

THE LAW LETTER

Legal News You Can Use

THE KILLER IN YOUR CUPBOARD—THE CAMPAIGN TO BAN TRANS FATS

**Dupee
&
Pearson, LLC**

Attorneys and Counselors at Law

Social Security



Personal Injury

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They can cause heart attacks and diabetes, yet most of us know nothing about them – let alone how to avoid them. How one trial lawyer is making a difference.

Oh, for the days when fat was fat! Over the years, what we used to think of as a single substance has splintered into a bewildering hodge podge of varieties: saturated fats, monounsaturated fats, polyunsaturated fats, hydrogenated fats, and now trans fats. Many health experts have taken to calling trans fats “killer” fats and warn that they are among the most dangerous foodstuffs we consume. Earlier this year the Bush Administration warned the public to keep trans fat consumption “as low as possible” and encouraged the food industry to decrease the content of trans fats in the food supply. Trans fats are engineered fats produced by an industrial process called partial hydrogenation.



Hydrogenator used to partially hydrogenate vegetable oils to create trans fats

Dr. Walter Willett is the Chairman of the Department of Nutrition at the Harvard School of Public Health and Professor of Medicine at the Harvard Medical School. He is generally recognized as one of the world's top authorities on nutrition. He calls the partial hydrogenation of oils the "biggest food-processing disaster in U.S. history." He says: "In Europe [food companies] hired chemists and took trans fats out.... In the United States, they hired lawyers and public relations people. No one doubted trans fats have adverse affects on health, and still companies were not taking it out."

One such food company, Kraft Foods, the maker of the popular Oreo cookie, conducted direct in-school marketing of Oreos to school children, bypassing parental controls. The cookies they marketed to children contained trans fats. For years, no one seemed to notice or care.

Trans fats are common in processed foods like commercially baked cookies, snack crackers, chips, cakes and even bread. **The U.S. Food and Drug Administration's website states: "You can know if a food contains trans fat by looking at the ingredient list on the food label. If the ingredient list includes the words "shortening," "partially hydrogenated vegetable oil" or "hydrogenated vegetable oil," the food contains trans fat."** Trans fats are also found in many cooking oils used for frying in restaurants.

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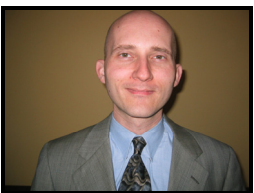
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ATTORNEY PROFILES**DAVID DUPEE** ddupee@dplaw.org

David was born in Kentucky, but grew up in Iowa. He earned his law degree from Emory University School of Law. Prior to that, he earned his undergraduate degree in history from Covenant College in Lookout Mountain, TN. David's law practice focuses on Social Security Disability and personal injury. David is a deacon at Westminster Presbyterian Church in Atlanta. His practice is largely **dedicated to representing individuals who have been denied Social Security benefits.**

**PETER PEARSON** ppearson@dplaw.org

Peter was born in the state of Maine. He earned his law degree from Emory University School of Law, graduating near the top of his class. Prior to that, he earned his undergraduate degree from Gordon College in Wenham, MA, graduating second in his class. He also studied at Oxford University in England for one year. Peter's law practice focuses on personal injury. Peter is a small group leader at Trinity Vineyard Church in Midtown. Peter's experience makes him **especially well suited to represent individuals who have been the victim of a preventable injury.**



We want you to think of us as **your** law firm. If you have legal matters that need attention, please let us know. If we can not handle the matter, we will seek to refer you to a competent attorney that can. Please feel free to refer us your family, friends, and co-workers. We welcome the opportunity to help.

"CALL US. YOU'RE GOING TO FEEL A WHOLE LOT BETTER ABOUT THINGS."

IF YOU SLIP AND FALL

Slip and falls can be funny physical comedy on television and in the movies.

But in real life, slip and falls are a leading cause of serious injuries. We talk to people who have fallen on defective stairs, dangerous walkways, over-waxed floors, and slippery substances left sitting in store aisles, to name a few. Some of the people we talk to have broken bones and lost full use of limbs, others have suffered disc injuries that resulted in expensive surgeries.

The mere fact that you or someone you know has fallen and been hurt is not reason to bring a legal claim. But if the store or occupier of the premises where you fell knew or should have known about the hazard that caused your fall and failed to warn you or correct the hazard AND you were unaware of the hazard before you fell, a legal claim may be appropriate.

If you slip and fall and are hurt ask that an ambulance be called to take you to the hospital. You will not know how hurt you are until you have been examined by a physician. Be sure to ask someone nearby to write down the names, addresses, and phone numbers of any witnesses. Do not rely on the owner of the premises to do this for you – they won't always follow through. Call an attorney before you talk to anyone who calls or contacts you trying to get information about your fall.

THE KILLER IN YOUR CUPBOARD—CONTINUED

A trial lawyer in California, Stephen Joseph, has founded a non-profit organization dedicated to removing trans fats from our food supply. Most food companies know about the dangers of trans fats but have taken no steps to remove it. And in a move that comes as a surprise to many, this trial lawyer focuses on getting companies to agree to remove trans fats from their products INSTEAD of seeking monetary damages.

Stephen Joseph sued Kraft Foods asking that they stop marketing and selling cookies to children until harmful trans fats were removed. You may be wondering how much money was asked for. The answer is: zero. None! The lawsuit was not about money – it was about protecting innocent children from dangerous products. And the lawsuit worked – Kraft agreed to reduce or eliminate trans fats from the Oreo cookies. Kraft also agreed to stop in-school marketing. This is yet another example of how trial lawyers play a unique and indispensable role protecting the most vulnerable among us.

You can read more about this suit and the need for ongoing reform within the food industry at www.bantransfats.com.

“UM” COVERAGE—DON’T DRIVE WITHOUT IT

Some bad drivers can not, or refuse to, buy automobile insurance. Estimates reveal that the national average of uninsured drivers on our roadways is as high as 15%. Getting into an accident with an uninsured driver is a nightmare – who will pay for your car damage, medical bills, lost wages, and other damages? Every year many people are forced into bankruptcy after being struck by an uninsured motorist.

Accidents involving underinsured drivers – negligent drivers who carry only the minimum coverage required by law – can be devastating if your medical bills and other damages exceed the minimum coverage.

Don’t drive without “UM” (uninsured/underinsured motorist) insurance coverage! It can save you from financial disaster. **“UM” coverage pays for your damages if you are hit by an uninsured or underinsured motorist.** Call your automobile insurance company and have it added to your policy. Adding this type of coverage is inexpensive and easy. And beware – do not buy the minimum amount of coverage for “UM” coverage. Due to a little known law in Georgia you may be paying for nothing! Buy at least \$50,000.00 in “UM” coverage and more if you can afford to.

Do not assume that you have this coverage in place already simply because you have been told you purchased “full coverage”. “Full coverage” means different things to different companies. Review your auto insurance coverage with your agent and make certain you have “UM” coverage.



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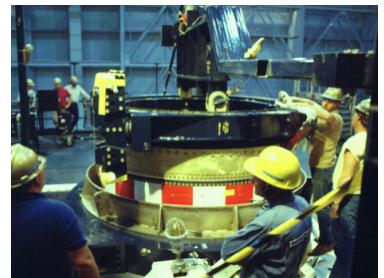
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WORKPLACE INJURIES - WORKERS' COMPENSATION IS RARELY ENOUGH...

For a worker injured on the job, workers' compensation is often a key source for financial support during recovery and rehabilitation. But workers' compensation programs strictly limit benefits. Most replace, at most, only two-thirds of your salary, exclude fringe benefits, and offer little or no compensation for pain and suffering. If you are seriously injured at work, call us. We may be able to identify other sources of help for you and your family. Lawyers refer to this as a "third-party" claim. Some examples of "third-party" claims:



- Product liability claims – manufacturers of machinery, equipment, or safety gear may be held liable for failing to exercise due care in making the products they market.
- Contractor negligence - Outside vendors engaged to install equipment, design workstations, clean floors, or otherwise support work processes may contribute to injuries and be held liable.
- Inadequate warnings or poor instructions – Some products (tools, heavy machinery) are inherently dangerous to operate and these dangers can not be eliminated. Such products must include adequate warnings and instructions. Failure to do this may subject the manufacturer to liability.
- Premises liability - While Georgia law prevents you from bringing a claim directly against your employer, if dangerous conditions at your worksite are the result of someone else's negligence – the owner of the premises where your employer has you working offsite for instance – you may have a "third-party" claim.

Getting injured at work is nothing less than a crisis. Make sure you do all you can to ensure that you get all the help you need meeting your obligations to family and creditors while you are unable to earn a living. Call us to discuss your options.