

THE LEGAL OUTLOOK

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HAPPY HOLIDAYS FROM MESSA & ASSOCIATES, P.C.



We know that this time of year can be very hectic and stressful, especially with trying to squeeze in holiday shopping, in addition to everything else that you need to accomplish. With this in mind, we focused this issue of the *Legal Outlook* to providing you with some basic tips that will help make sure that your holidays are both safe and enjoyable. If you have any comments and/or suggestions, please do not hesitate to contact us. On behalf of the attorneys and staff at Messa & Associates, P.C., we wish you a very happy Holiday Season!

Tip of the Month

With the Holidays full of lights, gifts, and extension cords, we would like to share with our readers some safety tips that could help keep you and your loved ones safe during this holiday season. According to USFA, *United States Fire Association*:

1. Inspect holiday lights each year for frayed wires, bare spots, gaps in the insulation, broken or cracked sockets, and excessive kinking or wear before putting them up.
2. Do not overload electrical outlets.
3. All holiday decorations should be nonflammable or flame-retardant and placed away from heat vents. This includes artificial Christmas trees.
4. Avoid using lit candles. If you use them, make sure they are in stable holders and place them where they cannot be easily knocked down.
5. When selecting a tree for the holiday, make sure it is fresh, as it will be less likely to catch fire. The trunk should be sticky to the touch, and needles on fresh trees should be green and hard to pull back from the branch.
6. Monitor all fireplaces and objects close to them. Open vents in fireplaces, and use screens at all times in order to prevent any accidents.



Recent Settlements and Verdicts

A \$965,000 podiatry malpractice settlement was obtained for a man who injured his ankle while at work. Doctors performed a negligent surgery where screws were misplaced in his ankle joint, causing the man serious and permanent injuries. After three (3) years of litigation, the defendants agreed to pay him the amount of \$965,000 to settle all claims.



TOP TEN MOST DANGEROUS TOYS IN 2008

This holiday season, Messa & Associates, P.C. wish to advise parents and families to be cautious when purchasing gifts for loved ones. We have included a list of the "Worst Toys of 2008" according to W.A.T.C.H, World Against Toys Causing Harm, Inc. *Courtesy of Toysafety.org.*

Animal Alley Purse Pet

This soft, colorful pony is sold for infants. The toy has long, fiber-like hair that is not adequately rooted and is easily removable, presenting the potential for ingestion or aspiration injuries. This hazard is not referenced anywhere on the product or product tags.

Ninja Battle Gear-Michelangelo

4-year-old children are encouraged to play the part of a Ninja, while wielding various weapons. One such weapon is Michelangelo's "Nunchaku", which the manufacturer describes as a "Kick-butt signature weapon" consisting of two long plastic handles connected by a plastic chain. Remarkably, there are no accompanying cautions or warnings relating to potential impact injuries.

Walk'N Sounds Digger the Dog

Despite the industry's voluntary standard requiring strings on playpen or crib toys to be less than 12" in length, some manufacturers continue to market toys such as this "Digger The Dog" pull toy, with a cord measuring approximately 26 inches. Sold to be "your child's best friend!", it is intended for "infants" and thus, is a prime candidate for cribs and playpens.

Pucci Puppies

Oral age children as young as 2 years old are encouraged to play with this plush, golden retriever puppy, sold with a dog house and accessories including a bone, cookie, chew toy and food bowl. These accessories are small parts that could easily be ingested by a child, presenting the potential for serious choking injuries.

Meadow Mystery Play-A-Sound Book with Cuddly Pooh

This soft Winnie The Pooh doll is packaged and sold with a "Meadow Mystery" book. Pooh's cloth mask, once removed, poses the potential for choking injuries. Despite the wording on the packaging and the book that the product has been safety tested for children "18 months+", the tag attached to the plush toy indicates that it is "recommended for all age groups".

Inflatable GIGA Ball

Children as young as 4 years old are encouraged to "crawl inside" this colorful inflatable ball, in order to "spin, tumble, and bounce". The box warns against using the ball on hills or near water, and notes that parental supervision is "required". However, the toy itself indicates that adult supervision is only "recommended", and the package insert further warns the ball is "not for pool side use or as a flotation device".

Spider-Man Adjustable Toy Skates

The packaging for these adjustable toy skates has numerous warnings, including the requirement that

children wear helmets, wrist guards, knee pads and elbow pads while skating. Inexplicably, the safety gear sold with the toy includes only knee and elbow pads.

Sportsman Shotgun

This realistic looking weapon is sold online as a "toy" for use by children. Once the rubber bullets are loaded into the shotgun's magazine, and the ammunition is pushed into the gun's chamber, "you are now ready to shoot". This weapon is not a toy and should not be sold for use by children.

Extreme Spiral Copters

These copters are described by the manufacturer as having "awesome spiral action!" Young children are encouraged to launch the projectile into the air with the provided elastic band, in a fashion similar to a slingshot. Cautions include: "Do not substitute the supplied copter with any other projectile" and "Do not aim at eyes or face."

Go Go Minis Pull back Vehicle

These miniature fire trucks, garbage trucks and school buses are sold individually at the checkout counter in a display box. The rear tires of these vehicles are removable, presenting the potential for a serious choking injury for oral age children. Incredibly, the "choking hazard" warning appears only on the display box, and not on the individual toys.

If you or someone you know has been involved in a toy related injury, or similar accident, please contact our office at 215.568.3500.

*For more information please contact Messa & Associates, P.C. toll free at 1.866.403.4LAW or visit www.Messalaw.com