

# Child Injury Laws *Blog*

## Child Suffers Fatal Allergic Reaction After Eating Contaminated Take-Out Food

By *Jonathan Rosenfeld* on July 00, 2011

The family of a seventh grade girl at a Chicago Public School has filed a [wrongful death lawsuit](#) against the Chinese restaurant that catered an end of year school party.

The lawsuit alleges that the restaurant failed to adhere to strict warnings provided by the girl's teachers regarding here [severe food allergies](#) to peanut products.

Shortly after the girl ate the Chinese food, she began to experience a severe allergic reaction-- known as anaphylaxis.

School officials had the presence of mind to save samples of the food and send it to a food laboratory where it was indeed confirmed that it contained noticeable amounts of peanuts or peanut products.

### Food Allergies

Food allergies are fairly common in children. An estimated three million kids have some type of documented allergic reaction to various types of foods. Of those, a small percentage-- approximately 15% have documented reactions-- known as anaphylaxis-- that are indeed so severe that they could die if exposed to the allergen.

Jonathan Rosenfeld offers legal services relating to: birth injuries, medical malpractice, day care abuse, foster care abuse, swimming pool injuries, automobile accidents, school bus accidents, dog bites, food poisoning, product liability, amusement park accidents and clergy abuse. For more information please visit Child Injury Laws Blog (<http://www.childinjurylaws.com/>) or call Jonathan directly at (888) 424-5757. ([www.rosenfeldinjurylawyers.com](http://www.rosenfeldinjurylawyers.com).)

During anaphylactic shock, the histamines and other chemicals are released into the body shortly after exposure to the allergen. Common characteristics of anaphylactic reactions include:

- Wheezing / difficulty breathing
- Rapid pulse, sweating, dizziness, fainting, unconsciousness
- Swelling in face, tongue, lips and airways
- Rash or discoloration

The most common remedy for an anaphylactic reaction is the rapid administration of epinephrine---commonly self-administered via an EpiPen.

### Restaurant's Responsibility To Patrons

Given the large number of people who have severe food allergies (such as: shellfish, milk, eggs, peanuts, fish, soy or wheat), it is imperative that restaurants have a policy to effectively protect patrons who both dine in their restaurant and those who take food-out food from them as well. If restaurants can not safely accommodate the dietary restriction, they should refuse service.

As a **personal injury lawyer** who has worked on a number of **food poisoning** / anaphylaxis cases, I strongly urge families to preserve any receipts documenting the food purchase as well as preserving any left-over food so it can be tested by a lab for contaminants. Given that many individuals who suffer from food allergies have other types of allergies, confirmation of the allergen can be crucial in terms of establishing causation in a legal context.

Certainly, my heart goes out to this girls family who are certainly coping with a horrific experience.

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