

Re: Gout from Lipitor damage? NAPROXEN increases heart attack risk. BEWARE

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From: zwalanga (zwalanga_at_yahoo.com)

Date: 12/26/04

Date: 26 Dec 2004 06:10:39 -0800

Don Kirkman wrote:

> *It seems to me I heard somewhere that zwalanga wrote in article*
> <1104012962.659790.43240@c13g2000cwb.googlegroups.com>:
>
> >Don Kirkman wrote:
> >> *It seems to me I heard somewhere that zwalanga wrote in article*
> >> <1103946428.336622.50320@z14g2000cwz.googlegroups.com>:
>
> >> >Don Kirkman wrote:
> >> >> *It seems to me I heard somewhere that Sharon Hope wrote in*
article
> >> >> <mANyd.281110\$HA.94857@attbi_s01>:
>
> >> [...]
>
> >> >> >Thus the synonymous "cardiovascular event" , "myocardial
> >> >>infarction", and
> >> >> >the common vernacular "heart attack"
>
> >> >> *The definition of "heart attack" and its cognates is not at*
issue;
> >> >>you
> >> >> *said the FDA *warned* of additional risk of heart attack.*
Where
> >is
> >> >that
> >> >> *warning to be found?*
>
> >> >> *This warning, couched as carefully as it has been, will most*
> >> *certainly*
> >> >> *have been done to give away as little as possible,while still*
> >> *meeting*
> >> >> *requisites for legal disclaimer should some unfortunate soul(s)*
> >> *ever*
> >> >> *decide Naproxen damage constitutes a class action. But having*

played

> >> *>big game law, you knew that, didn't you Don.*

>

> >> *Couched so carefully it can't be found, Zee. A suggestion is not*

a

> >> *warning, either in law or in common sense. And don't misinterpret*

> >what

> >> *I wrote early as my having "played big game law;" I specifically*

said

> >I

> >> *am not a lawyer though I worked with and among lawyers and other*

> >justice

> >> *system folks for most of my career.*

>

> >I did not misinterpret what you did Don. ~Heh~ I know the difference.

>

> <G>

>

> >I also know, and you know too, that this statement would be presented

> >as having been warning in a law suit undertaken on behalf of one

> >injured by naproxen. And it would be presented as such by the

> >defendants.

>

> >This advisory is a warning. Legally. And that is just why it was done.

> >So that in the event of law suits, pharma can say it warned. And then

> >legally, the burden bounces back to the injured. Whether or not a case

> >could be won or lost on this alone is moot.

>

> >This is warning. This is legal.

>

> Can you give me a case citation or a reference to legislation equating

> advise with warning? What legislature or what court deemed an advisory

> to be a warning?

>

> >Split hairs all you like. Pharma warned. They're clear from here on for

> >anyone taking that medication NOW.

> >Sharon had it right.

>

> I'm not splitting hairs, I'm parsing English statements.

> --

> Don

> donkirk@covad.net

sci.med.cardiology: Re: Gout from Lipitor damage? NAPROXEN increases heart attack risk. BEWARE

If it wasn't perceived as a legal threat they wouldn't be doing this.
The next step will be a stronger "advisory" warning people, or an
"advisory" pulling the drug. The document is the advisory. What it is
doing is warning.

This is legal telling communications "say this".
And the reason they are doing it is legal.

Zee