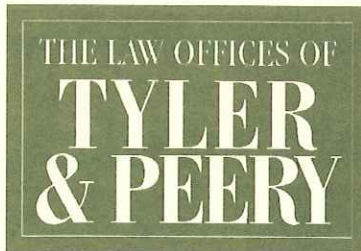


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Texas Law Alert

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Studies Highlight New Concerns About Testosterone and Heart Risks and Strokes in Men

A large new medical study found that prescription testosterone raised the risk of heart attacks and strokes in men taking testosterone treatment. That study prompted experts to call for more extensive warning labels on testosterone treatment and “low T” drugs.

The new study is one of several in recent years that have highlighted heart attacks and strokes as potential side effects of testosterone gels, patches, pellets and injections. The hormone is approved for low testosterone levels and is widely marketed for symptoms of “low T,” including fatigue, low libido and loss of energy. Sales in the last decade have soared.

The new study tells us that we have a very serious problem that can cause much more damage than previously realized. Unwittingly, men trying to improve their health and well being are being subjected to life altering risks, and even death.

The drugs carry no mention of an increased risk on their labels or in their advertising materials, said Dr. Sidney M. Wolfe, a senior adviser to the Washington advocacy

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group Public Citizen “Given that there have been several studies now, I don’t see how the Food and Drug Administration can justify having no warnings of heart attacks at all,” he said.

In a statement, Andrea Fischer, an F.D.A. spokeswoman, said the agency was reviewing the new

findings. “We will communicate any new safety information on testosterone products when our reviews of all new information have been completed,” she said.

The new study, funded by the National Institutes of Health, tracked about 56,000 older and middle-aged men around the country who were prescribed testosterone between 2008 and 2010. The study looked specifically at their rate of heart attacks in the year before receiving their new prescriptions, and in the three months after.

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One question surrounding testosterone is whether any potential increase in cardiac risk is caused directly by the drug, or by its impact on behavior. Testosterone

Continued on page three.

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Taking the Bite out of Auto Insurance

Even as payments by insurance companies for property damage and injuries shrink, insurance rates continue to rise. However, there are a number of things that the savvy consumer can do to lower his rates and reduce the auto insurance bite.

It Pays to Shop

The most important thing to remember is that auto insurance is a business and, just like any business, insurance companies want you to be their customer. They spend millions

Rates for the same coverage on the same driver in the same car can vary enormously from company to company.

of dollars each year on geckos and other advertising, so it pays to shop around. Rates for the same coverage on the same driver in the same car can vary enormously from company to company, and even an hour spent shopping by telephone or over the Internet could end up saving you hundreds of dollars in premiums each year.

Many insurers give discounts if you have more than one kind of insurance with them. For example, if you insure your home and your car with the same insurance company, that may reduce the rate that it charges for both types of coverage. However, be careful: Just because you are getting a discount does not mean that you are necessarily getting the lowest rate.

Tweak Your Coverage

You may also look into changing your coverage. Simply raising your deductible from \$500 to \$1,000 per accident can save you a lot of money. Also, if you have an old car that is of little value, consider dropping your collision coverage because chances are that, if you are in an accident, the car will be "totaled" and you will receive only a nominal amount. Some peo-

ple may decide that they do not want common kinds of extra coverage (such as towing coverage), but you should carefully weigh their value before canceling them.

Not Created Equal

Remember, not all cars cost the same to insure: The hot-rod muscle car will usually cost more than the

Continued on page three.

Avoid Telemarketing Fraud

Although the national Do Not Call Registry has cut down on the number of telemarketing calls, it has had less effect on scam artists who engage in telemarketing fraud. Telemarketing scammers prey on anyone they can, but they often target the elderly and others they see as "easy pickings." Therefore, when you receive a call from a telemarketer, it is important to be on the lookout for scams.

How can you tell if a sales call is legitimate? Common signs of telemarketing fraud include:

- Offers that sound too good to be true. If it sounds too good to be true, it probably is.
- Promises of high return with little or no risk. If some opportunity promises high profits, it is safe to assume that it also has high risks.
- Appeals to "act now," or claims that the offer is good "for one day only." This kind of high-pressure sales tactic is often associated with telemar-

keting fraud. While legitimate companies sometimes have limited-time offers, most will not try to force you to take them.

- Offers of a "free" gift that requires you to pay shipping and handling to receive it. You will usually find that the cost of shipping and handling is more than the "free gift" is worth.
- Offers that require you to provide credit-card or other private financial information. Scammers usually tell you it is to "verify" some information about you, but really all they are verifying is information that they will then use.
- Telemarketers who are hesitant to identify their company or give you other information. Legitimate companies are happy to have you know who they are.

Texans who suspect that they have been victims of telemarketing fraud can contact the Consumer Protection Division of the Attorney General's office at 800-621-0508.

Testosterone

Continued from page one.

boosts libido, for example, which may spur older men to engage in strenuous sexual activity. The new study sought to address this question by comparing the men using testosterone to a separate group of 170,000 older and middle-aged men who filled prescriptions for Viagra and Cialis. Those men did not experience more heart attacks. The new research was led by a team at the National Cancer Institute, the University of California, Los Angeles, and Consolidated Research, an independent research firm specializing in epidemiology.

In November, a study in *The Journal of the American Medical Association* found that older men, many with a history of heart disease, had a nearly 30 percent increase in mortality, heart attacks and stroke after using testosterone. And in 2009, a federally financed randomized study that was intended to test whether testosterone gel could help elderly men build muscle and strength was halted early because of heart attacks and other cardiac problems in men using the drug.

Testosterone increases the production of red blood cells, which can clump together or coagulate, essentially making blood thicker, said Mary Schooling, a professor of public health at Hunter College who published a large study linking testosterone use to cardiovascular events last year. That may be especially hazardous in men who have narrowed arteries because of aging and disease. "There is a potential for harm, and people should know about this," she said.

Although testosterone levels naturally decline with age, testos-

terone therapy is approved for use only in men with hypogonadism, an underlying endocrine disorder that typically results in a severe testosterone deficiency. Making that diagnosis requires doing a blood test. But studies show that nearly a quarter of men prescribed the drug do not have their levels tested.

Dr. Peter J. Snyder of the University of Pennsylvania School of Medicine, who is leading a \$50 million series of trials looking at testosterone treatment in men 65 and older with documented low levels, added, the sharp rise in such

prescriptions in the last decade was evidence that many men without testosterone deficiencies were receiving them. "In those cases, there is no medical reason for it," he said, "and that runs counter to all guidelines for physicians."

The attorneys at Tyler and Peery are actively investigating cases of heart attack and stroke in men who were prescribed testosterone treatment before suffering a heart attack or stroke.

Auto Insurance

Continued from page two.

family sedan. If you are buying a new or used car, ask your insurer about the rates charged for different vehicles you are considering. If you buy the car that costs the least to cover, you will save money on insurance as long as you own the vehicle.

Also, ask your insurance company about discounts that may be available. Most insurance companies offer discounts for certain equipment that makes cars safer or more difficult to steal (such as car alarms, air bags, and anti-lock brakes) or for certain kinds of drivers that they believe are less likely to have accidents (such as those who drive less than the average, older drivers, and students who get good grades in school). Some insurers will give you an additional

discount if you take certain kinds of classes, such as driver's education or alcohol awareness, classes they hope will make you a better, safer driver.

The best advice of all is to BE CAREFUL when you drive. The fewer accidents you have and the fewer tickets you receive, the better your driving record and the lower your insurance rates will be.

Thank You

Thank you for trusting our firm with your legal needs. If you or someone you know has been injured due to somebody else's carelessness, please call us. We want to help.

Risk and Release Forms

Risk and release forms: We have all seen these forms and most of us have signed one. Risk and release forms are usually given to us to sign before we participate in some activity, whether it be a school field trip or skydiving lessons. They typically state that we understand the risks associated with the activity and release the organizer from claims arising from negligence. Do we have to sign these documents and are they enforceable?

The answer to the first question is that, yes, we do have to sign them. If the person organizing some activity wants to make our right to participate conditional on signing such a form, he or she usually has every right to do so, and it is up to us to decide whether or not we want to participate enough to sign the release.

The answer to the second question is also, yes, they are usually enforceable. However, just because we agree to assume whatever risk is associated with the activity does not mean that the organizer cannot be held liable for any act of negligence. In Texas, the question in a proportionate responsibility lawsuit means that courts ask who was negligent and in what degree. If you have signed a form saying that you are aware of the risks of the activity, this will be weighed in determining how negligent you were.

It is a good rule of thumb to assume that documents mean just what they say. Be aware that signing a risk and release form may affect your ability to bring a negligence claim if you are injured.

End-of-Life Planning

We have all heard and seen the stories of people who did not make appropriate arrangements for end-of-life medical decisions. It is important to talk to your family about your wishes, but you also need professional advice and assistance to prepare the necessary documents. Those documents include a "Living Will" (known in Texas as a "Directive to Physicians and Family") and a "Medical Power of Attorney." Don't wait until it is too late.

Actual resolution of legal issues depends upon many factors, including variations of facts and Texas law. This newsletter is not intended to provide legal advice on specific subjects, but rather to provide insight into legal developments and issues. The reader should always consult with legal counsel before taking action on matters covered by this newsletter.



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