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Holiday wishes

Give a gift from the
Winston Law Series

holiday hosts and alcohol liability

Imagine this – you're hosting a big holiday event. You've invited a lot of people and made sure that the food, desserts, and gifts are ready. But that's not all, you've also arranged for alcohol to be available throughout the party. Everyone has a great time



sharing stories, reminiscing, and having a few drinks. Around midnight, everyone begins to head out and make their way home.

Just a few hours later, though, you receive a call that someone who was at your party had too much to drink and was involved in a car accident driving home. Under social host alcohol liability, you could potentially be held responsible for the accident and be forced to pay for some or even all of the damage.

You can be held responsible in such a situation because you were the event's host and allowed the guest to keep drinking without recognizing their level of intoxication. A judge or jury may consider this as serving alcohol "recklessly." You can also be held liable if a minor is served

alcohol at an event you're hosting. Though laws can vary from state to state, there are steps that you can take to help prevent such a situation from ever occurring when hosting events in which alcohol is served, such as:

- Never serve alcohol to minors
- Encourage guests to drink responsibly and use designated drivers
- Hire a professional bartender to serve drinks and monitor intoxication levels
- Host a cash bar, which relieves you of any legal responsibility
- Provide transportation for guests who shouldn't drive home
- Consider hosting your event at a facility with a liquor license

In situations where the event is work-related and you are the employer of a guest who is in a DUI accident, the likelihood of being held liable is even greater since it can be considered that the employee had an obligation to attend your event. ■



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Christmas Toys in the Sun Run

Winston, Clark & Wigand is proud to be an annual sponsor of the 24th Annual Christmas Toys in the Sun Run, held this year on Sunday, December 11th.

More than 30,000 motorcyclists rode in the motorcycle parade, which started at the Mardi Gras Casino in Hallandale Beach and ended with a party at Markham Park in Sunrise.

The event is a fund-raiser for Joe DiMaggio Children's Hospital in Hollywood. ■



WHAT TO LOOK FOR WHEN buying toys

Americans spend almost \$22 billion a year on children's toys. As you shop for the kids on your gift list this year, look for safe toys that minimize any danger of injury.

Safety labels on toys help shoppers evaluate purchases based on four criteria: safety; physical capabilities of the child (ability to manipulate the toy); cognitive abilities of the child (understanding how to use the toy); and the child's interests. Read each label carefully to match the toy to the child's age and abilities.

WATCH FOR CHOKING HAZARDS

The most common safety labels warn against choking hazards. Any toy or game manufactured for children age three to six is required to carry such a warning if the toy contains small parts, small balls, marbles or a balloon. Such toys are not intended for children under three or any child who is still mouthing objects.

TOYS WITH LOUD NOISES CAN HARM HEARING

Toy caps and some noisemaking guns and other toys can produce sounds at noise levels that can damage hearing. The law requires the following label on boxes of caps producing noise above a certain level: "WARNING -- Do not fire closer than one foot to the ear. Do not use indoors." Caps producing noise that can injure a child's hearing are banned.

ELECTRIC TOYS

Electric toys that are improperly constructed, wired or misused can shock or burn. Electric toys must meet mandatory requirements for maximum surface temperatures, electrical construction and prominent warning labels. Electric toys with heating elements are recommended only for children over eight years old. Children should be taught to use electric toys properly, cautiously and under adult supervision.

These safety tips and others are from the Consumer Product Safety Commission. Shop carefully and the children who receive your gifts will benefit from many years of safety and enjoyment. ■



holiday season safety tips

Holiday decorations add a joyous and festive mood to the holiday season. These decorations can cause fires, injuries and even death, however, when not used properly.

Hospital emergency rooms treat about 12,500 people every holiday season for falls, cuts, shocks, and burns due to incidents involving faulty holiday lights, dried-out Christmas trees and other holiday decorations.

Christmas trees are involved in about 300 fires annually, resulting in 10 deaths, 30 injuries and an average of about \$10 million in property damage and loss. In addition, there are more than 13,000 candle-related fires each year, which result in 140 deaths and \$205 million in property loss.

The Consumer Product Safety Commission recommends the following holiday safety tips.

CHRISTMAS TREE SAFETY

- Look for “fire resistant” labels on artificial trees
- When purchasing a live tree, check for freshness.
- When setting up a tree at home, place it away from foot traffic and potential fire sources.

HOLIDAY LIGHT SAFETY

- Indoors or outside, use lights that are safety-rated by a recognized testing laboratory, such as UL or ETL.
- Never use electric lights on a metallic tree. The tree can become charged with electricity from faulty lights, and a person touching a branch could be electrocuted.
- Fasten outdoor lights securely to trees or house walls to avoid wind damage. Hold lights in place with insulated staples, or string lights through hooks.
- Stay away from power or feeder lines leading from utility poles into older homes.
- Turn off all holiday lights when you go to bed or leave the house. The lights could short out and start a fire.

CANDLE AND DECORATION SAFETY

- Never use lighted candles on a tree or near other evergreens. Always use non-flammable holders, and place candles out of reach of children and pets.
- In homes with small children, avoid sharp or breakable decorations, keep trimmings with small removable parts out of the reach of children who could swallow or inhale small pieces, and avoid trimmings that resemble candy or food that may tempt a child to eat them.

Advance safety planning will help your family enjoy the benefits of a fun and peaceful holiday season. ■



Important Dates – December 2011

Dec 7 – National Pearl Harbor Remembrance Day

Dec 21 – Hanukkah Begins (at sundown the evening before)

First Day of Winter

Dec 25 – Christmas Day

Dec 26 – Kwanzaa Begins

Dec 31 – New Year's Eve

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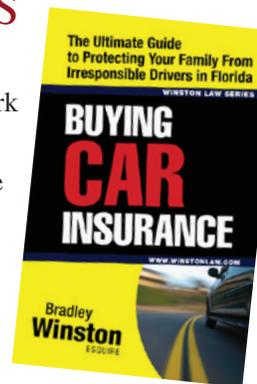
Holiday Wishes

At this joyous time of year, everyone in our firm would like to extend best wishes to you and yours for a safe, happy and healthy holiday season, and it is our sincere hope that the New Year brings you peace and contentment.

Thank you to all of our clients, friends, and associates who have made the past year so special.

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