



We Never Forget that Behind Every Case, are Real People

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On behalf of the attorneys and staff at Messa & Associates, P.C., we wish you a very happy Holiday Season!



They Knew and Failed To

A New Report Details Corporations that Skirt Responsibility and Shun Consumer Safety to Save Money

Every day there is another recall or warning of a product that turned out to have design flaws or unexpected problems, for example: a drug with an unanticipated side effect, a toy with a sharp piece that can injure a child, etc. These recalls and warnings are so frequent that consumers are no longer surprised.

However, what may surprise consumers is that sometimes those who are responsible for these dangers know about the problem and do nothing about it. It may be hard to believe that anybody would cover up a products danger and then market that product to the very people it is likely to kill or injure – but this is what happens time and time again.

Last month, at the U.S. Chambers Institute for Legal Reform Annual Summit – an event dedicated to championing corporate misconduct and evading accountability – a report was released detailing true stories of corporations that knew their products were dangerous, yet failed to protect consumers.

“They Knew and Failed To” details numerous examples of companies whose products were sold and remained on the market even after critical safety concerns had been raised internally. Meanwhile, products including medical devices, Rx drugs, etc., remained available for consumers.

In one example, police officer Tony Zeppetella of Oceanside, Calif. had paid \$313 to “upgrade” his standard bullet proof vest. The Ultima body armor Zeppetella had purchased was widely used by law enforcement, military personnel, and even worn by President Bush and the First Lady. Unfortunately, Zeppetella was shot and killed on a routine traffic stop in June 2003, when a bullet penetrated his vest.

Second Chance, the manufacturer, had known as early as 1998 that heat and sunlight caused the material to degrade, making the vests penetrable. Internal corporate memos from 2001 revealed an executive at the company had recommended notifying customers about the products’ defect, saying, “Lives and our credibility are at stake.”

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RECENT SETTLEMENTS



\$800,000 settlement for a man who was involved in a workplace accident causing neck and back injuries, resulting in multiple surgeries.

\$525,000 recovery for a man was rear-ended in New Jersey causing him to permanently lose his sense of smell.

2009 "10 Worst Toys" List

1. DISNEY-PIXAR WALL-E FOAM ROCKET LAUNCHER

Not recommended for children under three years of age. May contain small parts which present a choking hazard for young children.

2. MOON BOARD POGO BOARD

Numerous "safety tips" and cautions are provided on the packaging, including: "Remember that the cord connecting your Moon Board to the trick handle is elastic. If stretched and released, it could spring back and cause injury."

3. CURIOUS BABY CURIOUS GEORGE COUNTING – MY FIRST BOOK OF NUMBERS

This colorful book, depicting the famed character "Curious George" on its cover, is marketed for newborn babies as their "first book of numbers". A 6 1/2" long metal rod holding five wooden beads is imbedded in between the cardboard-like pages, to serve as a "rattle" and a "counting device for babies of different ages." The rod and beads have the potential to dislodge, posing a potentially serious risk of ingestion and choking injuries.

4. THE DARK KNIGHT BATMAN FIGURE

Toddlers may fall on these inflexible protrusions, with the potential for penetrating and blunt-force injuries.

5. SPY GEAR VIPER-BLASTER

The blaster shoots the supplied "darts" with enough force to potentially cause eye injuries.

6. LOTS TO LOVE BABIES – "mini nursery"

This "Perfect Mini Doll", sold for oral-age children as young as two years old, comes complete with its own bathtub. The tub, however, has a small plastic shower attachment, connected only by a thin plastic cord. Once detached, the shower head fails even the industry's inadequate small parts "choke tube" standard.

7. JUST KIDZ JUNIOR MUSICAL INSTRUMENTS

The slender, 4 1/4" drumstick is connected to the xylophone only by a knotted cord. Once separated, the drumstick could be mouthed and occlude a child's airway.

8. CAT "rugged mini"

These miniature "Caterpillar" brand construction vehicles are sold for eighteen-month-old babies, sporting large plastic wheels and moveable parts for "free-wheeling fun!" Unfortunately the vehicle's axles and wheels have the potential to separate from the chassis, exposing a solid metal spoke over 3" long, which could cause serious puncture wounds.

9. PUCCI PUPS MALTESE

The pet's leash is approximately 35" long, presenting a serious potential strangulation hazard. The industry's standard limits strings on crib and playpen toys to 12" in length.

10. X-MEN ORIGINS SLASHIN' ACTION WOLVERINE

Wolverine has rigid, pointed plastic claws sporting three 1 1/2" protrusions on both fists. The right "pop-out" claw retracts upon impact, whereas the left claw remains rigid and unforgiving upon contact.

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"We never forget that behind every case are real people"

They Knew and Failed To... (continued from front)

But it was not until September 2003 that the company eventually recalled 130,000 vests, three months after Zeppetella was shot. The company had known for five years there were problems with their vests, but failed to notify consumers, putting law enforcement and service members' lives at risk. Several years later, Second Chance recalled another 98,000 vests.

"While most businesses act in good faith to serve their customers and communities, unfortunately some corporations recklessly put lives at risk for the sake of profit," said American Association for Justice President Anthony Tarricone.

"While front groups like the Chamber's Institute stage events practically celebrating corporate misconduct, this new report convincingly illustrates the importance of holding wrongdoers accountable."

To read the full report, check out www.messaandassociates.blogspot.com. For more information, please call 877-MESSALAW.

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