THE PEPPERMINT TWIST

When Cindia Cott and her father, John, entered the lobby of the trendy nightclub on 37th Street on the south side of Topeka on Saturday night, September 23, 1989, they wondered if the place would live up to its reputation as the hottest spot in town. What they really wanted was to sit and talk and have a drink and perhaps a bite to eat, and the new 1950's-theme club seemed like a fun place to go. They had heard a lot about the club. It sounded like it might be fun, something out of the ordinary.

An old rock and roll tune blasted from the hi-tech sound system as they walked toward the lounge. The song was as characteristic of that decade as the functional lines of the bar and aqua and red hues reflected in the polished chrome furniture. Why, even the waitresses were dressed for the part. So, enticed by the setting and the suggestion of a good time, they decided to stay and found a little table out on the crowded linoleum floor.

A waitress approached to greet them and take their order moments after they sat down. And, as waitresses do, she asked them politely if they wanted something to drink. Cindia, however, was interested, she explained, in the special offering that evening. It was called the Peppermint Twist, like watermelons, they said, at $1.50 a dollar. Cindia and her father decided to try it, it sounded pretty good, so they ordered a couple.

The waitress worked the near-by bar to place her orders with the bartenders. They were selling well, and she gave the waitresses a wink. So, as barkeeps do, they poured the Peppermint Twist into the glasses. Into a bottle he poured a bottle of Southern Comfort and the resulting concoction turned lighter than the inside of a watermelon. The drink was reminiscent of the flavorful fruit with a little imagination.

The batch of drinks completed, the waitress placed the glasses on the counter, handing them to the barkeep when she returned moments later. A quick glance at the glass revealed a pink mixture of orange juice, Southern Comfort, and a few other chemicals identical in appearance. The active ingredient was not orange juice, however; it was sodium hydroxide, more commonly known as lye. The group of unsuspecting patron inside of the nightclub were about to get the shock of their lives.
them politely if they wanted something to drink. They might be interested, she explained, in the special drink the club was offering that evening. It was called a watermelon shot. Tasted like watermelons, they said, and was available for only one dollar. Cindia and her father decided that a watermelon shot sounded pretty good, so they each ordered one. The price was certainly right.

The waitress worked the nearby tables and returned to the bar to place her orders with the barkeep. The watermelon shots were selling well, and she gave him an order for twelve of the sweet drinks. So, as barkeeps do, he started mixing a batch of drinks. Into a bottle he poured a couple of cups of orange juice, then an equal amount of Southern Comfort followed by a few teaspoons of creme de noyaux to finish it off. He stirred it all up, and the resulting concoction turned creamy and pink, a little lighter than the inside of a watermelon. They said its taste was reminiscent of the flavorful fruit — especially if you added a little imagination.

The batch of drinks completed, the barkeep placed the bottle and a dozen shot glasses on the counter for them to be picked up by the waitress when she returned from her rounds. She was back to the bar not a minute later and retrieved her clean glasses and drinks and walked toward the tables balancing a tray holding the shot glasses and a bottle of creamy pink liquid.

But the bottle on her tray did not contain the watermelon-pink mixture of orange juice, Southern Comfort, and creme de noyaux. Instead, it held a fruit-colored brew of corrosive chemicals identical in appearance to the watermelon beverage the barkeep had just blended. The attractive mixture’s main active ingredient was not orange juice or Southern Comfort. It was sodium hydroxide, more commonly known as lye, and a group of unsuspecting patrons in The Peppermint Twist nightclub were about to get the shock of their lives.
SET PHASERS ON STUN

Back behind the rear wall of the bar, back where they cooked the food and cleaned the dishes at the club, was an industrial-strength dishwashing machine. This machine was special, not so much because it was so big and rugged, but because it was designed to operate with a unique kind of dish soap. Like most automatic dishwashers, it sprayed jets of water mixed with grease-cutting additives onto the soiled plates and tableware, leaving them clean and sterile for the next meal. But unlike the common residential dishwasher, this industrial-strength machine used an industrial-strength dishwashing fluid known as Eco-Klene. Its primary active ingredient was highly caustic sodium hydroxide.

Eco-Klene, manufactured by Ecolab of St. Paul, Minnesota, was developed specifically for use in “closed” dishwashing systems such as The Peppermint Twist’s industrial dishwasher. It was delivered periodically to the nightclub in semi-transparent 5-gallon plastic containers. Ecolab, well aware that their product was hazardous, described the dishwasher soap and warned of the hazards associated with its use on a label on the side of the bucket. There were no poison labels or symbols, but there were warnings spelled out in the text. The fluid could cause chemical burns and blindness, the label said, and was to be handled only while wearing gloves and goggles. A telephone hotline number was provided in the event of an accidental exposure. The company had also sent cautionary literature to their customers, including The Peppermint Twist. But on that Saturday night in September, the supplemental literature about the use of the product was, as one might expect, tucked away in a file cabinet.

The text on the side of the plastic bucket was printed in red ink, a seemingly appropriate color for a warning label and one which looked attractive on the package. But like many household shapely and attractive plastic containers, the dishwashing fluid showed through the container a pleasing pink color, but the red text less obvious than it might have been. The red text was more prominent on the background.

Replenishing the machine was easy enough. When the dishwasher was carried over to the bucket was carried over to the wash station, the bucket was easy to lift up and tilt over a valve or similar feature to pour the fluid from the bucket was easy.

And there was little indication, on the label and the company’s periodic deliveries of the container, but, as witnessed by employees working at the bar receiving the liquid, not always wear gloves and go that toxic.

A few weeks before that September night, the employees working at the bar received a request from the manager. They requested that some liquid be purchased, not some...
which looked attractive considering the design of the total package. But like many household products that come in those shapely and attractive plastic squeeze bottles, the creamy pink cleaner showed through the sides of the bucket, giving the container a pleasing pink color. The shaded pink plastic made the red text less obvious than it might have been had the warnings been more prominent or printed on a higher contrast background.

Replenishing the machine with Eco-Klene was simple enough. When the dishwasher ran out of fluid, a full 5-gallon bucket was carried over to the machine and the spout removed. The Eco-Klene was automatically drawn into the machine during each wash through a hose inserted into the spout. The fluid was not really meant to be poured from the container, but pouring fluid from the bucket was easy enough. All one really had to do was lift it up and tip it over a bit. There was not a simple check valve or similar feature to prohibit pouring through the opening. And there was little indication, beyond the information provided on the label and the company’s literature, that the dishwashing fluid was to be used exclusively in conjunction with the dishwasher and no where else. Ecolab representatives made periodic deliveries of the containers and offered orientation training, but, as witnessed by some kitchen employees, they did not always wear gloves and goggles when handling the material, perhaps contributing to the impression that the fluid was not all that toxic.

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A few weeks before that Saturday night in September, the employees working at the bar ran out of regular liquid dish soap. They requested that some Joy or other common dishwashing liquid be purchased, but somehow the order fell through the
cracks, and the dish soap never arrived. Faced with piles of dirty glasses in the two sinks, the barkeep went to the kitchen, pulled out one of the pink 5-gallon buckets of Eco-Klene, and poured some out of the spout into a bottle. It was one of the bottles that they used to serve mixed drinks. He returned to the bar with the fluid and used it to wash the dishes. The barkeep didn’t think of reading the label on the 5-gallon bucket, and he had not seen any of the warning literature from the manufacturer. “Soap is soap,” he would say later.

So for a number of weeks The Peppermint Twist employees working at the bar washed the glasses with the Eco-Klene dishwashing fluid in the two sinks. And on that fateful night, someone chanced to set the open bottle of Eco-Klene upon a small cabinet near the counter. The bottle was similar to the one the barkeep used to mix the watermelon shots, and the Eco-Klene was visually indistinguishable from the nearby watermelon-flavored mixed drink. It did not have a strong odor, certainly not a smell suggestive of caustic cleaning fluid.

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The waitress approached the table, delicately set a napkin down, and placed a shot glass full of the watermelon-colored liquid in front of Cindia. Cindia’s father got one too. The waitress walked off to distribute the remaining drinks, then headed back toward the bar.

The shot glasses were raised in a silent toast. And, as bar patrons do, Cindia and her father each took a full gulp of the contents in the small glass. The reaction was immediate. The caustic cleaning fluid started dissolving the lining of her mouth, throat, and esophagus, burning and destroying the living tissues. She clutched her throat in a deathly grip. God. The pain. It was obviously the drink, but what was it? It was excruciating, especially in her chest, and her throat and deep into her like a flame ascending the sidewalk.

A growing commotion also swelled the drink. It was a perilous situation. She was to do. Then the air wasn’t gasping for breath, and she was.

Word spread quickly of something wrong with the drink. Everyone was violently ill. “What did you serve me?” the waitress. All she had for customers their drinks. Well keep quiet,” she was told by.

Within minutes it was a dozen customers had been. Someone called for the ambulance off to the hospital emergency. The most severely injured of the esophagus and the muscles were from a petite 107 pounds to the hospital. There she learned damaged, and it would cost.

tissue, perhaps for the rest of her life. She was undergoing a monthly therapy. The damaged esophagus replaced.

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Two years later, after The Peppermint Twist and went out of business, her trial. She had previously reached with the manufacturer of Eco-
especially in her chest, and it was getting worse! It slid down
her throat and deep into her chest and then back up to her head
like a flame ascending the sides of a post of dry wood.

A growing commotion erupted around her, for others had
also swallowed the drink. But Cindia was focused on her own
perilous situation. She was helpless, and she didn’t know what
to do. Then the air wasn’t getting to her lungs. She started
gasping for breath, and she feared that she was going to die.

Word spread quickly back to the bar that there was
something wrong with the drinks. People out at the tables were
violently ill. “What did you do, what did you do?” they said to
the waitress. All she had done, of course, was serve the
customers their drinks. Well, “return the customers’ money and
keep quiet,” she was told by the employees back at the bar.

Within minutes it was determined by the cook that the
dozen customers had been served the caustic Eco-Klene.
Someone called for the ambulances, and the patrons were rushed
off to the hospital emergency room. Cindia Cott, perhaps the
most severely injured of the group, had severe burns in her
esophagus and the muscles used in swallowing. Her weight fell
from a petite 107 pounds to 75 pounds in only 11 days in the
hospital. There she learned that her esophagus was seriously
damaged, and it would continue to constrict and grow scar
tissue, perhaps for the rest of her life. She could look forward to
undergoing a monthly throat dilation procedure or have her
damaged esophagus replaced with a section of her own colon.

EPILOGUE

Two years later, after The Peppermint Twist closed its doors
and went out of business, her legal case against the club came to
trial. She had previously reached an undisclosed agreement
with the manufacturer of Eco-Klene, Ecolab. One witness for the
nightclub was a former bartender from Seattle who had taken a gulp of Eco-Klene, mistaking it for a cup of his regular drink of cranberry juice. The Eco-Klene had been brought to the bar in a cup and was being used to wash dishes. His injuries were extensive and permanently debilitating.

Although not discussed during the trial, it came to light that five elderly hospital patients in British Columbia were fed a powerful industrial-quality dish soap called Mikro-quat in September of 1986. The liquid had been transferred from a 217-gallon container into an unlabeled 4.5-gallon container. A dietary aid poured the "pink fruit juice" into cups and distributed it to the patrons just before bed time. Like the Eco-Klene, it was an attractive pink color and did not have a noticeable or unpleasant smell.

On September 26, 1991, a jury awarded Cindia Cott, her father, and another nightclub patron 3.3 million dollars in damages.

REFERENCES AND NOTES


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The Peppermint Twist

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