

**JULY  
2009**



**Law Offices of GARY E. ROSENBERG, P.C.**

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Gary E. Rosenberg, P.C.

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**AREAS OF PRACTICE:**

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**PERSONAL INJURY**

- Too hurt to travel?  
We'll come to your home or hospital.
- Free consultation
- No recovery, no fee.  
(Client remains responsible for expenses.)
- Hablamos Español

ATTORNEY ADVERTISING

## AMERICAN CONSUMERS:

★ ★ ★ ★ *We're here for you!*

Today's times are uncertain. We all have lots of worries. But consumer protection shouldn't be one of them.

Lawyers secure safer products, better workplaces, cleaner environments, and quality health care by protecting the rights of the injured and preserving the right to trial by jury.

Despite all efforts, negligent wrongdoers continue to market products and services that not only dissatisfy, but injure or even kill consumers.



### Consumer self-protection

Many protect rights to purchase and use safe products and services by:

- Comparison shopping.
- Contacting Better Business Bureaus.
- Obtaining insurance coverage.
- Reading consumer publications.
- Obtaining help from the U.S. Consumer Product Safety Commission, Craig's List, Angie's List, and other public and private consumer-assistance resources.
- Staying aware of mandatory-arbitration limitations in purchase agreements.



### Satisfaction

When products fail to meet expectations or cause harm, consumers obtain satisfaction by:

- Holding manufacturers to warranties.
- Insisting homeowners' and automobile drivers' insurers deal fairly with policyholders who suffer personal injury or property damage.
- Contacting government consumer-affairs bureaus.
- Filing small claims court cases.



### When you need an attorney

For serious harm or injury, a trial lawyer who can obtain recovery and recompense for serious harm from wrongdoers' negligence is the best protector consumers have.



**Inside** Key cases, consumer-protection milestones, and drug-safety milestones.

**PLEASE CALL US IF YOU HAVE ANY LEGAL QUESTIONS OR PROBLEMS.**



# rights of the injured.

## Premises liability

Businesses that invite customers to their premises have a legal duty to provide sensibly safe parking for those who enter their grounds. Attorneys counsel many who are injured through others' negligence.

### A parking-lot pothole

After a woman parked her car in an unlit casino parking lot, she stepped into a large pothole, fell, and fractured her leg. When her attorney sued the establishment for failing to maintain safe conditions for customers, the casino claimed the hole was an obvious condition that it had no duty to repair or to warn anyone about. Casino attorneys also argued that the victim should have seen the pothole and avoided it. The parties settled before a jury trial.

## Drug recalls

To keep bottom lines attractive to shareholders, pharmaceutical marketers have left dangerous prescription drugs on the market that could harm patients. Trial attorneys and our civil justice system have helped remove negligently marketed drugs and represented patients harmed by medications.

**2008 Chantix®:** FDA warns antismoking-medication users of serious side effects, including thoughts of violent behavior and suicide.

**Bisphenol A:** Attorney generals in two states ask manufacturers to stop use in manufacturing because it is potentially harmful to infants.

**2007 Xolair®:** Manufacturer revises caution labeling for asthma patients, cautioning them that use might cause trouble breathing, hives, and throat and mouth swelling.

**2006 Ambien®:** Insomnia drug linked to cases of persons eating meals or driving cars while asleep.

**Vioxx®:** *New England Journal of Medicine* identifies risk of associated cardiac problems elevated by painkiller.

**2005 PPA:** Warning that cold medications containing phenylpropranolamine increase risk of hemorrhagic stroke, particularly in young women.

**2001 Accutane®:** Acne medication label warns for serious potential side effects, including premature birth, miscarriage and birth defects, as well as depression and suicidal thoughts.

**2000 Rezulin®:** Food and Drug Administration removes from the market after it is linked to liver failure.

**1996 Paxil®, Prozac®, and Zoloff®:** FDA warns of antidepressant risk of acute withdrawal symptoms and prompting teens and younger users to consider suicide.

**1990 Ephedrine:** Food and Drug Administration issues consumer warnings about ephedrine, ephedra, and ma huang herbal products, which can damage nerves and muscles and cause strokes, psychosis, and death.

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# on over the years ★ ★ ★ ★

**1965** Ralph Nader publishes *Unsafe at Any Speed*, which shows how carmakers neglect safety and focus on styling, comfort, speed, and power.

**1968** The Truth in Lending Act is passed, obliging lenders to inform their clients about borrowing costs.

**1986** The Occupational Safety and Health Administration tightens asbestos-exposure standards.

**2004** Merck & Co., Inc., voluntarily withdraws Vioxx®, its arthritis and acute-pain medication, from distribution.

**2006** The *New England Journal of Medicine* identifies risk of cardiac problems elevated by painkiller Vioxx. More than 270 Americans die in accidents involving ATX and Wilderness tires.

**2008** Attorney generals in two states ask manufacturers to stop using chemical bisphenol A in their manufacturing because they said it was potentially harmful to infants. The Institute of Medicine of the National Academy of Science reports

**1966** The Fair Packaging and Labeling Act is passed, which requires the truthful listing of ingredient and content information.

**1970** The federal government limits dangerous asbestos use in many products.

**2000** Firestone announces the recall of more than 6.5 million defective tires.

**2005** Consumers warned that cold medications containing phenylpropranolamine could increase the risk of hemorrhagic stroke in young women.

**2007** Manufacturers recall dangerous products originating in China, including tires, toys, toothpaste, furniture, pet food, cell phone batteries, and others.

1.5 million Americans are injured or killed by medication errors annually. Roughly 250,000 Americans have died to date from ingesting asbestos.

RETURN SERVICE REQUESTED

## Referrals

Our practice continues to grow through referrals from our clients and friends. If you know someone who has been seriously injured or is buying or selling a house, co-op, condo, or commercial building, we hope you will recommend us.

Thank you.

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.



## Gary says:

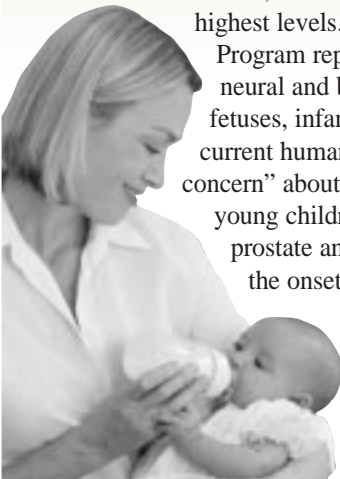
**Manufacturers are legally responsible if inadequate product safety testing or manufacturing shortcuts cause injury or death. Victims can file product liability lawsuits to hold responsible parties accountable.**

## Bisphenol A A dangerous home product

Baby bottles, food-can linings, and other products containing bisphenol A (BPA) are undergoing scrutiny by medical researchers. The Centers for Disease Control and Prevention said that 90 percent of individuals tested had measurable levels of BPA in their urine, with children having the

highest levels. A National Toxicology Program report raised “concern for neural and behavioral effects in fetuses, infants, and children at current human exposures” and “some concern” about how BPA exposure in young children might affect their prostate and mammary glands and the onset of puberty in females.

Class-action lawsuits have been filed in several states.



## Our consumer legal services

- ★ Auto-dealer fraud
- ★ Auto lemon law
- ★ Bad-faith insurance practices
- ★ Computer sales deception
- ★ Consumer protection law
- ★ Deceptive practices on the part of lenders or mortgage companies
- ★ Dot-com fraud
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- ★ Foreclosures
- ★ Identity theft
- ★ Investments
- ★ Landlord/tenant law
- ★ Predatory lending
- ★ Professional liability of accountants, clerics, day-care operators, financial planners/advisers, psychologists, real estate brokers
- ★ Real estate law
- ★ Unfair debt collection
- ★ Unfair or inaccurate credit reporting

## Our other legal services

- ★ Bankruptcy, debtor and creditor rights
- ★ Business, banking, and finance
- ★ Employment law
- ★ Estate law, wills
- ★ Elder law
- ★ Environmental law
- ★ Family law
- ★ Health-care law
- ★ Land use
- ★ Litigation
- ★ Municipal and school law
- ★ Personal injury
- ★ Real estate
- ★ Tax law
- ★ Workers' compensation

## For more help:

Call our law office at  
**718-520-8787.**

Learn more about consumer protection by surfing to:  
 ➤ Consumer Product Safety Commission—[cpsc.gov](http://cpsc.gov)  
 ➤ Consumer's Union—[consumerreports.org](http://consumerreports.org)

➤ Angie's List—[angieslist.com](http://angieslist.com)  
 ➤ Craig's List—[craigslist.com](http://craigslist.com)  
 Contact your legislators and tell them how you feel about consumer rights.