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Kristina Preston says she picked up herpes during a routine manicure. (ABCNEWS.com)

Nightmare Manicure

Woman Who Says She Got Herpes From Manicure Is Awarded \$3.1 Million



May 29 — A Westminster, Colo., woman has won a jury award of \$3.1 million against a nail salon that she claims gave her herpes through the use of non-sterile instruments.

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Kristina Preston, 29, said she contracted the virus when she went to the Top Nails salon in Aurora, Colo., on May 2, 1998, for her very first professional manicure.

When she left the salon, Preston said, "My cuticles on my thumbs were burning and wouldn't stop." And the discomfort only got worse.

"Two days later they were swollen and tender," Preston said. "When I removed my nail polish, I knew something was wrong. They were getting worse. I started developing blisters, which spread to all 10 fingers."

When Preston went to the doctor, the tests came back positive for herpes and bacterial infections. At first she was in denial, but a second set of tests found the same thing.

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Immune System Damaged

Six months after the manicure, Preston filed suit against the nail salon, contending the herpes has damaged her overall health and she can no longer live a normal life.

In addition to the sores, Preston says she began getting upper respiratory sicknesses, pneumonia, bronchitis, strep, ear infections, and was constantly fatigued. Her doctor said that her immune system was very run down, and that was why she was getting sick so easily.

She says the illnesses changed her life. She had been working as a model, but that soon came to an end.

"I was a career woman, an entrepreneur," Preston said. "I won a local award on being a business leader. I now have to live a very stress-free, relaxed life. I will never be able to keep a normal life or schedule and won't get hired anywhere."



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Lawyers for the nail salon, which argued that the manicurist sanitized her working area and that Preston developed the herpes virus elsewhere, plan to appeal. Preston says it is likely that the award will be lowered upon appeal, though she believes nail the link between the herpes and the nail salon is solid.

Preston's attorney, Richard Martillaro, pointed out that the herpes virus has an incubation period of 48 to 72 hours, which fit Preston's experience. Also, the herpes developed just in the area where the cuticle nippers had cut her skin.

Martillaro said that the manicurist used "an emery board, orange stick, nipper and other tools" when working on Preston's hands.

A jury sided with Preston, awarding her \$3,075,000 on May 1.

A Fairly Common Condition

ABCNEWS' Dr. Nancy Snyderman said the condition that Preston developed is called herpetic whitlow, and is actually a very common infection of the fingers and hands — though it is usually health-care workers, such as nurses, doctors, dentists and dental assistants, who develop it.

"They are very prone to this because their hands are very often wet, chafed and exposed," Snyderman said.

The condition is characterized by swollen, painful lesions on the fingers. It is transmitted through skin-to-skin contact when there is a skin break.

Snyderman offered the following tips on finding a safe salon:

- **Be aware:** Look around to see if the nail salon is clean and make sure that licenses and health inspection notices are displayed prominently on walls. A salon license should be visibly posted and the technicians' licenses must be posted at the work station with a photo of the owner of the license on it. The salon and work stations should be clean and free of debris and dirt.
- **Ask questions:** Every customer has the right to ask the operator how the equipment is disinfected. If the operator doesn't know, or seems unsure, refuse the service.

All tools for disinfecting should be completely immersed in disinfectant. Any equipment that cannot be disinfected should be discarded. That includes nail buffers, emery boards, toe separators, orange sticks, etc.

Foot spas or pedicure baths should be washed and disinfected after each use in accordance with the disinfection requirements for that state.

All products should be kept in manufacturer' labeled containers, along with their material safety data or MSD sheets, which have instructions for safe use and handling.

Disinfecting products must have a label or hang tag stating the product's efficacy and what organisms the product is effective against.

- **Come prepared:** Bring your own nail kit to the salon to ensure that the tools are clean.

If the skin around the nail becomes painful, red or inflamed, or if any part of the nail appears black or green, especially under an artificial nail, you may have an infection. A nail that lifts away from the nail bed is also a bad sign. And experiencing pain when getting a manicure or pedicure is never OK.



How to Complain

If a consumer feels damaged during nail services, he or she should file a written complaint to the regulatory agency for the state in which the salon is located. Some states have a State Board of Cosmetology, and some salons are regulated by the Health Department.

The address for each state's regulatory agencies can be located either in the phone directory or on the Web site for the state's government.

In order to be investigated, all complaints must be in writing and must include a name, address and phone number for the person filing the complaint.

You can get a list of state boards addresses from the National Interstate Council of State Boards of Cosmetology.

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