

Nothing to Sneeze At

By Reg P. Wydeven
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As I've written in several previous articles, my wife and son have severe food allergies, especially to peanuts. Because of this, we are extremely cautious and eat most of our meals at home. At home, we have complete control over our food: we pick it out at the store, prepare it, serve it, and finally eat it. However, we still love to go out to eat.

Because so many people have food allergies today, we are unbelievably fortunate that most restaurants have allergen information readily available so we can make safe choices. The wait and kitchen staffs at many places have been extremely helpful in explaining the menu, their preparation process and also alerting the kitchen to our family's allergies. We are extremely grateful to these restaurants for their sensitivity and attentiveness and we are thrilled to give them our business.

Not everyone has been as lucky, however.

John and Elissa Russo, a couple from Natick, Massachusetts, have a six-year-old daughter with a severe peanut allergy. On January 28, Elissa ordered dinner for her family from Panera Bread using their online system. On the form, Elissa noted in two places that the grilled cheese sandwich she ordered was for their daughter, who had a serious peanut allergy.

After their daughter bit into the sandwich, John and Elissa realized, to their horror, that the grilled cheese had a large dollop of peanut butter inside. Their little girl began to panic, repeatedly asking, "Am I going to die?" They immediately called their pediatrician, but since she wasn't showing serious symptoms, the doctor advised the parents to give her Benadryl.

Their daughter soon vomited, though, so they rushed her to the hospital. As she was about to be discharged that night, she broke out in hives all over her body, so the hospital staff gave her an epinephrine shot. She was released from the hospital early the next morning.

Russo called Panera and the manager apologized to him profusely, blaming the incident on a "language" issue. Shockingly, about a month later, another family with a peanut-allergic child placed an online order for a grilled cheese from a nearby Panera in Wayland. The sandwich the child bit into also contained peanut butter, causing the girl to suffer an anaphylactic reaction requiring hospitalization. The Russos learned about the second incident from a post by the girl's mother in a No Nuts Moms Facebook private forum.

Because of the mishap, the Russos filed suit in Middlesex Superior Court against Panera and PR Restaurants, a Newton-based group that owns several Panera franchises in New England. In their complaint, the Russos claim Panera "engaged in unfair and deceptive business practices by adding peanut butter to the plaintiff's grilled cheese sandwich knowing that [she] has a life-threatening peanut allergy." Their allegations include negligence, intentional or reckless infliction of emotional distress and assault and battery. The Wayland family did not participate in the lawsuit.

Panera will likely point to the advisory on its website that reads: "Please note that we cannot guarantee that any of our menu items are free of allergens because we use shared equipment and handle common allergens throughout our supply chain and bakery-cafe."

Mary Vargas, one of the Russos' attorneys, countered, however, explaining that, "This isn't a cross contamination case," involving accidental exposure to trace amounts of peanut dust. "There was a lot of peanut butter on this sandwich."

Putting peanut butter on a grilled cheese for a girl with peanut allergies is terrible. But even for someone without allergies, peanut butter on a grilled cheese sounds terrible.

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