

## BURGER KING FACES RETRIBUTION OVER HAZARDOUS COMPOUNDS IN WHOPPER PACKAGING

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Complete with fresh cut lettuce, mayo, and a swirl of ketchup, served on a sesame seed bun, the Burger King Whopper stands as the choice lunch for the thousands of customers who consume it daily. While it is commonly held that Burger King, similar to most fast-food restaurants, lacks the nutritional advantages that humans demand, there may be a secondary danger associated with the infamous whopper endangering the health of Burger King's customers. In a recent class-action lawsuit, spearheaded by concerned consumer, Azman Hussain, Burger King is being placed under the magnifying glass to determine whether the packaging used for the Whopper is as safe as the fast-food giant claims, or if Hussain is correct in asserting that the company is producing a product unfit for human consumption. This lawsuit appears amidst a series of analogous disputes involving fast-food monopolies, the results of which could bring about, at the very least, a push for expanded consideration for sustainability and customer safety.

The claims against Burger King are built upon the discoveries of per- and polyfluoroalkyl substances (PFAS) within the Whopper packaging. PFAS were first identified in whopper packaging back in 2018, within a study by the organization: Toxic-Free Future. This investigation found not only the presence of PFAS in the packaging but levels of PFAS that far surpassed what is considered to be safe, according to the Environmental Protection Agency. The EPA additionally produced a series of announcements in 2021 claiming that the latest scientific data "indicate that negative health effects may occur at much lower levels of exposure to PFAS than previously understood and that PFAS is a likely carcinogen." The lawsuit intends to establish fault on the part of Burger King by offering evidence that PFAS can be detrimental to human health and the environment, as well as prove that Burger King has misled consumers by asserting that their products are safe. The plaintiff intends to introduce claims of breach of warranty, violations of federal and state consumer protection, fraud, negligence, and unjust enrichment.

As Hussein declares, companies such as Burger King use PFAS due to the leak-proof nature of PFAS coating, which acts as a barrier to prevent grease from escaping and fouling a customer's hands. However, the plaintiff also concludes that PFAS are not needed in such packaging, as there are healthier alternatives that perform the same results being used by others in the fast-food industry. Hussein emphasizes the weight of this lack of consideration by Burger King by citing the Centers for Disease Control and Prevention and a scientific journal in Environmental Science and Technology, which suggests potential impacts of PFAS could include: thyroid disorder, cancer, liver damage, decreased fertility and increased risk of asthma. Aside from spreading awareness of Burger King's lack of wisdom, Hussein is seeking compensatory, statutory, and punitive damages, as well as restitution and medical monitoring for himself and other class members who feel endangered by the Whopper packaging.

While this suit fails to consider the health benefits, or lack thereof, of the burger itself, the plaintiff is claiming that PFAS have the potential to migrate from the packaging to the food, thus exposing consumers to these toxic chemicals. As for disposing of these chemicals, due to the grease-resistant nature of PFAS, wrappers containing high levels of PFAS can resist decomposition and vastly pollute water and soil. Worse yet, if packages do reach landfill centers and are incinerated, as often occurs with paper waste, the chemicals within PFAS can be released out into the atmosphere in airborne form. Despite the potential usefulness that Burger King

intends in its whopper packaging, Hussain, and many others, will be arguing through this lawsuit that the benefits of PFAS packaging do not outweigh the inevitable costs.

PFAS can be traced back to the mid-20th century when the substance was first used in the production of Teflon. Due to its unique ability to resist heat, oil, stains, grease, and water, PFAS have held a myriad of applications throughout the last 50 years. From aerospace endeavors to firefighting technology, PFAS have found a way to permeate nearly every corner of the developed world. PFAS molecules are composed of a chain of linked carbon and fluorine atoms; with the carbon-fluorine bond being one of the strongest, the chemicals do not degrade in the environment. Despite attempts, scientists have been incapable of agreeing on a definite halflife for these compounds, however the EPA estimates anywhere from 2.5-8 years in humans, depending on the specific form of PFAS. Aside from food packaging, as in the case of Burger King's Whopper, PFAS have also been found in drinking water, soil near waste sites, and even personal care products. Most sensitive to PFAS are children, who eat more food and breathe more air (per pound of body weight) than adults, and whose risk for exposure is heightened due to sheer curiosity and willingness to place any and all items in the mouth.

The plaintiffs in the Burger King Whopper lawsuit are hoping to spread awareness on the dangers of PFAS within the consumer community, as well as enforce sustainability in not only Burger King, but within all of the fast food giants. Only a month before Burger King was placed under investigation, McDonalds endured their own legal battle over PFAS. Similar to Burger King, this class action lawsuit centered on the presence of PFAS within french fry bags despite the restaurant's assertions of putting customer and environmental health at the forefront of their company mission. One statement within this suit reads, "The use of PFAS in its Products stands in stark contrast to McDonald's brand identity which espouses food safety." Both McDonald's and Burger King pledged, back in 2021, to phase out the use of PFAS by the year 2025. However, as consideration for PFAS continues to rise, in part by these two lawsuits, many other companies and industries may be finding themselves in similar situations.

While fast food is often criticized as unhealthy, the use of PFAS incorporates a new element of consumer safety within the food industry that will likely advance as a result of both the McDonald's and Burger King cases. The outcomes of these cases are yet to be determined, however, it is realistic to believe that fast food giants will be cautious about not only the chemicals used within their packaging, but also how these food items are advertised. Much of the Burger King case relies heavily on discrepancies between how Burger King promotes their products and what really exists within them. Thus, while Burger King remains under heat from allegations of PFAS, other companies have the opportunity to evaluate the health and safety of their products and adapt if necessary.