

McDonald's coffee too hot



**ASSIGN
BUSTER**

Roughly 10 years ago a court case was introduced to sue McDonald's Corporation for knowingly selling defective products. The particulars of the case involved a woman spilling hot coffee on her-self and being injured very badly because of it. Public opinion was (and largely still is) strongly against the woman and her settlement. Her stepson wrote an article to argue that she was justified in receiving a settlement due to the defective nature of the product being sold. The claim being presented and advanced is the system worked; McDonald's knowingly and callously sold defective products and was rightfully forced to pay compensation. The author effectively employs many of the tools and concepts central to making a good argument. In evaluating the argument being put forth one must first take into account the credibility of the author. The types of evidence and the kinds of arguments used may then be evaluated. Overall the author does a good job of tying the different elements together to produce a well formed argument. The issue of credibility is very important to the author's argument. Initially, the credibility of the author must be examined. The only cues one has to evaluate the author's credibility are those relating to his competence. Being the stepson of the victim, he is knowledgeable of the situation and the people involved. He also seems credible from his message elements; he has good usage of grammar and vocabulary. The author uses all three types of evidence to support his argument. The evidence to support the authors claim is restatements of evidence used in the court case against McDonald's. They are some of the same pieces of evidence the jury heard. Evidence by example is found in the story of his mother in law, Stella. She was injured by McDonald's coffee being so hot it hospitalized her when spilled on her lap. Statistics are utilized as well: " The corporation had a list of more than 700

burn cases". On the other side, McDonald's presented a statistician who stated the burn cases were "statistically insignificant". The author most likely included this seemingly pro McDonald's statement to show the heartlessness of big corporations; to make people feel like they treat the consumer as merely figures of cost versus profit. Testimony is the third type of evidence implemented. Both the examples of evidence by statistics came from testimony by individuals. It is also mentioned that both sides had testimony from experts in skin burns and burn care. There are no credentials given in the article to show the credibility of the witnesses. However, most judges would not allow a person to testify as an expert without some credentials to show. Even if the judge allowed it, the lawyers would not put someone on the stand without proper credentials out of fear they may lose their credibility. The one aspect of the testimonies that could fall under suspicion is the issue of bias. Expert witnesses are usually paid to make their statements in court. One could easily be tempted to bend the truth in order to make sure they get the point across that the lawyers employing them want to be made. The lawyers will undoubtedly rehire an expert witness who makes all the right points for their side; the expert witnesses must also be aware of this. The witnesses being under oath, combined with the corroboration from other witnesses (on both sides) helps one believe the expert testimony in this case. Corroboration is important to these testimonies since the experts for McDonald's verified what the expert witnesses for the other side said. Jurors often weigh reluctant evidence very heavily. It probably would have been better for McDonald's to stipulate this information ahead of time so their expert witnesses could not be seen as giving reluctant evidence against their case. The author does a very good job

of using the three types of evidence together to support his argument. The author employs a variety of argument types as well in order to get his point across. The only type of argument the author does not use is analogy. Showing a series of like instances constitutes generalization. The over 700 burn cases alluded to and the statement that the prosecuting attorney "questioned this same man... before for a client with a similar severe burn" help to show a series of like instances, or generalization. The author also uses causal elements, presenting the argument from cause to effect. The primary cause and effect relationship in this argument is that she was injured by a defective product, this is the cause. The effect is that she deserves compensation. To arrive at this cause and effect relationship, many other causes and effects had to occur and be recognized as valid. For instance, if the coffee was not so hot (cause), she would not have been burned (effect). If one were to reject the claim that the coffee was too hot, these cause and effect relationships would not hold true for them. That is why the author devotes so much space to showing that the temperature of the coffee was unreasonably hot. McDonald's probably also argued a cause and effect relationship along the lines of: without the cause of her spilling her coffee, the effect of burns would not have occurred. McDonald's cause and effect relationship takes the blame off them and places it solely with the consumer for not being more careful. Argument by sign is also used, the author states that the victim has "permanent scarring over 16% of her body." These scars could constitute a visual sign that the coffee was served at an unreasonably hot temperature. The final type of argument used in the article is authority. The author uses authority to help establish that McDonald's knowingly sold defective products. The prosecution's expert

witnesses show that the product was far too hot for human consumption. Since the McDonald's managers have intimate knowledge and repeated contact with the issue, the author uses them as authorities to help establish that McDonald's knowingly sold the product despite it being unreasonably hot. In writing this article the author tried to utilize both Logos and Pathos from the Aristotelian modes of proof. Logos is used in the presentation of the evidence such as the coffee being served at 180-190 degrees and that temperature being possibly life threatening. The author is also using Pathos; he attempts to make the reader feel sympathy for his stepmother while feeling anger towards McDonald's. Sympathy is sought after through the retelling of her pain and long recovery. The author tries to make the reader feel anger toward McDonald's by showing them as an uncaring institution willing to sacrifice the public's safety in order to make a larger profit. One place this is shown is when the author writes that the McDonald's expert witness states the cases were " statistically insignificant." The author does such a good job of presenting his arguments that many of those who have read this article have shifted their stage of credibility. A very large percentage of people went from initial to terminal on this topic. People heard a lady spilled coffee on her-self and got millions for it. Based on this information many concluded she was being rewarded for being clumsy, they had gone from initial to a perceived terminal without finding out any more facts. Once they read the article, and see the author's arguments developed and supported they tend to at least rethink their position, meaning they were never truly in the terminal stage. It is very interesting how this shift occurs, especially on an issue that took place so long ago. Overall, this article argues very well that she was justified in receiving a settlement due to the defective

nature of the product being sold. The author clearly and concisely depicts how the system worked; McDonald's knowingly and callously sold defective products and was rightfully forced to pay compensation. In making his arguments, the author effectively employs many of the tools and concepts central to making a good argument. Utilizing these tools and concepts helps to ensure the arguments made and developed in the article are very compelling. So much so that this article has persuaded several people whom thought she should not have gotten any settlement to at least rethink their position. In the end, being able to persuade is the best true measure of an argument.