

Diet Drugs:

Top Ten Questions About Diet-Drug Use

Following are some of the most commonly-asked questions about diet drugs. This list may answer some of your questions. Space for additional questions or notes for your attorney is included with each question. Your attorney can assist you in determining whether you have a products liability case against a drug manufacturer as a result of injuries from diet drugs.

1. ***What is Fen-Phen?***

“Fen-phen” refers to the combination of two drugs, fenfluramine and phentermine, which were often prescribed together to promote weight loss. Although they had been individually approved by the FDA and prescribed for years as short-term appetite suppressants, their long-term use in combination was “off-label,” meaning other than as approved by the FDA.

2. ***Why was Fen-Phen pulled from the market?***

In 1997, the Mayo Clinic reported that over twenty patients had developed heart valve disease after taking these diet drugs in combination. This cluster of cases suggested that there may be an association between Fen-Phen use and valve disease. Follow-up studies showed that about thirty percent of Fen-Phen users had abnormal valve findings, even if they were suffering no symptoms. As a result, the manufacturers agreed to withdraw the products from the market and the FDA advised against their use. Phentermine alone, however, does not appear linked with heart valve disease, so its use alone has not been prohibited.

3. ***What is heart valve disease?***

The heart includes four major valves that regulate blood flow through the heart and to the lungs and general circulatory system. Disease causes excessive tightness or leakiness in these valves. Fen-Phen use tends to cause leakiness. Valvular damage can lead to severe heart and lung disease.

4. ***What are the symptoms of heart valve disease?***

A past Fen-Phen user may have no symptoms. His or her doctor may hear a heart murmur during a physical exam, or changes may be detected through an electrocardiogram, which is, in essence, a painless, non-invasive ultrasound examination of the heart. In severe cases, the patient may be short of breath; may be excessively tired; and may experience chest pain, fainting, and leg swelling.

5. ***Can valve disease be reversed?***

The answer to this question is not yet known, although the FDA has received at least one report in which the disease has appeared to improve. The FDA and other agencies, as well as the manufacturers and medical researchers, are aggressively following this concern and will keep patients and health care providers informed as new information is gathered. In the meantime, medications can improve heart function, and surgery may be required to replace damaged valves.

6. ***Are herbal weight-loss products safe?***

Although “herbal Fen-Phen” does not contain fenfluramine, dexfenfluramine, or phentermine, it often contains a combination of ephedra and caffeine, as well as other possible ingredients. Ephedra has been linked with adverse health consequences in some cases. Herbal products and their ingredients are not subject to FDA review and approval, so there usually has been no government testing to ensure safety and effectiveness.

7. ***Are other prescription weight-loss drugs safe?***

Recently, claims have arisen relating to the prescription diet drug “Meridia,” and other weight-loss medications have also come under scrutiny. Your personal doctor may be the best source of information on what drugs are and are not safe for your use.

8. ***What can I do if I find out that my diet-drug use has damaged my health?***

The first thing you should do is consult with your physician about the proper course of treatment. Follow your doctor’s advice. Once your health concerns have been addressed, it may be prudent to seek legal counsel to determine whether you should bring a legal claim against the manufacturer to recover damages relating to your condition, possibly including your medical expenses, lost wages, and damages for pain and suffering and emotional anguish.

9. ***Is there a limit on the time in which I may make a legal claim for my damages?***

All lawsuits are subject to state laws called statutes of limitations, which prescribe the length of time that you have to start a lawsuit. Generally, these statutes begin to run at the time you are injured, but in some cases they do not begin to run until you know or should have known that you incurred damages as a result of the drug(s). If you fail to bring your claim within the prescribed time, the court may dismiss it. Your lawyer can advise you on the limitations period applicable to your potential claim.

10. *Should I take part in a class action suit including other plaintiffs like me who were injured by the same drug?*

In some cases, it may be in your best interest to be part of a class action lawsuit, especially if your damages are minimal. Attorneys may be reluctant to represent an individual with a minor claim, but even minor claims have clout against giant drug companies when grouped together. On the other hand, if you have incurred significant damages, you may be better served by “opting out” of a class action lawsuit and seeking counsel to file an individual lawsuit on your behalf. Your lawyer can advise you on the best way to proceed.
