




HOW TO ADVERTISE A BANANA PEEL

Warning signs may not be a sexy topic, but they could save you from big legal claims and lawsuits.

A safety plan will help bowling center proprietors minimize their exposure to liability claims and lawsuits, either reducing the number of claims or providing valuable evidence in a personal injury lawsuit. A safety plan that is well thought out includes accident prevention, maintenance and inspections, employee training, conspicuously placed and comprehensive signs, and documentation. This article focuses on one aspect of the safety program, effective signage.

Signs can be placed in bowling centers for a number of important reasons. Chief among them, they are used to alert the customer to the services offered at the center. They also relay a warning or cautionary note relative to a hazard or potentially dangerous condition. Statistics have shown that signs that contain the appropriate message and are properly placed reduce the chance of an accident in your facility. And lower frequency of accidents may mean you pay lower premiums for insurance and lower deductibles.

Signs are also important when a lawsuit is filed. In many cases, an injured plaintiff will claim that he did not know of the danger or risk that caused the injury and that the bowling center should have provided such warnings. A well-thought-out sign program can negate such claims or be valuable evidence at a trial involving a patron who claims that he was injured in your bowling center. It has four elements.

Content is one of the most important factors in creating warning and cautionary signs. Several years ago, I promulgated a "bowler's code of conduct" for some of my clients, which covers many of the important bullet points to include in good signage. The bowler's code includes the following (which the reader is free to utilize):

- 1| Obey all posted signs and instructions.
- 2| Wear bowling shoes only in the area where bowling occurs. Avoid wearing bowling shoes in concourse area, snack bar, restrooms and parking lot.
- 3| Bowl within your abilities, knowing your physical condition and/or limitations.
- 4| Do not cross the foul line during your approach to releasing the ball.
- 5| Do not engage in horseplay. Be considerate of others.
- 6| Use care around the ball return to avoid injury to your hands and/or fingers.
- 7| No food, drink, or powders in the approach areas where bowling occurs.
- 8| By your participation, you accept the inherent risks of bowling.

BPAA is currently considering the approval of a uniform code of conduct for all bowling centers to post in their centers. The drafts of the uniform code contain most of the bullet points above; however, there are a few variations in the drafts that I have reviewed. Look for the final version some time in the upcoming months.

Whatever specific language is used on signs, the guest should also be told of the consequences of the failure to abide by the instructions given, for example that failure to abide by the rules may result in injury to themselves or others. Studies conducted at various universities have shown that when a warning advises a consumer or patron of the specific consequences involved in the failure to obey the information provided, the consumer or patron is more likely to heed the warning. Also, all of the expert witnesses in the evaluation of effective signage—that is, human factors engineers—will tell you that one of the most important messages to provide as part of a warning is the consequences of the failure to obey.

Placement is equally important when creating your signage program. Make sure to place the signs in areas where they will most likely be seen by your customers. It is also a good idea to have the signs at multiple locations in your bowling center. The front desk, entrance lobby, and the concourse are all good locations. Also, it may be prudent to incorporate signage at each lane and on the monitors (if you utilize them) at the beginning of a bowling session.

If you are not comfortable in selecting places for your signs, there are a few options available. A good starting point would be to contact your insurance company. An underwriter or risk manager may be able to provide assistance in sign placement. Another

source is your legal counsel. If you do not have an attorney with whom you have developed a relationship, you may visit the IALDA website, www.ialda.org. Our website has a listing of our attorney members throughout the country.

Part of the warning should be the consequences if customers don't obey.

Regarding *color*, signs can generally be created to fit in with the theme of your bowling center. However, the American National Standard Institute (ANSI) has promulgated some rules regarding standardized colors to use when addressing issues relating to "dangers," "warnings," and "hazards." The ANSI Z535.4 standard, titled "Product Safety Signs and Labels," defines the content and colors to be used for a safety label or sign. The introductory comments state that "a product safety sign or label should alert persons to a specific hazard, the degree or level of hazard seriousness, the probable consequence of involvement with the hazard, and how the hazard can be avoided" (ANSI Z535.4-1998).

Such standards also call for a "signal word" to be used, which communicates the "degree" or "level" of hazard seriousness. The ANSI Z535.4 standard, section 4, contains the following signal word definitions:

DANGER

'Danger' indicates an imminently hazardous situation that, if not avoided, will result in death or serious injury. This signal word is to be limited to the most extreme situations. The colors are white letters on a red background.

WARNING

'Warning' indicates a potentially hazardous situation, which, if not avoided, could result in death or serious injury. The colors are black letters on an orange background.

CAUTION

'Caution' indicates a potentially hazardous situation that if not avoided, may result in minor or moderate injury. It may also be used to alert against unsafe practices. The colors are black letters on a yellow background.

These signal words and color scheme are commonly recognized by consumers. Studies have shown that they are more likely to notice a sign when the signal words and color scheme are utilized. As such, whenever possible, make sure that the colors used in your signage comport with the color scheme established by ANSI. Although the failure to utilize the ANSI color scheme does not, in and of itself, indicate that your signs are deficient, it may leave open the judicial door for criticism by a well-versed plaintiff expert.

One final point is worthy of comment. Although it is generally not required to provide signs in any language other than English,

you should confer with a knowledgeable attorney in your area to determine your demographic market and whether a second language would be a prudent aspect of your safety plan. The use of graphics or pictorials can also be a universal way to effectively communicate the message to your patrons. The old adage that a picture tells a thousand words certainly rings true in the litigation arena.

Manufacturers of ball returns and other equipment will typically have stickers with small graphics on them that can be utilized in your center. Common graphics include a drawing of a hand getting pinched, which is posted at the ball return area. Other graphics might include a drawing indicating no food or drinks in the area of the approaches.

Remember that well-placed and effective signage can both make you a better operator and minimize your potential exposure to claims and lawsuits. □

IALDA, the International Amusement and Leisure Defense Association (www.ialda.org), is a non-profit association of lawyers and other professionals actively engaged in representing the interests of the amusement, recreation, entertainment and leisure industries.

Michael Amaro is a partner in the law firm of Prindle, Decker & Amaro and is current president of IALDA. His law firm has offices in San Francisco, Long Beach and Riverside, California; he also has an office in Hawaii. He may be contacted at mamaro@pdalaw.com.

DESIGN DEVELOPMENT
INTERIOR DESIGN

Conceptual Planning

Interior Design

David Lieberman, Principal
28035 Dorothy Drive, Suite 100
Agoura Hills, California 91301
Tel (818) 991-3006 Fax (818) 991-3033
Web site: www.designdevelopment-group.com

A Trifecta Management Group affiliate creation and operation