

THE LEGAL OUTLOOK

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Duragesic CII Patches Recalled

One of the most recent drug recalls was 50 microgram/hour **DURAGESIC CII** patches, sold by Pricara, a division of Ortho-McNeil-Janssen Pharmaceuticals. This patch is used to manage persistent moderate to severe chronic pain that needs to be treated around the clock. The result of this patch is possible release of "fentanyl gel" from the gel reservoir into the pouch, in which the patch is packaged, exposing patients or caregivers directly to fentanyl gel. Exposure to fentanyl gel may lead to serious adverse events, such as respiratory depression and possible overdose, which may be fatal. Anyone using these patches need to check the package to see if it is the recalled product.

A more serious drug recall handled by Messa & Associates was Children's Motrin, and the effects it had a nine-year-old little girl. In 1996, she was taken to her pediatrician who prescribed newly available over-the-counter Children's Motrin, which she continued to take for a week. She eventually developed hundreds of tiny blisters on her face, ears, and throat, and burning of her corneas. She was taken to Boston Children's Hospital where she was diagnosed with Vanishing Bile Duct Syndrome (VBDS), Erythematous Multiform (EM), Stevens-Johnson syndrome (SJS), and Toxic Epidermal Necrolysis (TEN). The now twenty-one-year-old is currently on the waiting list for a second liver transplant because her condition continues to deteriorate.

According the Federal Drug Administration (FDA), it is important to make sure that all drugs being ingested are approved by the FDA, ask your doctor periodically to re-evaluate long-term treatments, contact your doctor if new or unexpected symptoms or other problems occur, and to follow all directions carefully when taking, storing, and/or discarding any medication.



We ask with much consideration and respect that you take this matter very seriously, and please contact someone at our offices if you have any questions or concerns. For more information, please visit Messalaw.com or FDA.org.

Salmonella Scare

As of January 22, 2009, 491 persons have been infected with salmonella in 43 states. Reports say that illness began as early as September 14, 2008 and have been reported through January 8, 2009. Patients range from ages 1-98, with almost half of them being female. Among the infected, reports say that this outbreak may have caused a total of 7 deaths.

Peanut butter has been pinned as the likely source that is causing the infection. According to CDC.gov, an investigation by the Minnesota Department of Health suggested King Nut brand creamy peanut butter as a likely source of Salmonella infections among many ill persons in Minnesota. The Minnesota Department of Agriculture Laboratory isolated the outbreak strain of Salmonella Typhimurium from an open 5-pound container of King Nut brand creamy peanut butter. King Nut creamy peanut butter is distributed in many states to establishments such as long-term care facilities, hospitals, schools, universities, restaurants, delis, cafeterias, and bakeries. It is not sold directly to consumers and is not known to be distributed for retail sale in grocery stores. It is important to also monitor and check your pets food and treats, as they might be infected as well.

King Nut is produced by Peanut Corporation of America (PCA) in Blakely, Georgia. This facility, which is no longer producing any products, has expanded its recall to include all peanut butter and peanut paste produced at this

plant since July 1, 2008. Peanut butter and peanut butter paste was not sold directly to consumers but was distributed to institutions, food service providers, food manufacturers and distributors in many states and countries.

Peanut butter and peanut paste is commonly used as an ingredient in many products, including cookies, crackers, cereal, candy, ice cream, pet treats, and other foods. It is important to be aware of the types of foods that may have the contaminated peanut butter, especially when eating out, or if you have pre-packaged food at home.

Please contact your doctor immediately if you are experiencing symptoms common of salmonella poisoning. To speak to a lawyer about your rights as a victim of this outbreak, please call Messa & Associates 215.568.3500.



Tip of the Month

With Valentines Day approaching, and Easter following just a couple months behind, candy sales have peaked. While the salmonella scare seems to be controlled, there are still many pre-packaged candies and treats that may be contaminated. According to the FDA, there are several items that are still a threat to the Philadelphia, New York, New Jersey, and Delaware areas. Keep these items in mind while shopping for treats for your loved ones.

- ◆ Walgreens Brand Candies: Bridge Mix, Chocolate Covered Peanuts, Caramel Nut Clusters, and Chocolate Peanut Clusters.
- ◆ Landies Premium Milk Chocolate Peanut Butter Cups
- ◆ Wegman's Swiss Recipe Ulitimate Peanut Butter Cups
- ◆ Trader Joe's Peanut Butter & Chocolate Chip Cookies, Vegan Trail Mix Cookies, and Frozen peanut Butter Cookie Dough
- ◆ All Rite Aid Peanut Products
- ◆ All items Containing Peanuts by Super K-Marts Bakery

Recent Settlements and Verdicts:

Messa & Associates, P.C. obtained a \$850,000 settlement for a medical malpractice claim involving a man who lost his life after his doctor failed to respond to cardiac arrest symptoms. The 50 year-old man was seen by his doctor several times complaining of pain in his lower back, shortness of breath, and bloody stool. After being dismissed as "leg spasms" and an "anxiety attack", he died shortly after leaving the doctors' office.