted several similarly critical comments.

With regard to financial claim, in the most notorious scalding case, the Stella Liebeck affair in America, the injured party claimed medical costs of \$11,000, in

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response to which the catering chain involved offered her \$800. The case went to court, where a jury awarded her \$2.86 million, but the judge reduced it to \$640,000. It is not known what the final settlement was, but it was believed to be in hundreds of thousands. In Florida, a jury awarded \$668,000 to a man who claimed serious skin injuries from an incident at Disney World in 2001. (An American lawyer has been quoted as saying that since the infamous McDonald's case in 1994, more than 700 people have brought cases claiming to have been burned by coffee).

Fortunately, even in the new British compensation culture, we find few beverage-related examples, but there was a £25,000 award to a budget airline passenger in 2006, and the Thompsons Law compensation company reports that a few years back they achieved a £1,400 award for a 12-year-old girl after an incident at a Welsh holiday park. The girl was handed a herbal tea in a glass cup, the cup was fitted with serving handle, but even so, the heat from the glass made her put it down too quickly, causing the tea to spill out and scald her hand. Her mother's trade union agreed to back her under their legal cover for family members.

The trade's news magazine has reported six cases of scalding, relevant to the hot beverage and catering trade, in the past year. One is reproduced, by courtesy of the Child Accident Prevention Trust, in the panel to the right.

His mother now says that she wishes to see wider appreciation of the dangers in catering situations. She says that she now recognises adults being 'too casual' with hot drinks, and she highlights also a danger in venues which advertise 'play areas', saying that these are inadequately separated from areas where hot drinks are carried.

She also wishes to speak out about café situations where mothers position their baby buggies too close to tables, about the absence of safety lips on table edges, and about the dangers of flat trays, where she believes the option of sunken cup holders could prevent some spills.

She calls for a greater awareness of staff to the danger of scalds, to the education of staff for first-aid for scalds, and to the need for the provision of adequate first-aid equipment in café settings.

The Child Accident Prevention Trust has invited members of the public to report their experiences of scalding by hot beverages, but equally has also invited respondents to report incidences of good practice which might help to prevent hot drink scalds.

A recent case (supplied by courtesy of the Child Accident Prevention Trust)

We are obliged to the Child Accident Prevention Trust for the following case, which is true. We will not use the name of the family, or of their doctor.

At the time of the accident, the child was four years old. At the time of this report, he is seven.

On the 27th December, the mother called into a café with her son and her one-year-old daughter. It was a cold winter's day, so the boy was dressed in vest, a t-shirt, a jumper and a puffer jacket. The venue was a small café on the outskirts of a city in the north-east. It featured a serving counter and a glass-fronted display cabinet. The mother parked the one-year-old in its baby buggy and went to the counter with the elder son.

In front of them was a woman being served with five cups of black coffee, in tall cups, on one tray. As she took the fully laden tray off the counter she fumbled, the cups slid, and spilled over the boy.

The mother knew that she had to treat the boy with cold running water, but this turned out to be a major problem. The café only had one tiny sink with a small tap, so she tried to splash water over the boy using hands and paper towels; this was ineffective.

The boy's clothes, sodden with hot coffee, began to stick to the scald and he was screaming. The first-aid kit in the café contained only a few plasters and a bandage.

Paramedics arrived and found the hot coffee had spilt over the boy's face, down his neck and down the inside of his clothes, over his chest. He was taken to a burns unit.

His face was completely swollen and for the first two months he was very heavily sedated. Nightmares followed every night for months.

Three years on, he still wears dressings on his neck and chest, all the time. Every night he needs a half-hour massage to promote the mobility of his neck, which is hindered by the colloid scarring. (Scalds with young children are a major problem and much worse than with an adult - as the children are still growing and suffer complications such as colloid scarring which means the scarring grows outwards.)

His recovery has been difficult with infections, and skin grafts which have suffered streptococcus infections. He also contracted MRSA. He required physiotherapy in hospital as his head was bent on one side. They will operate with skin grafts on his chest when he is older.

In addition to the physical damage, the psychological damage has been great. The family suffered sleepless nights for months and the boy was treated by a child psychologist for a much longer period.

The scalds to his face have healed and luckily he has no scars there; elsewhere on his body he will continue to need operations into adolescence and possibly adulthood.

2. The location of scalding incidents

A very general review of scalding cases in recent years suggests that the majority of the British incidents happen inside a café or building run as part of the hospitality trade. There is no conclusive evidence as to whether the majority of scalds happen with takeaway cups or chinaware.

We find relatively few cases in which blame was alleged on the part of the person actually serving the coffee. There has been a British case in which a claim was brought against a budget airline which serves coffee in takeaway-style cups. The passenger was in hospital for eighteen days with burns. The case, settled by a compensation payment, appears to have been judged on the basis that the serving attendant neglected to use a trolley or a tray to carry the drinks.

By contrast, it has been specifically reported that in another British case, an 11-month-old was sitting in her pram at a chain fast-food store when a hot drink was spilled over her by another customer.

Of incidents which occur outside café premises, many of them occur in cars, and the majority of these are in America.

In one of the most recent British cases, a teenager complained to a newspaper that he may be scarred for life down one leg after a lid came off a takeaway beverage cup as the car he was in passed over a 5mph speed-bump (he was not driving). In the most infamous of all scalding cases, the Stella Liebeck case in the US, the 79-year-old claimant was a passenger in a car who removed the takeaway lid to add cream and sugar while riding as a passenger in a moving car.

In a recent American case, a woman driving without insurance pulled up at a drive-thru, placed an order for a breakfast sandwich and a cup of hot coffee. She remained seated in her seatbelt with the engine running, with the transmission in 'drive' and her foot on the brake. She paid for her order, and as we understand it, reached for the coffee and food from the employee and brought it inside the car. The cup dropped in her lap leaving the lid in her hands. Hot coffee pooled in the seat below her. She could not open the car door to unbuckle her seatbelt because the car was too close to the wall, so spent two to three minutes trying to get out of the seat, and suffered serious burns. She sued, and the caterer's defence was that being in the vehicle exacerbated her injuries; if she had been ordering inside she would have been able to move if hot liquid fell on her.

The court ruled in favour of the caterer, but said that if the customer had reached through the car window for the drink which then spilled on her arm while outside the vehicle, the ruling could possibly have been different.

3. Precautions

The question of the temperature of tea or coffee has been debated on many occasions. Indeed, it has been observed that 'America is famous for its aggressive lawyers, but not for the high temperature of

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its drinks, which to Europeans often seem not hot enough. The popular explanation for this is that American cafes and restaurants are worried about being sued for scalding a customer'.

In the Liebeck case, and in a subsequent British case, beverage temperature was discussed by the courts. The American court heard that at 180F, a liquid will cause a 'full thickness burn' to human skin in two to seven seconds. The court also heard that the chain caterer involved required their franchises to serve coffee at 180-190F (82-88C). The claimant's lawyer argued that coffee should never be served hotter than 140F (60C), which medically would reduce the time in which third-degree burns occurred, thus giving the consumer time to remove the coffee from exposed skin.

In August 2010, McDonald's suffered an action at a drive-thru; this time the case concerned hot chocolate. The Chicago press reported a remark of the plaintiff that 'McDonald's should have known that the hot chocolate was too hot to drink'.

In the similar British case, the court also heard that to avoid burns, tea and coffee would have to be served at 60C - however, it was pointed out that beverages have to be brewed hot to attain their flavour, and that tea and coffee served at between 55C and 60C would not be acceptable to customers. The judge said: "on the evidence, I find that the public want to be able to buy tea and coffee served hot, even though they know that there is a risk of a scalding injury if the drink is spilled."

Therefore, serving temperature is, by itself, not a major strategy for avoiding burns.

However, a senior manager at an international coffee brand has commented: "Do the operator or their staff actually even know how hot a drink is? Does the operator accept responsibility to warn customers to take care (as we so often do at home) ?"

4. First-aid cover in cafes

On several occasions, the general news media have carried criticism of caterers for alleged inadequacy of first-aid cover.

Typically, British newspapers recently reported criticism of chain café staff for their 'amateurish' response to an accident in which another customer dropped coffee on to a 10-month-old boy.

By contrast, police in another town in the same county have complimented the manager of the local Massarella's, who saved a baby's life by giving mouth-to-mouth resuscitation. The manager made the very interesting comment: "Our company trains everyone in first aid... although you don't expect to have to use it."

The issue was most dramatically illustrated in reports of an incident in a coffee shop on the south coast of England. The details which follow are taken from several reports in the local paper.

The judge said: "on the evidence, I find that the public want to be able to buy tea and coffee served hot, even though they know that there is a risk of a scalding injury if the drink is spilled."

A 13-month-old child suffered third-degree burns to one-fifth of his body when a jug of what was described (possibly inaccurately) as 'boiling' water was spilled over his pushchair, inside café premises. In hospital, the child was kept in a ventilator for some considerable time, and given skin grafts to chin, arm and stomach. A woman who helped at the scene has said 'it will haunt her for the rest of her life'.

However, to the local newspaper, she also said: "I had to do something, as no-one else would. The staff did not know what to do. They threw me a dirty tea towel. I had to shout at the staff twice to call an ambulance."

There is disagreement over this. It has also been reported that staff called the ambulance quickly, and that they had a first-aider on site. The local paper has reported, in a most unfortunate choice of phrase, that the café operator is 'happy' with the efforts of their staff.

5. Working practices

Several cases have centred on whether the drink was served in a safe manner, which has introduced the question of cup suitability.

Starbucks has twice been on the receiving end of cases like this – in one case, the claim was that a hot beverage was 'improperly served', without having a protective sleeve. (The customer picked up the cup, was surprised by the heat, and dropped it).

In May, this year, a customer brought a case against Starbucks in America for serving 'unreasonably hot' tea, but the second part of the claim included the words: 'in a container that was not safe'.

A British case reported directly to one of the Coffee Council concerns a woman who scalded herself with coffee served in a takeaway cup. The café operator secured the lid when serving the cup, but the customer then removed the lid to add sugar and then replaced it, at which point she dropped the cup. That café operator has now introduced a policy by which his staff are to place the coffee on the counter and place the lid beside it... he says it is the responsibility of the customer to fit the lid. Whether this is acceptable in terms of customer service is a debatable point.

A comment on the matter has been received from an American coffee-house owner and trainer. (He is noted for being a man who spent years taking notes of the best way to do things in his own business – eventually he realised he had actually written a practical staff manual!)

He said: "We often have customers who have ordered their drinks to-go, who say 'don't bother with a lid', which is part and parcel of this issue. We generally tell them 'Yeah, we do bother', and we cover their to-go cup. Whether there's a legality surrounding this and whether we could just offer lids that customers could put on themselves, I don't know.

"As for drinks in mugs for inside our cafe, we usually turn the mugs around so the handle is either sideways and easy to grab, or facing the customer, which

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minimises the chance of him/her grabbing the hot glass. Beyond that, we will generally warn a customer when we hand them a mug that it's really hot, and figure they're able to handle it.

"Of course anybody purchasing more than a couple of hot drinks to go is always offered a carrying tray."

The Coffee Council invited a cross-section of British coffee-house operators to comment on their precautions, systems, and first-aid cover. The responses were notably different between operators of major high-street chains and those who run either single-site businesses or small chains of maybe half a dozen sites.

One of the major British chains commented : "All of our hot drinks are labelled with cautionary 'handle with care, I'm hot' and 'caution - contents hot'." (Whether this is actually enough to satisfy practical safety requirements, legal requirements, customer-service requirements, and insurance requirements, is a matter which fortunately appears yet not to have been tested by any specific customer complaint.)

Another one of the Big Three chains said: "We have very little specific training for handling hot beverages other than common sense. However we do instruct our barista to always prepare the drink in one cup and only add the sleeve when serving the drink. We do have specific guidelines for microwaving soup as we had a number of accidents to staff." (It may be thought that the expression '...other than common sense' is inadequate - it could be argued that this is a failing in the employer's duty to both staff and customers.

Another major name commented: "all our stores comply with health and safety legislation. Every one of our stores undergoes a thorough independent audit to ensure they meet the required standards". (Although, unhelpfully, they didn't say what those standards are). "When it comes to training around hot drink, all our baristas know to check that the takeaway lids are on securely. Takeaway carriers are available to customers."

One very big café chain responded to enquiries only with the terse comment: "nothing on first aiders".

Responses from smaller chains and one-site businesses were generally more constructive. Typically, one south-western six-site chain said: "every cafe will always have a trained first-aider on site. Our health and safety training also focuses on how to deal with situations of this ilk, and how to try and prevent them ('wet floor' signs, immediate clear-up of spillages, etc). We have never had a problem of this nature, fingers crossed we never will."

Other responses from independent operators were:

* "We have had one incident in 29 years, and in that case, a customer knocked a teapot off a table. Our staff are trained not to hand drinks over until all children are out of the way; where the caterer is in custody of the drink, they don't release it until children are away from the area. If the customers are old folk, staff deliver it to the table."

* "Our staff are aware not to be giving out jugs of hot water to the customer to heat baby milk (this is all done behind the counter, and not in the microwave). Other than that, even with us having a 'pass-over' area of the front counter so that our staff can take food and drinks straight out to the table (which is in easy

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reach of the customer), we do not feel that there is much else to do other than be aware as much as possible. We do have a first-aider who is a qualified nurse, and if it comes to us putting another member of staff on a First Aid course, the chances are they would only go through the basics."

* "We have no rules regarding this, but our business is different in that the beverages going out are at drinkable temperature, so will not burn the staff or customer. I have however worked in places where staff have burnt themselves and there was not sufficient support for the effects of the injury."

* "We don't have any 'rules' related to scalding, though I don't hold back on parents of marauding children. As for first aid, myself and a couple of others are capable of dealing with scalds, but we tend to treat scraped knees and kitchen cuts. I'm far more worried about children guillotining their fingers in our deck chairs!"

* "Our bar service point is the same height as the customer (there is no step or platform) and we 'slide' the lidded drink to each customer. If it's a black tea or coffee we pay special attention by verbally warning that the drink is very hot. We have a unique service standard of lidding the drink with a napkin – this standard increases customer satisfaction by eliminating touching the drinking spout, and in the highly unlikely event of the cup or lid failing, the napkin would prevent hot liquid from passing onto the customer."

* "We do recognise the potential hazard of scalding and have systems in place to minimise the risk. We are about to undertake further training for staff including one first-aider per store."

* "We heat our milk to approx 55C - the chances of scalding someone is very, very small. I am a qualified first-aider, as is my manager. We do not have a policy in place to deal with such an issue if it arises except to fill out the accident report book kept on site."

* "All outlets serving hot drinks should have a qualified first-aider on site, trained to deal effectively with incidents such as scalds."

The training manager of a brewery pub-chain that has concentrated strongly on their hot-beverages business said: "Although we do have first-aid trained staff and all sites would have an appointed first-aider to deal with any accident, we do not have a specific policy relating to scalds from hot beverages."

6. Product design

What have takeaway cup manufacturers done to assess the problem of heat transfer (that is, the danger of dropping a cup because the exterior wall is too hot) and the security of lids?

One of the major takeaway cup manufacturers said:

"In close conjunction with major high-street customers, we and all European manufacturers have determined rigorous testing programmes re cup integrity and lid fit.

"All outlets serving hot drinks should have a qualified first-aider on site, trained to deal effectively with incidents such as scalds."

"Coupling this with information from cup stock manufacturers, we recommend 96C as the absolute maximum temperature for a disposable cup. However we believe through our work with customers that a more representative test temperature is 93C.

"Clearly we recommend the use of a lid in takeaway situations but we cannot provide any more safety if the customer misuses the product or does not heed the 'Caution Contents Hot' warning. Also, we are dependent on the operator training for correct attachment of lid to cup... not aligning sip hole to the seam, for example." (It is standard industry practice, say two manufacturers, not to align the sip hole, the place of maximum potential drip, with the side seam, where the paper exposes a porous edge. Operators in the major store chains are trained to avoid this risk to cup integrity.)

The manufacturer added:

"This is no different to how people interact with the product when making tea or coffee in the domestic situation, where it is customary to pour boiling water straight from a kettle, but there is a waiting period before consumption. Similarly, by the time a coffee is handed to a consumer the average temperature of a hot beverage should be at a maximum around 90 - 93C, which is still hot enough to need care."

It has been suggested that certain suppliers are selling stock takeaway lids without distinct advice on compatibility, and advice on which lids suit which cups.

A second manufacturer - again, one of the big names - said: "this is dangerous. We would never recommend buying cups and lids from different sources... it's far too dangerous. We have seen companies set up to provide lids 'for anyone's cup' and that means, if there's an incident, who has ownership of the problem? This is a very valid problem - the operator must retain the integrity of 'the right cup with the right lid', and be sure they work."

It has also been suggested that the temptation to buy cups on the basis of price is a worry. Although there is no evidence to suggest that cheaper imported cups are a safety hazard, a very big name in takeaway cup manufacturing said:

"Something we talk about with enormous regularity is that the integrity of a well-made product is everything, particularly against aggressive imports... and there are quality issues with some imports. There is an enormous amount of product coming in from all over the globe that might be questioned regarding its quality. The quality requirements which apply to us do not apply in other countries, which is sad. We, and the other major brands, have audited quality which puts our product at the top of the quality chain... which you cannot say of others finding their way into the British market.

"You cannot compromise on quality, and yet we are competing against inferior products - there is an enormous amount of product coming into the country which hits the local manufacturers because, sadly, some trade customers buy on price rather than buying a product which is 'fit for purpose'."

Two other cup manufacturers commented. One said:

"Most lids will fit most cups, but once you stop using the lid recommended by the cup supplier, you will have no comeback if lid does not fit. My view would

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be that if there was a accident, and it went to court, the paper cup company involved would not be liable, if the recommended lid was not used. We print on our box: 'please use lid code xxxxx for best results'.

The other said:

"All cup runs are batch tested to match compatibility with our lid stock, and the cup-manufacture procedure can adjust the top diameter to ensure a tight fit. However our concern is that boiling water is used, which will have an effect to the tightness on the lid at the time of use."

7. Café design and staff training.

It has been said, and has been reported in *Coffee House* magazine, that 'the most critical point is the point at which the drink is handed to the customer'. We suggest that this is a matter of both staff training and café design.

It has also been suggested that the traditional practice of staff delivering a drink to the table-top is the safest. However, in one recent British scalding case, the operating company reported their internal investigation to have shown that the drink was been served to the customer in the correct manner according to their training, being taken to the table, and on a tray. A major problem, as we have already illustrated, is that several scalding cases have occurred when the drink was already in the customer's hands.

We have asked cafe designers about how clever design of working space can assist safe working. Notably, all those asked have avoided the subject, with the exception of one, who said:

"On the design front, the main thing required is to plan zoned work areas so that people are not bumping into each other and there is a clear area to pass over the drinks so that you are not reaching over tills or fridge displays, etc. It's all very logical really - but often designed so wrong."

In a feature which *Coffee House* recently wrote for the pub trade press, a pub furnisher commented that the recent trend towards sofas in pubs has produced a greater danger of spillage from cold drinks (because of the lower and less-rigid seating level). There was, of course, a very big trend in recent years for sofas in coffee houses.

Of the trade's barista trainers, only two responded to the question. One said: "I've always taught staff to secure lids firmly on take away drinks, and to place trays on the table or a secure surface before serving china.

"However, common sense no longer prevails - that is, the obvious understanding to not put hot drinks within the reach of small children, to use cup carriers/trays when moving two or more drinks, to give staff room to work when prepping drinks, to design counters with space for baristas. There is also the problem of common sense by customers who order hot drinks, then are surprised that they're hot!"

When trade associations were asked about this issue by the coffee trade's news magazine a couple of years ago, one actually replied: 'that's health and safety and we're not going within a mile of it'.

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"There is also the problem of common sense by customers who order hot drinks, then are surprised that they're hot!"

— a barista trainer.

That almost defies belief. However, it does endorse the need for the matter to be fully considered.

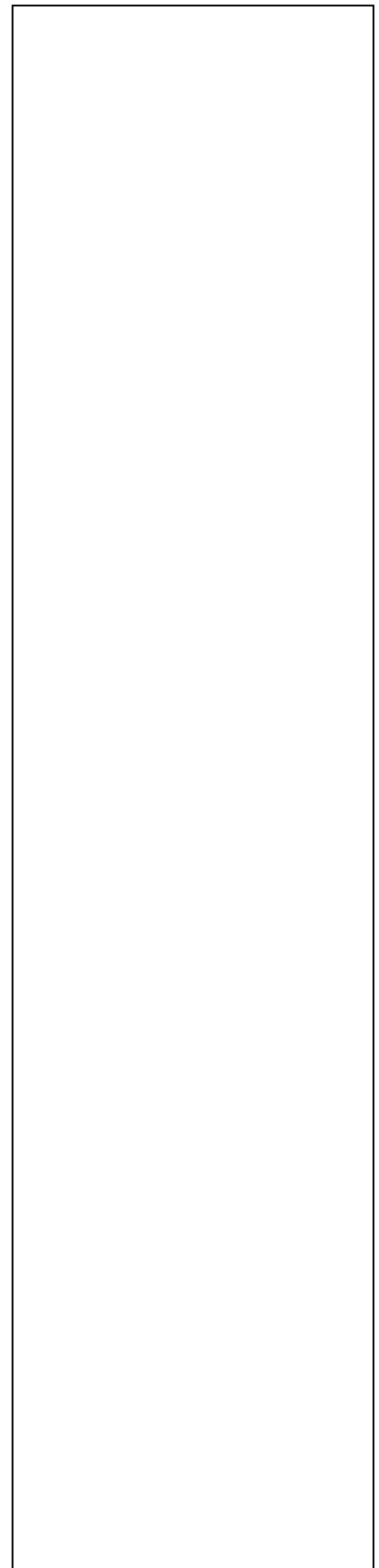
8. Insurance and liability

Where does liability begin and end? One insurance broker says: "It could be covered under the Public Liability section if there is bodily injury. Negligence would however have to be quantified on the part of the retailer - that is, if the coffee is supposed to be hot, where does the negligence attach?"

In August 2010, the Post Office, as part of its interest in broadening its business services, decided to target a number of business sectors with bespoke insurance policies. One of those areas is the café sector. The policy, which can be purchased from any one of 12,000 local Post Office branches, covers the usual things, including 'customer or staff trips and slips in the workplace'. They have as yet been unable to give a reply on the matter of scalds.

In the north of England, a café operator with some personal legal training tells us: "The defence against these claims is to prove that there has been no breach of 'duty of care'. The plaintiffs will also be looking for evidence of defective cups, trays and carpets."

Requests through media and PR networks, inviting insurance specialists to comment on this matter, have received no responses whatsoever.



The Conclusion: what the Coffee Council says

The Coffee Council acknowledges that the incidence of scalding injuries represent an immeasurably-small proportion of the millions of hot drinks served every day. Nevertheless, the Coffee Council calls upon the catering industry to express its determination, in a professional manner, that one more scalded customer is one too many.

The Coffee Council says that the matter of scalding injuries in general, and the individual stories of injuries caused by hot drinks, should attract the attention of every catering-trade employer, manager and every responsible staff member. The Coffee Council believes that every member of the catering and beverage industry must appreciate the appalling results of scalding caused by hot drinks.

The Coffee Council recommends that the attention of the trade not be diverted by any question of blame, but invites the catering trade to adopt the philosophy that questions of blame or liability are secondary to questions of customer safety. While questions of blame will have a place in court or insurance matters, the everyday responsibility must be to ensure, as far as possible, that no accident happens at all. Proving to a court that 'it wasn't my fault' isn't going to restore a caterer's reputation, or the trade's reputation. Saying 'the cup had a warning on it' is no way to answer the issue of a customer scarred for life.

The Coffee Council says that the majority of the responsibility for the safety of customers must lie with the catering operator and the catering trade in general. The consumer is of course not exempt from responsibility to take their own reasonable precautions – but for reasons of safety, of the reputation of the trade and individual businesses, to avoid compensation claims, and to avoid distress to staff, all beverage-serving premises should accept the responsibility to put procedures in place. The Coffee Council says that the catering trade should demonstrate, and be seen to demonstrate, as much care as possible to prevent any injury happening.

The Coffee Council sympathises with the hundreds of thousands of front-line catering staff who bear the responsibility of serving hot drinks every day. Managers are expected to be aware of wider issues, but although the role of waiter/waitress is regarded as a menial job, these workers are the ones most likely to bear any blame. The Coffee Council acknowledges the comment of the Child Accident Prevention Trust, which has said: "Attention to this is something well needed. The important thing is not to point the finger of blame but to highlight the need for there to be a procedure in place if something does happen, and for staff to know about what to do. It's not fair on staff if they're not prepared for this kind of thing."

Therefore, the Coffee Council calls on employers and managers in the beverage trade to support their front-line staff with appropriate training and safety resources. We call upon all caterers and café owners to review their safety procedures, equipment and training. We call upon employers whose staff have to work with hot beverages to train every member of staff on basic first-aid with regard to scalds, and we call upon employers to ensure a qualified first-aider works on every shift. We suggest that franchisors of catering businesses where only one member of staff is working - such as mobile coffee vans and carts - make first-aid qualification a condition of operation.

Proving to a court that 'it wasn't my fault' isn't going to restore a caterer's reputation, or the trade's reputation.

Saying 'the cup had a warning on it' is no way to answer the issue of a customer scarred for life.

The Coffee Council calls upon the large number of specialist trainers in the beverage trade to play their part in this. We believe that the issues of handling hot beverages and response to scalding injuries should be addressed as a part of basic barista training - it is never too early in a career for a barista to appreciate the danger. While we appreciate that trainers already have many subjects to work on, we suggest that they reassure themselves that safety messages and practices form part of their everyday training programme (and, indeed, to recognise the value that this brings to their individual service).

The Coffee Council calls upon those who provide furnishing and design services to the café trade and general catering trades to keep at the forefront of their minds the issue of safe passage of hot drinks through the premises they are working on. We also call upon caterers and café operators to look at the areas in their premises where beverages are served to the customer, and identify possible areas of danger.

The Coffee Council calls upon the makers of takeaway cups to communicate better the practical aspects of their products, with regard to heat-retention, heat-transfer, safe handling, the carrying of takeaway cups, the use of sip-through lids, and the matching of lids to cups. We invite suppliers to reinforce the message of safe use and good practice with every delivery to the catering trade.

The Coffee Council calls upon manufacturers of hot beverage and hot water equipment to reinforce the message of safety in all their contact with catering operators, so far as is reasonably practical.

The Coffee Council suggests that caterers review not just safety procedures, but their legal back-up and their insurance cover. We call upon the insurance industry to produce clear and unequivocal guidance and advice to catering operators.

The Coffee Council calls upon professional trade bodies in the catering and beverage trade to put in place positive measures with which to support the cause of greater safety, and to actively promote safe working practices within the catering industry.

The Coffee Council invites the catering trade to adopt the view that 'one more scalded customer is one too many'.

The Coffee Council can be contacted through Louie Salvoni of Espresso Service, at
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Disclaimer.

This document attempts to highlight a situation believed to be of importance to the catering trade, with the view of encouraging those who serve hot drinks to consider the safety issues involved in their business or employment, and with the intention of encouraging members of the catering trade to consider their own policies and practices for the safe handling of hot drinks - and to consider the implications of not doing so.

The Coffee Council will enter into no legal proceedings on this subject. The Coffee Council will, however, always welcome constructive discussion on the relevant practices of the catering trade.