

In response to Father John's Homily from Sunday, September 30, 2018

I wanted to share a few thoughts about your homily. First, I love your sense of humor. I think even serious issues can be discussed with good humor and a light touch and I love that you bring that to mass. I can only imagine what a great high school teacher you were!

That being said, while I love the message of self responsibility, I hate that you used the Macdonald's coffee and tobacco as examples. As a public health professional, I hear those examples come up all the time as examples of our litigiousness. But nearly without fail, including in this case, people actually fail to capture what the suit was about. Thank goodness I was at your parish for mass today to tell you. You might not agree at the end of this essay :)

The elderly lady was a passenger in the car. She put the coffee in her lap. Certainly not wise. Except Macdonald's had the policy of serving coffee at far above a safe temperature. They required their franchises to serve at that temperature. They had fielded incredible number of complaints about burns. Hundreds. They'd paid settlements already. In this case, the plaintiff offered to settle for \$20,000, which covered the treatments for her third degree burns and lost income. Macdonalds only wanted to offer \$800. The plaintiff was found partly responsible for her burns and the settlement the jury awarded was reduced accordingly. This is actually a great example of a lawsuit that drove increased corporate responsibility and that protected public health. Macdonald's had no reason not to reduce the serving temperature if it prevented many very serious injuries but they didn't until they were forced to by punitive damages and bad press. They have since lowered the serving temperature.

And the tobacco one. Oh man. I assume you are referring to the Master Settlement agreement. This was not consumers who had been warned about the risks suing the large tobacco manufacturers, but rather the attorneys general of almost every State. Individuals had sued, as had states, but tobacco companies had largely won those suits. Ultimately, the attorneys general were suing over medical costs accrued by the states due to continued smoking—which was largely driven by intentional advertising and sponsorships targeting children and other vulnerable populations after its dangers were known—and for evidence of damage the tobacco manufacturers had hidden. The settlement restricted marketing of tobacco products and provided on-going funds to the states to off-set the cost of tobacco use. When the settlement was reached about 40% of high school students smoked—tobacco had been heavily marketed to the youth demographic and had increased by 30% in that last decade alone. 20 years later the rate is a quarter of what it was—it's less than 10% now. That settlement is a huge victory for public health. Of course the job never ends—the tobacco industry has heavily invested in e-cigs marketed to teens and nicotine replacement products.

I guess I wanted to tell you more about these because in both cases, the lawsuits were not about individuals failing to take accountability, but rather about corporations who value profits over the health, safety, and lives of their customers and the general public; that immorality is something we need to talk more about as Catholics.

Thanks for the work you do.