

Personal Injury & Class Action Law

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Hair Loss or Loss of Sexual Interest: Which Would You Choose?

By Andrea Potter



Some men are risking their sexual health — and more — in their fight against male pattern baldness. This is the crux of a class-action lawsuit that Klein Lyons recently filed in the Supreme Court of British Columbia. The lawsuit was filed against Merck Frosst Canada and its affiliated companies on behalf of a Vancouver resident.

Male pattern baldness is a common form of male hair loss that involves progressive thinning of the hair. This type of hair loss is triggered by a powerful sex hormone, dihydrotestosterone (DHT). DHT causes hair follicles to shrivel, which in turn causes hair to become progressively thinner until it is practically invisible.

To combat hair loss, many have turned to Propecia, the commercial name for finasteride, and its higher-dose counterpart, Proscar. Both drugs are manufactured and marketed in Canada by Merck Frosst Canada for use as a cosmetic treatment for androgenetic alopecia (the medical term for male pattern baldness). The drugs work by suppressing DHT.

Because human physiology is complex, any impact on one hormone can affect numerous other body functions. For example, the Propecia monograph discloses that some men may experience sexual dysfunction upon taking the drug. The Propecia fact sheet, however, contends that fewer than two percent of men participating in clinical trials "experienced a decrease in sexual desire and/or difficulty in achieving an erection" and that "the side effects disappeared in men who stopped taking Propecia as well as in most men who continued treatment." Despite Merck Frosst Canada's claims, many men experienced long-term sexual dysfunction even after they stopped using Propecia.

In several European countries, product labels for Propecia now include a warning of persistent erectile dysfunction after discontinuation of the drug. This warning, however, does not appear on labels in Canada, nor does the Canadian monograph fully reveal the risks of taking the drug.

Lawyer David Klein, who filed the lawsuit, says, "So far, more than 80 Canadian men have expressed an interest in participating in this class action. We believe there are many other men whose lives have been devastated and who will come forward now that the case has been filed in court."

If you or someone you know has experienced serious side effects believed to have resulted from the use of Propecia, please contact Klein Lyons at 604.874.7171.

Do Your Research, Stay Informed

Before agreeing to take a particular drug, you should obtain as much information as possible. Learning about the pharamcology (use, effects and

modes of action) of a drug, the testing process and the outcomes of clinical trials will allow you to make an informed decision about the medication you're being prescribed.

Drug monographs and fact sheets provided by drug companies are usually a consumer's primary source of product information. But they can be misleading. For example, the Propecia fact sheet states that "at five years . . . 90 percent of patients treated with Propecia stopped losing their hair." Yet the clinical trials involved a variety of sub-groups, treatment approaches, trial timelines and methods of assessing outcomes. The clinical trial report states different outcomes depending on the assessment team and method. For example, at five years of patient drug use, study investigators "rated 77 percent of men treated with Propecia as having increased hair growth," based on their seven-point measurement scale. An independent panel, on the other hand, rated standardized photographs of subjects' heads and found that "at 5 years, 48 percent of men treated with Propecia demonstrated an increase in hair growth...[and] 42 percent were rated as having no change" (which is how Merck Frosst Canada arrived at the 90 percent rate reported in their fact sheet).

Read the Fact Sheet Read about the Clinical Trials (Choose: "For Prescribing Information, Click Here")



Driving Distractions: More Than Just Cellphones

By Barbara K. Adamski



Cellphones aren't the only devices that lead to driver distraction. In fact, many modern cars come equipped with elaborate onboard distractions such as navigational aids, adaptive cruise control and Internet access.

As far back as 2003, Transport Canada was looking into the problem and consulted with automobile manufacturers, industry associations, provincial and

territorial governments, and the general public to explore both the issue of onboard distractions and whether or not there should be involvement from the federal government. While there was consensus among these groups that driver distraction is indeed an issue, there was also consensus that awareness and education, not regulation, was the best way to deal with it. Transport Canada has since negotiated with manufacturers with regard to onboard telematics (wireless communication devices).

A recent entry in the ConsumerReports.org Cars Blog discusses some of this newer technology. For example, in 2012 the Chevy MyLink will provide smart-phone integration in both the Chevy Volt and Equinox vehicles. Not only will this allow drivers to send and receive calls using either voice commands or a touch screen, MyLink will also allow phones, through Bluetooth technology, to be used as portable media players. Another device becoming more and more common is in-car video, which will entertain passengers (and likely distract drivers) on lengthy road trips.

While using a cellphone for talking and texting is still the number one driving distraction and onboard telematics are certainly newsworthy (not to mention really cool), drivers also need to be aware of other, low-tech habits and actions that can impede concentration and put people (including themselves) in danger. These include eating and drinking, looking at a map, smoking or even dealing with emotions such as anger and stress.

A lot has happened since 2003, and many provinces have indeed begun to legislate against the use of certain distractions.

How focused are you on your driving? Take this interactive quiz to find out.



What is the Motor Vehicle Act?

By Barbara K. Adamski



British Columbia's Motor Vehicle Act is a legal document that covers areas of law important to drivers, insurers and legislators in the province. ICBC relies on the Act, in combination with case-law decisions by the Supreme Court of British Columbia, to determine fault in a motor vehicle accident.

The Act points out the duties of drivers involved in an accident. For example, it states that drivers must remain at (or immediately return to) the scene of an accident; assist where possible; and provide relevant information, such as name and licence number, to any other drivers involved. It also stipulates drivers' responsibilities when signaled to stop by a peace officer who is readily identifiable as a peace officer. In those cases, drivers must immediately come to a safe stop and provide their correct name and contact information when asked.

The Act also sets out the obligations of police officers attending an accident, stating that an officer who attends an accident that causes death, injury, or property damage greater than \$1000* must submit a written report to ICBC within ten days of the accident.

While the Motor Vehicle Act is sometimes a rather difficult (and boring!) read, it does have some useful information for BC drivers. For example, did you know that if you change your name or address, you must notify ICBC within ten days? Or how about the fact that you can't drive a motor vehicle so slowly that you block the normal and reasonable movement of traffic?

Find out more about the Motor Vehicle Act online. Or check out some crash and fault examples on the ICBC website to see how the Act is applied in real-life situations.

*This amount is for all motor vehicles except motorcycles. For motorcycles, the set amount is \$600, and for bicycles, the set amount is \$100.

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