

Electronic Newsletter

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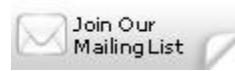
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Newsletter Archive

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Top 10 Riskiest Regulated Foods

A [report](#) released by the [Center for Science in the Public Interest](#) highlights the serious health dangers posed by contaminated foods. Reviewing data from 1990 to the present, the 10 riskiest foods regulated by the FDA are:

Leafy Greens: 363 outbreaks (13,568 reported cases)

NYTimes:
"Eating Ground Beef is Still A Gamble"

of illness)

Eggs: 352 outbreaks (11,163 reported cases of illness)

Tuna: 268 outbreaks (2341 reported cases of illness)

Oysters: 132 outbreaks (3409 reported cases of illness)

Potatoes: 108 outbreaks (3659 reported cases of illness)

Cheese: 83 outbreaks (2761 reported cases of illness)

Ice Cream: 74 outbreaks (2594 reported cases of illness)

Tomatoes: 31 outbreaks (3292 reported cases of illness)

Sprouts: 31 outbreaks (2022 reported cases of illness)

Berries: 25 outbreaks (3397 reported cases of illness)



The [New York Times](#) reported on the high risks of ground beef, noting that "a single portion of hamburger meat is often an amalgam of various grades of meat from different parts of cows and even from different slaughterhouses. These cuts of meat are particularly vulnerable to E. coli contamination, food experts and officials say. Despite this, there is no federal requirement for grinders to test their ingredients for the pathogen." The article discusses the case of Stephanie Smith, 22 (pictured here), who was left paralyzed after being sickened by E. coli in 2007. Officials traced the E. coli to hamburger her family had eaten.

Cheerios Sued Over Health Claims



Suits by consumers in three states who challenge General Mills' claim that Cheerios can lower cholesterol and cut the risk of cancer were consolidated in federal court in New Jersey, according to the [New Jersey Law Journal](#). The Judicial Panel on

Multidistrict Litigation ordered four cases -- three from California and one from New York -- transferred to U.S. District Judge Peter Sheridan in Newark, who is presiding over a similar suit. The Cheerios' suits, which are putative class actions, peg the amount in controversy as more than \$5 million and the class at greater than 100 members. The litigation was prompted by a May 5 Food and Drug Administration letter to General Mills that said the claims on boxes of Cheerios Toasted Whole Grain Oat Cereal violate the Food, Drug and Cosmetic Act. The plaintiffs cite General Mills' claims that Cheerios "can lower your cholesterol 4 percent in 6 weeks" and has been "clinically proven to lower cholesterol."

CPSC Studying Exploding iPods

The [KPHO-TV Phoenix](#) website reported, "The Consumer Product Safety Commission is looking into multiple reports that Apple iPods are overheating and, in some cases, catching fire." The culprit "appears to be the iPod's lithium ion battery -- the same type of battery recalled by Sony after it was linked to a string of laptop computer fires. The CPSC has investigated or is in the process of investigating 18 incidents."

Taser Maker Advises Police Not to Shoot Suspects in Chest

The maker of Taser stun guns issued an advisory to police officers last month that they should avoid shooting suspects in the chest with the 50,000-volt weapon, saying that it could pose an extremely low risk of an "adverse cardiac event." The advisory "is the first time that Taser International has suggested there is any risk of a cardiac arrest related to the discharge of its stun gun." Taser critics called the training advisory an admission by the company that its guns can cause cardiac arrest. "They called it a stunning reversal for the company, which for years has maintained that the gun was incapable of inducing a cardiac arrest." Read [more](#).

Doc's Group: KFC Grilled Chicken Causes Cancer

The Physicians Committee for Responsible Medicine, a national doctors' group, has sued fast-food giant KFC, alleging its new grilled chicken contains dangerous levels of PhIP, a cancer-causing chemical. Read [more](#).

New Report on Dangerous Products and Corporate Misconduct

A new report by the AAJ details true stories of corporations that knew their products were dangerous, and in some cases deadly, yet failed to act to protect consumers.

"They Knew and Failed To..." cites numerous examples of medical devices, prescription drugs, and other consumer products that remained on the market after critical safety concerns were raised within the companies, while the companies took action to avoid being held accountable for their misconduct. Get the report [here](#).

Recall Central

To read about recent recalls and product safety news from the U.S. Consumer Product Safety Commission, click [here](#).

Get the latest recall information from the National Highway Traffic Safety Administration [here](#).

The Dept. of Agriculture's Food Safety and Inspection Service regulate meat, poultry products and processed eggs. Check their recalls [here](#).

Gas Company Fined for Illegal

Click [here](#) for Food and Drug Administration recalls, market withdrawals and

Mercury Storage in RI

The [AP](#) reported last month that the Southern Union gas company was ordered to pay \$18 million "for illegally storing mercury waste, which was exposed to the public five years ago when vandals stole the hazardous liquid from a rundown building and spilled it at an apartment complex. U.S. District Judge William Smith on Friday fined the Texas company \$6 million and ordered an additional \$12 million in payments to the community, saying it had committed a 'serious crime' by storing liquid mercury at a neglected building in Pawtucket [RI] without the required permit." About 90 residents at a nearby low-income apartment complex "in July settled a lawsuit over the spill for undisclosed terms. Some residents had unacceptably high levels of mercury in their blood and showed other symptoms of mercury exposure, such as hair loss and rashes, but all have recovered."

Medicare's Aggressive Collections Criticized

In a column in [Mother Jones](#), Stephanie Mencimer wrote, "In recent years, Congress has pushed Medicare to aggressively pursue debts from injured elderly people who have won compensation through lawsuits or liability insurance." For people "on the receiving end of the collections process—mostly elderly car accident victims...it can be a traumatic ordeal." After "forcing plaintiffs' lawyers to serve as Medicare's debt collectors failed to produce the desired results, Congress passed new debt-collection measures as part of the 2007 SCHIP reauthorization. Starting next year, insurance companies must report any settlements or judgments involving Medicare beneficiaries to CMS. If a Medicare beneficiary fails to reimburse the agency for health care costs it paid, the agency can punish the insurance company with double damages." But "the prospect of harsher penalties is already leading to insurance company overkill that, combined with Medicare's bureaucracy, has kept some elderly folks from receiving money that's rightfully owed them."

Op-Ed: "Legal Reforms" Are Wrong

N. Alex Winslow, executive director of Texas Watch, wrote in a [Houston Chronicle op-ed](#), "Lately we have heard a lot...about Texas-style, anti-patient laws as a solution to our nation's health care crisis. When insurance lobbyists rammed through legal changes that were designed to severely limit the legal rights of Texas patients in 2003, we heard high-falutin' rhetoric promising dramatic improvements in the cost, access, and quality of health care. If only it were as simple as that." But in fact, "Health care costs have risen dramatically in Texas; we rank near the bottom in per-capita physicians; rural and underserved areas continue to struggle to attract new physicians; and Texas has the nation's highest rate of uninsured." Rather than "shifting accountability from those who cause needless death and injury to individuals and the taxpayers," Winslow argues we should favor "creating real safety standards, forcing industries to be accountable for their decisions, and restoring our constitutional legal protections."

AAJ: Medical Malpractice Insurers' Profits Exceed Most Fortune 500 Companies

The [Washington Independent](#) reported, "The American Association for Justice - the trial lawyers' lobby group - has just released an astounding statistic: medical malpractice insurance companies' average profits are higher than those of 99 percent of Fortune 500 companies. As the nation remains mired in a debate over health care reform and how to keep down the costs of expanding coverage, AAJ is trying to point out that Republicans claims that medical malpractice lawsuits are one of the big cost drivers is completely misleading. In fact, though malpractice claims and so-called 'defensive medicine' does account for a small percentage of unnecessary costs, medical errors and the astronomical profits of malpractice insurers appear to be a bigger part of the problem." AAJ President Anthony Tarricone said, "Insurance companies are gouging doctors on their premiums to mislead lawmakers," adding, "Today, injured patients are often left with no avenue to pursue justice, while health care costs continue to skyrocket." AAJ press release [here](#).

safety alerts.

For updates on the peanut products recall click [here](#).



US Supreme Court Takes Another 2nd Amendment Case



"Taking on a major new constitutional dispute over gun rights," the [Supreme Court](#) agreed on Sept. 30th "to decide whether to apply the Second Amendment to state, county, and city government laws." Read [more](#).

Gun Rights Case Settled

The Day reported on the confidential settlement of Attorney [Scott D. Camassar's](#) lawsuit against Groton, its police chief and several officers, alleging various constitutional rights violations stemming from a December incident in which police entered a home without a warrant in order to seize weapons. Article [here](#).

England's Lord Judge Wants Jury System for Internet Generation

The [London Times Online](#) reported that the Lord Chief Justice, the most senior judge in England and Wales, warns that "the jury system is threatened by the internet generation, who no longer get their information from listening to people speaking." Fundamental reforms to the court system may be needed. "If a generation is going to arrive in the jury box that is totally unused to sitting and listening but is using technology to gain the information it needs to form a judgment, that changes the whole orality tradition with which we are familiar," he stated.

Study: Orthopedists Failed to Disclose Over 20% of Payments from Medical Device Makers

The [Wall Street Journal](#) reported that, according to a [study](#) published in the *New England Journal of Medicine*, orthopedists who received payments from device makers for presenting research related to their products failed to disclose more than 20% of those payments. For the study, investigators compared disclosures by physicians who presented findings at a meeting of the American Academy of Orthopaedic Surgeons to those published by five makers of hip and knee replacements.

[Bloomberg News](#) reported that "of 344 payments made by five medical-device makers...245, or 71 percent, were disclosed," while an estimated "29 percent of compensation wasn't disclosed." The study also showed that "43 directly related payments" that were "not disclosed amounted to \$4.3 million, while the 16 indirectly related ones totaled \$7.8 million." A survey of "the 91 physicians who didn't disclose payments in the final program of the meeting" revealed that "the leading reason given for nondisclosure was that the doctor said payment didn't relate to the presentation topic."

Jewish Group Sues Litchfield

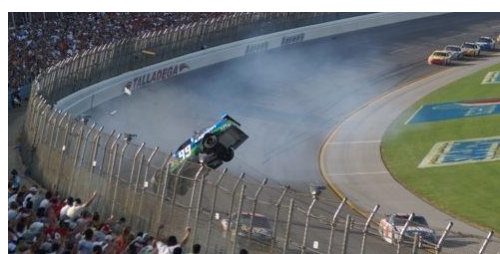


Historic District Commission

The [Connecticut Law Tribune](#) reported on a Litchfield case brought under the Religious Land Use and Institutionalized Persons Act, or RLUIPA, which requires that communities have a compelling reason to reject plans by religious groups to build or expand their facilities. "In Connecticut, RLUIPA cases have involved a Jehovah's Witnesses hall in Meriden, a proposed Buddhist temple in Newtown and now the proposed expansion of a Jewish center in Litchfield. The latter battle has turned particularly testy, with thinly veiled charges of anti-Semitism." Litchfield's Historic District Commission has been sued by an Orthodox Jewish group called Chabad Lubavitch of Litchfield County, after the commission rejected its expansion plans. The Chabad group currently occupies a 1,500-square-foot building. But when the organization purchased a 135-year-old house about a half mile away, and unveiled plans for a 21,000-square-foot addition that would include a synagogue, classrooms, kosher kitchens, and a community center, the historic commission rejected the plans, "stating that the sheer size of the addition would overwhelm the historic district. It proposed a compromise that would limit the building to 5,000 square feet." Chabad leaders dismiss the explanation for the rejection, citing comments that were allegedly made by a historic commission member, who reportedly said "there is no place for a Star of David on the Litchfield Green."

NASCAR Driver to Meet Injured Fan

NASCAR driver Carl Edwards has been in touch with Blake Bobbitt, the then-17 year old woman "whose jaw was broken when a piece of Edwards' No. 99 Ford flew into the frontstretch grandstands" last April at Talladega Superspeedway in Alabama. The wreck at the finish "sent his car airborne and dangerously close to the top of the catch fence" that was supposed to protect fans along the frontstretch. Read [more](#).



Goodell Testifies Before Congress



NFL commissioner Roger Goodell refused to acknowledge a link "between head injuries on the football field and later brain diseases while defending the league's policies on concussions before

Over \$100M Spent on Health Reform Ads

From the [AP](#): "Medical providers, businesses and other groups battling over a health care overhaul have spent more than \$100 million this year on television advertising -- an enormous sum that highlights the stakes involved." About \$47 million "has been spent for ads favoring a health overhaul and another \$32 million has gone to opposing the effort," with the rest spent on more general ads. "Big spenders include the U.S. Chamber of Commerce and AARP."

Tort Reform Should Not Deny "Just Compensation"

The [Salt Lake Tribune](#) editorialized that a recent CBO report "estimated that a package of medical malpractice reforms could save the federal budget about \$41 billion in health care costs and increase federal tax revenues another \$13 billion, both over a 10-year period." But "to put the numbers into perspective, the CBO estimates that the package of reforms it studied would reduce total national health care spending by about .5 percent (one-half of 1 percent). ... [meanwhile] doctors and hospitals regularly kill people through their negligence." The goal "should be to reform the process without denying people who have been injured or killed their day in court and just compensation."



Woman Thrown Off Plane for Breast-Feeding Sues

"A woman who was thrown off an airplane for breast-feeding her child, sparking a day of airport protests nationwide, is suing the three airlines involved in the flight. Emily Gillette's lawsuit, filed in U.S. District Court in Burlington [VT] on Wednesday," seeks "unspecified compensatory and punitive damages from Delta Airlines, Freedom Airlines and Mesa Air Group." Read [more](#).

IL Nursing Home Patients

Congress." Read [more](#).

US Needs System to Track Medical Implants

The [AP](#) reported that experts consider the lack of a centralized system in the US "for recalling thousands of medical devices routinely implanted in people's bodies, ranging from screws and plates to artificial knees and hips," a "major weakness." As a result, "manufacturers do not have an easy way of knowing where problematic devices are or which patients got them," while "the number of items implanted in people's bodies is soaring, as is the number of recalls." Now, lawmakers are considering "healthcare reform legislation...to set up the nation's first comprehensive medical device registry." Currently, "the FDA...requires comprehensive tracking of only 14 types of devices, including pacemakers, mechanical heart valves, and breast implants." The agency has also "been laying the groundwork for a registry of patients with artificial joints, which are more prone to breakage than other types of implants."

New Website Details Career of Local Artist Camassar



"Old Farm with Grind Stone", pastel, 1954

A recently launched [website](#) details the life and career of local Impressionist artist Gershon Camassar (1908-1995), grandfather of [Attorney Scott D. Camassar](#). Camassar, born on a farm in Columbia, CT, was a self-taught artist "well known for his beautiful renderings of rural New England landscapes in pastels, watercolors and oils." Some of his paintings are currently on display as part of an exhibit at Otis Library in Norwich.



"Afternoon, No. Stonington", oil on board, 1970s

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At [The Law Firm of Stephen M. Reck](#), justice is our mission. Our firm is well known and well respected for its ability to handle personal injury, wrongful death, and

professional malpractice cases in Connecticut and Rhode Island. Call today or visit us on the web at www.stephenreck.com.

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Proud to support the [North Stonington Education Foundation](#), [Little League Baseball](#), [Children International](#), and the [Conn. Chapter of the Special Olympics](#).

* Advertising Material *

Inappropriately Given Psych Meds

The [Chicago Tribune](#) reported on the results of its investigation showing that nursing-home residents across Illinois are being given "powerful psychotropic" medications, "leading to tremors, dangerous lethargy, and a higher risk of harmful falls or even death." More than 40,000 state and federal reports showed that "thousands of elderly and disabled people have been affected, many of them drugged without their consent or without a legitimate psychiatric diagnosis that would justify treatment." The Tribune identified "1,200 violations at Illinois nursing homes involving psychotropic medications since 2001," affecting some "2,900 patients," but said that "actual numbers are likely far higher."



Good Luck

Yankees!

