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Where's Justice Frankfurter When You Need Him?

Hot dogs have occasioned a surprising number of legal disputes.

By Randy Maniloff
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Platters of Nathan's hot dogs are assembled as part of a weigh-in ceremony for the Nathan's Famous Hot Dog Eating Contest in New York, July 2, 2021.

PHOTO: JUSTIN LANE/SHUTTERSTOCK

Americans consume 20 billion hot dogs a year, according to the National Hot Dog and Sausage Council. On Independence Day alone, Americans will enjoy 150 million—enough to stretch from Los Angeles to the District of Columbia five times. With such a jaw-dropping number of wieners in circulation, it's no wonder that they often play a role in legal disputes.

On July 4, 2010, a Dillard's department store held a cookout for its employees. A manager instructed that the leftover hot dogs be frozen and saved for Labor Day. The following day, Nolan Koewler ate two of the earmarked hot dogs. The police were summoned, and to avoid arrest, Mr. Koewler admitted to the theft.

He was fired and denied unemployment compensation because Dillard's claimed he was discharged for just cause. But Mr. Koewler successfully challenged. In *Koewler v. Indiana Department of Workforce Development* (2011), a state appeals court concluded that there was no evidence that Dillard's "rescission of [the] offer of celebratory food was in fact communicated to Koewler."

In 2003, Robert King was convicted of burglary. The decisive evidence was his fingerprint found on a package of hot dogs in the victim's home. A Texas appeals court, in *King v. State*, found the evidence sufficient, rejecting the defendant's argument that he could have left the fingerprint by touching the package while shopping at the Save-A-Lot.

William Seymour, a prison inmate also known as William Jones, became ill after consuming two hot dogs served at an evening meal. Naturally, he sued. His case was dismissed after a Pennsylvania federal court, in *Seymour/Jones v. Oldt* (1990), concluded that, because he had eaten the hot dogs frequently

without illness, he didn't prove a conspiracy between prison officials and Oscar Mayer to provide low-grade hot dogs in violation of his constitutional rights.

In *Hossain v. City of New York* (2008), a state trial court permitted hot-dog vendors to challenge violations of the New York City health code for using the "single bin method"—boiling hot dogs and warming condiment trays in the same container of water. The vendors argued that the new requirement for separate bins amounted to a rule change. Under the City Administrative Procedure Act, they should have been provided with notice of the change and given an opportunity to comment.

Some consumers had a beef with [ConAgra Foods](#), alleging that its Hebrew National hot dogs were less than 100% kosher. The Eighth U.S. Circuit Court of Appeals, in *Wallace v. ConAgra Foods* (2014), tossed their case because the plaintiffs couldn't establish that the particular packages of hot dogs sold to them were tainted by nonkosher meat.

As in any other case, when hot dogs come up in court, those testifying have a legal obligation to do so frankly.

Mr. Maniloff is an attorney at White & Williams LLP in Philadelphia.

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