

FDA WARNS ABOUT TAINTED WEIGHT-LOSS PILLS

Recently, the FDA issued a nationwide warning for consumers to stop using Hydroxycut, because of reports that it caused serious liver damage. Hydroxycut is a popular nonprescription weight-loss product that advertises heavily on television. Even though the Hydroxycut warning received a lot of attention a larger and potentially more serious health warning has gone unnoticed.

In December 2008, the FDA warned consumers to stop using no fewer than 28 different weight-loss products that may be purchased without a prescription. This happened because each of them contained one or more undeclared ingredients (ingredients that are in the pill but that are not listed on the label) that could cause any number of serious injuries. Since its initial warning, the FDA has done additional testing and has added an additional 41 tainted weight-loss products that also contain undeclared and harmful ingredients. Many of these products advertise themselves as "herbal" or "all natural," but nothing could be further from the truth.

Dangerous Ingredients

So what are the ingredients in these weight-loss pills and powders? Many different things, ranging from sibutramine (an illegal drug), to prescription drugs intended for purposes other than weight loss. Ingredients may also include rimonabant (a drug not approved for use in the United States), and even chemicals that are suspected carcinogens. Needless to say, the FDA is advising consumers to stop taking the tainted drugs and to see a doctor if they suffer from any unusual symptoms.

Some of the health risks posed by the undeclared ingredients in these pills are very serious. For example, sibutramine (which has been found in several products) can cause high blood pressure, seizures, strokes, and heart attacks. Rimonabant, a prescription drug used in Europe, is linked to increased risk of depression and suicidal thoughts in users. Cetilistat, an anti-obesity drug that is only now undergoing clinical trials, can cause organ rejection and gastrointestinal problems in certain people.

Other diet pills have been found to contain drugs (such as bumetanide, a diuretic, and fluoxetine, the active ingredient in Prozac) that are approved for use in the United States and are appropriate with a prescription. Unfortunately, these drugs can be dangerous to people who don't understand what they are taking. Finally, many of the pills contain substances that are not drugs at all, but chemicals that should never be ingested, such as phenolphthalein, a carcinogen.

Origins

Many of the products subject to the FDA's warning are not manufactured in the United States, and the FDA believes that a majority of them are made in China. It is also suspected that these products also come from other countries, including Brazil, Malaysia, and Peru.

The manufacturers of these pills are violating U.S. law. Either their products contain a prescription medication (in which case they cannot be sold without FDA approval) or they are not actually exempt "dietary supplements." In many cases, the label information on these products is false and misleading.

The fact that these pills are coming from other countries presents a very real problem: If a product is made in the United States, the FDA can order a recall (as with Hydroxycut). If it comes from a foreign country, the FDA often lacks the practical ability to end the drug's production. Market size and scope is also a problem: Every year billions are spent on weight-loss pills and the FDA simply lacks the resources to test all pills to determine their ingredients.

Because there are so many products, concerned consumers should check the FDA's website for product warnings and recall information, www.fda.gov, or call toll-free at 1-888-INFO-FDA (888-463-6332). And remember, the best way to lose weight is to eat less and exercise more, which has the added benefit of not enticing you to spend money on a pill that might cause harm.

HOW TO PROTECT YOURSELF FROM DIET PILLS

- Check the FDA's website, www.fda.gov, to see if you are taking any of the products that contain undisclosed and dangerous ingredients. If you are, stop taking them immediately.
- Consult a physician before taking any diet pill or dietary supplement to treat obesity or lose weight.
- Be skeptical: Weight loss is generally not "easy." If there were a "scientific breakthrough" or "miracle cure," it would be all over the news. Be extremely wary of anything touting a "secret ingredient."
- Remember that "all natural" does not necessarily mean "safe."
- If you have any unusual symptoms or just don't feel right after taking a diet pill, see a doctor immediately.

THE FEDERAL TRADE COMMISSION IS ON YOUR SIDE

What do you do if you have been cheated through the mail or over the phone? What if you are just dissatisfied with a product or service you received? Have you received some unordered merchandise and don't know what your options are? The FTC may be able to help.

The FTC is an agency of the federal government whose job is overseeing laws intended to protect consumers. Although the FTC cannot help every consumer disappointed with a transaction, it can help in many common situations.

For example, did you know that you have three days to cancel many purchases made from door-to-door salesmen? What if the product costs more than \$25, is intended for your personal use, and is being sold door-to-door (as opposed to over the phone and delivered to you). Federal law has the Cooling Off Rule, which gives you three days to cancel the purchase. Salesmen are supposed to give you a form informing you of this right. To cancel, send in the form (postmarked within three days of purchase) to the indicated address and send it by certified mail as proof.

The FTC also oversees a law allowing you to keep unordered merchandise. If someone sends you an item or product that you never ordered, you may consider it a gift and keep it. You do not have to pay for it, and you do not have to return it.

For companies selling by phone or mail, Federal law gives them a limited time to ship your order. A company must ship the item you order within the promised time, or within 30 days if the company did not promise a time (50 days if you applied for credit to pay for the item). If the company fails to do so, they have to give you the option to cancel the order.

Finally, the Fair Credit Billing Act allows you to dispute charges and to withhold payment while the matter is being resolved. If you have a dispute, write the creditor at the address for disputes listed on the bill. Make sure that your dispute is received within 60 days of the charge. The creditor must acknowledge your dispute and must resolve the matter within two billing cycles.

Need more information? Have more questions? Check out the FTC's website, www.ftc.gov, or call toll-free at 1-877-FTC-HELP (877-382-4357).

FIRE EXTINGUISHERS: INEXPENSIVE PEACE OF MIND

Every year, about 4,000 Americans are killed and 25,000 are injured in fires. Over 2 million fires occur in the United States each year, causing over \$10 billion in property damage. Every 16 seconds, a fire department somewhere responds to the scene of a fire.

By using a home fire extinguisher, you can contain many of these fires before they get out of control. There are many varieties of fire extinguishers suitable for fighting different types of fires. These include; fires fed by wood, electrical fires, or grease fires, but there are also fire extinguishers that are able to fight all three. Make sure that the fire extinguishers you purchase are the correct ones.

There are colored stickers on the various models of fire extinguishers. These stickers state what types of fire they can extinguish. Purchase fire extinguishers marked as Class A, B, and C and put them around the house in areas where fires are likely, such as the kitchen or garage. Keep them charged and in good condition so they are ready if a fire starts. Finally, be smart. If the fire is too large, or if you cannot contain it with your extinguisher, call 911 then evacuate the building.

For just a few dollars and a little bit of attention, fire extinguishers are an important, even life-saving, tool.

NURSING HOME PROBLEMS

The number of lawsuits against nursing homes, alleging negligence and substandard care, is rising. The Inspector General of the Department of Health and Human Services issued a recent report that confirms the prevalence of problems with nursing homes.

According to the report, over 90% of all nursing homes in the United States were cited for some kind of deficiency, with 17% having a problem that caused actual harm or put residents in immediate danger.

This information came from unannounced surveys of nursing homes that participate in Medicare and Medicaid. The surveys categorize 190 different possible problems. These are in areas ranging from patient rights to quality of care, infection control, and administration. The most common areas where deficiencies were found include; quality of care, resident assessment, and quality of life.

A long follow-up survey is done to assess the true scope of the problem when the problems relate to the standard of care provided to the residents. Depending on the number and severity of the violations, nursing homes may be ordered to fix the problem(s), may be fined, may be subject to closer monitoring, or may even be closed. This next fact may surprise you. For-profit facilities actually have a higher rate of problems and a higher number of average problems per facility than non-profit and government facilities.

As the number of elderly citizens increases, the number of problems is likely to increase. Unfortunately, mandatory arbitration provisions and corporate shell games frequently make it difficult or impossible to collect damages from a nursing home that has caused an injury or death.

If you or a loved one has suffered from nursing home negligence, call us. We will be happy to discuss your case and the options available to you.

CASE BY CASE

Injury-Causing Gravel

When we think of injury cases we usually think of car accidents and slip-and-falls. A recent case reminds us that there are almost as many ways to be injured as there are injuries. A suit was brought by a man who spent his adult life working as a brakeman in a railroad yard. He eventually developed bad osteoporosis in his hips, leaving him unable to walk.

The worker blamed the gravel covering the railroad yard where he worked. The gravel—called “ballast”—forms the base under railroad tracks and in railroad yards, allowing water to drain away. According to the worker, his employer used the wrong-size ballast, using a large gravel intended for rail lines instead of the smaller “yard ballast” that should have been used. The larger ballast left the surface where he walked every day uneven, causing his injuries.

The railroad argued that it was impossible for the worker to prove that his hip condition was caused by the condition of its railroad yard, but pictures showed that the larger ballast left the surface very uneven. The pictures also showed that the surface was covered with junk that the workers had to step over and around. The worker's doctor testified that walking on such a surface for years could either cause or aggravate a hip condition by changing the worker's “gait patterns,” i.e., how a worker walks.

The jury agreed and awarded the worker almost \$1.5 million for his injuries.

WE APPRECIATE YOU

Thank you for choosing our firm for your legal needs. We hope that you will continue to count on us when you need legal help. We are just a phone call away.

We also appreciate the trust that you have placed in us by referring your friends, family, and associates to us for legal services. Thanks!