

FOOD SAFETY: LIMITING CLAIMS FROM OBJECTS IN FOOD

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INTRODUCTION

Did you know the most frequent type of liability claim for restaurants is from damage to a customer's teeth or other dental appliances?

These claims can be costly and disruptive to a company's operations – and can cost the company good customers. These injuries are not completely preventable, but with some precautions and appropriate insurance coverage, the frequency and impact of these claims can be minimized.

Two main sources of objects in food can cause dental damage – naturally occurring objects and foreign objects.

NATURALLY OCCURRING OBJECTS

Objects like fruit pits, nut shells, sea shells and bones

are natural components in food. Some restaurants buy already pitted, shelled or deboned items and others perform the processes in-house.

Because it's nearly impossible to catch every single particle of pit, shell or bone, US Food and Drug Administration (USFDA) guidelines permit a small percentage of these in foods that are sold as pitted, shelled or deboned. Ground beef can legally contain some small bone fragments.

A small percentage of tiny rocks are also allowable in foods like dried beans and lentils.

FOREIGN OBJECTS

These are items that are not naturally occurring in food and include jewelry, processing machine parts,

chips from dishes and glassware, buttons and many other non-food items.

Customers could suffer dental-related injuries from products that were handled by the grower, manufacturer, supplier or your own staff.

REDUCING INCIDENCE OF CLAIMS



Of course, one way to avoid injury claims is to eliminate foods that have naturally occurring objects in them. This could mean dropping linguine with clam sauce or walnut bread from your menu. But this is not a practical solution for many restaurants and still doesn't prevent foreign objects from getting in the food. Claimants are generally less successful in liability claims that involve naturally occurring objects than in cases that involve foreign objects.

Follow these tips to reduce the chances that somebody will be injured by an object in their food:

- Ensure that employees use good hygiene practices to prevent jewelry, hair clips, buttons and other foreign objects from getting into food
- Inspect dishes and glassware and remove any from service if they have any sign of cracking or chipping
- Inspect kitchen staff uniforms for loose or broken buttons before use
- Train kitchen and wait staff to spot pits, shells, bones and other objects that could cause dental injuries
- If restaurant does its own shelling, meat grinding, deboning or pitting of foods in-house, make sure staff is properly trained and with adequate equipment to do these effectively
- Inspect beans and lentils for rocks or insects

DECREASE THE COST OF CLAIMS

As mentioned above, even federal regulators don't expect you to completely avoid naturally occurring foreign objects in the food that is served. To help minimize the size of potential claims, follow these guidelines:

- Use reputable suppliers who provide certificates of insurance and who name the restaurant as additional insured on their liability policy
- Use a domestic supplier because the restaurant assumes a higher level of product liability when foreign imports are purchased directly
- Train staff in procedures to courteously and professionally handle all customer complaints, including dental damage. If there is evidence to preserve, take steps to do this tactfully. Take steps to preserve the chain of custody when an injured party produces a foreign object. If a customer alleges that they have swallowed glass, ask if they need medical attention
- Be prepared with a crisis management plan in case the business experiences a serious event or widespread incident
- Contact your insurer as soon as possible if a customer complains of an object in their food

Some claims that don't result in a costly dental injury can still be serious. For example, in a recent case an adhesive bandage from an employee fell into a salad, resulting in a loss of thousands of dollars.

TO AVOID THIS TYPE OF CLAIM:

- Have employees wear colorful bandages in order to see it in food if it falls off
- Have employees wear gloves
- Provide staff training on the potential hazards associated with wearing bandages while preparing food
- Give the injured employee different duties other than food preparation until the hand heals

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