
Abstract

This report examines how product liability law treats personal injuries attributed to microbially contaminated foods. The risk of lawsuits stemming from microbial foodborne illness and the resulting court-awarded compensation may create economic incentives for firms to produce safer food. It is not known how many consumers seek compensation for damages from contaminated foods because information about complaints and legal claims involving foodborne illness is not readily accessible, especially for cases that are settled out of court. Reviewing the outcomes of 175 jury trials involving foodborne pathogens, the analysis identifies several factors that influence trial outcomes, while noting that the awards won by plaintiffs tend to be modest.

Keywords: foodborne illness, food safety, jury verdict, personal injury, product liability

Acknowledgments

We thank David Isenburgh, Peter Machare, and Marilynn Graham for their assistance with Lexis-Nexis and Westlaw databases and to Jane Allshouse for her help with our database. We also thank Bruce T. Clark, Katherine Ralston, Carolyn Rogers, Donna Rosenbaum, and Vern Walker for their helpful review comments. Tom McDonald edited the manuscript. Susan DeGeorge designed the cover art.