

These Are a Few of My Favorite Things

By Reg P. Wydeven
February 4, 2012

I'm a very blessed person. I have a sweet, gorgeous wife and two happy, healthy kids. Having those great people in my life, I don't need a yacht, a Ferrari or a condo in Florida. With a terrific family, all I need in life are the simple pleasures.

For instance, after my crew turns in on a Saturday night, a slice of heaven for me is to head to the basement with a Mountain Dew and a package of cookie dough for nourishment while playing my Xbox. Apparently, my simple pleasures can cause some pretty intense legal issues.

First of all, Ronald Ball recently sued Pepsi, the manufacturer of Mountain Dew. In 2009, the Illinois resident bought a can of Mountain Dew from his oil company's vending machine and proceeded to gag on a dead mouse inside. Ball immediately called Pepsi who came to collect the mouse but did nothing else, so he sued the soft drink giant seeking damages in excess of \$50,000.

In response, Pepsi filed a motion to dismiss the lawsuit, arguing Ball couldn't possibly have gagged on a mouse because Mountain Dew's powerful ingredients would have dissolved its body before the can ever reached the vending machine. Pepsi's experts explain that the soda would have turned the rodent into "a jelly-like substance." Ball's attorney claims Pepsi's defense "doesn't say a lot about their product." No trial date has been set.

Meanwhile, the U.S. Centers for Disease Control recently recommended that people, "should not consume raw cookie dough, regardless of who makes it, whether it's made at home or as a commercial product." My mom always warned me that eating raw cookie dough could make me sick, so I shouldn't eat it. The CDC agrees, stating, "That is the safest thing to avoid illness."

The warning stems from an investigation of a 2009 outbreak of food-borne illness in the U.S. The outbreak affected 77 patients in 30 states, and 35 people were admitted to hospitals. After usual suspects, ground beef and leafy greens, were exonerated by researchers, patient interviews pointed them to cookie dough.

Common belief is that raw eggs in the dough could contain bacteria such as salmonella. However, many of the ingredients in the packaged cookie dough, such as pasteurized eggs, molasses, sugar, baking soda and margarine, go through a "kill step" to eliminate pathogens. But researchers were looking for a different bacteria: Shiga toxin-producing *Escherichia coli*, or STEC. The cause, they believed, came from the flour in dough, as it doesn't typically go through a "kill step."

The investigation wasn't conclusive, as laboratory analysis and assessments of a suspected production plant did not reveal the STEC. The warning was issued, though, because three other strains of STEC were discovered.

Finally, a report has surfaced that disgruntled employees at a plant in China that makes the Xbox are struggling to find an effective way to resolve their differences with management. In America, we are so fortunate to have remedies for poor working conditions, such as filing grievances, striking, filing complaints with the Department of Workforce Development, or even filing a lawsuit.

At this Foxconn plant in Wuban, China, however, 300 employees felt their only option after being denied promised compensation was to threaten to commit mass suicide. Thankfully, Wuban's mayor talked the workers out of it. Working conditions are purportedly so bad at this Foxconn plant, which also builds iPhones, iPods, and MacBooks for Apple and products for Dell and Hewlett Packard, employees were required to sign contracts promising not to commit suicide. Despite this, sadly in 2010, 14 workers took their lives amid complaints about long hours, low pay and stressful conditions.

So tonight, I may gag on a dead mouse and get deathly ill from food poisoning while playing a machine made by workers who hate their job so much they want to kill themselves. Simple pleasures indeed.

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. © 2012 McCarty Law LLP. All rights reserved.