

## **For March 28, 2012, CBS**

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<Byline: Charlie Rose, Erica Hill, Gayle King, Mark Strassman, Chip Reid,

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<Guest: Nancy Metcalf>

<High: More marches and rallies are planned today in support of

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no testing? We have the results this morning of a revealing new

investigation.>

<Spec: Trayvon Martin; Death; Florida; Sanford; George Zimmerman;

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Medicine>

DAVID LETTERMAN (Late Show, Worldwide Pants, INC): Anybody here really

want a picture, even if it's free? Once your picture taken with Newt

Gingrich, honest to God, does Newt have to be in the photo? Number

two, what would Rick Santorum think of this idea?

RICK SANTORUM (R-Presidential Candidate): It's (expletive deleted).

CHARLIE ROSE: Oh, welcome back to CBS THIS MORNING.

ERICA HILL: Nice-- morning laugh--

CHARLIE ROSE: Indeed.

ERICA HILL: --from our friends down the street there.

CHARLIE ROSE: David.

ERICA HILL: More marches and rallies are planned today in support of

Trayvon Martin, the Florida teen who was shot and killed by a

neighborhood watch volunteer last month. That volunteer is still free.

But we're now told police nearly arrested him after the shooting. Mark

Strassmann is in Sanford, Florida, this morning with the latest. Mark,  
good morning.

MARK STRASSMANN (CBS News Correspondent): Good morning, Erica. What's clear here is that the special prosecutor and her team are pretty much starting from scratch. Sanford police were never able to build a criminal case against George Zimmerman that the original prosecutor thought was winnable, so Trayvon Martin's parents are still waiting for answers.

(Begin VT)

MARK STRASSMANN: Trayvon Martin's frustrated parents took their plea for justice to Washington, Tuesday. At a congressional forum on neighborhood watch groups and racial profiling, they thanked Democratic lawmakers for their support.

SYBRINA FULTON (Trayvon's Martin): As I've said before and I'll say it again--Trayvon was our son, but Trayvon is your son.

MARK STRASSMANN: The seventeen-year-old Martin's has been dead for a month and George Zimmerman, his admitted killer, still remains free. The crime watch volunteer told police Martin beat him and that he was forced to shoot the unarmed teen in self-defense. Lead investigator Chris Serino seen here on the right had pursued manslaughter charges, but was told there wasn't enough evidence. Now acting Sanford Police Chief Darren Scott is trying to calm a firestorm of criticisms that race played a role?

DARREN SCOTT (Acting Sanford Police Chief): And I will like to answer the questions here, but investigation I will not comment on it this

time.

MARK STRASSMANN: Scott says the new special prosecutor won't let him talk publicly about the case.

Can you afford to wait until the end of this investigation to reassure people in this community that justice will be served regardless of color?

DARREN SCOTT: It is not in the police department's hands right now, okay? I can't pass judgment on anyone right now, so we are going to allow the outcome of this investigation.

MARK STRASSMANN: But to Martin's angry parents and their lawyer, Ben Crump, this is double-standard justice.

BEN CRUMP (Attorney for Tracy Martin and Sybrina Fulton): It's bad when George Zimmerman makes a bad decision and do things for racial implications. It's a tragedy when our institution of law enforcement do it because that's all we have to believe in. you know, if that fails us, then what can his parents do? What are they left to do?

(End VT)

MARK STRASSMANN: Behind all the rallies and all the noise for Trayvon Martin, the special prosecutor and her team of investigators are quietly re-interviewing witnesses, going over evidence, seeing what's there. And all of that could take weeks.

ERICA HILL: Mark, thank you.

For the first time an all-out ban on cell phone use is on the books.

We'll visit Chapel Hill, North Carolina, and show you why some people

say the new law is far too strict. You're watching CBS THIS MORNING.

(ANNOUNCEMENTS)

JAY LENO (The Tonight Show, NBC): So tell me about vice president, what are you looking forward?

MITT ROMNEY (The Tonight Show, NBC): I haven't actually put a list together at this stage.

JAY LENO (The Tonight Show, NBC): Come on.

MITT ROMNEY (The Tonight Show, NBC): Would be presumptuous all right? Number one.

JAY LENO (The Tonight Show, NBC): I'm not even with the like with the wife, you know, honey? Really it's never come up? I'm not even running and I discuss it with my wife. So you haven't thought of--jeez. I'll tell you what.

MITT ROMNEY (The Tonight Show, NBC): I'll tell you what, I'll tell you what, I can do you a favor with this. I'll choose David Letterman. We can help us both from that.

JAY LENO (The Tonight Show, NBC): Well, there you go, there you go--very well, anyway.

CHARLIE ROSE: Chapel Hill, North Carolina, home of the Tar Heels, made history this week. It is the first community in the country to ban all cell phone use while driving, hand-held and hands-free.

ERICA HILL: Officials around the nation are paying close attention to this local decision which is, as you might imagine, causing quite a stir. National correspondent Chip Reid is in Washington this morning. Chip, good morning.

CHIP REID (CBS News National Correspondent): Well, good morning, Erica and Charlie. You know, they debated this in Chapel Hill for two years and in the end it barely passed. And they're hoping it will spread to other cities and towns all across the country.

(Begin VT)

CHIP REID: You're looking at the nerve center--

DAVE COTTON: Hey, how you doing?

CHIP REID: --of Dave Cotton's business. Cotton runs his company from his car, responding to fire and water emergencies in Chapel Hill, North Carolina.

DAVE COTTON: When a disaster happens, someone needs us, that phone rings.

CHIP REID: He calls his cell phone his lifeline, which is why he doesn't like Chapel Hill's decision to ban drivers from using cell phones behind the wheel, even a hands-free device.

DAVE COTTON: I respect the fact that they've got a ban on these cell phones. But not when you get to the situation where you can't even have, you know, use a Bluetooth.

CHIP REID: The change came Monday night when the town council got just enough votes--

MAN: All those in favor raise your right hand.

CHIP REID: --to approve the ban. Beginning in June, drivers caught breaking the new law will be fined twenty-five dollars. Police can only charge drivers when they're stopped for something else first.

There is an exception for emergency calls and calls with a spouse, parent, or child.

PENNY RICH (Chapel Hill Town Council): This is a safety and welfare issue for our town. That is why I support this.

CHIP REID: Chapel Hill's law goes further than any other in the country. No state bans all cell phone use. Nine make it illegal for drivers to use a handheld device. Thirty states ban most teens from talking on the phone while driving. Research shows that talking on a hands-free phone while driving can be just as dangerous as talking on a handheld.

DEBORAH HERSMAN (National Transportation Safety Board Chairwoman): I really have to salute Chapel Hill for the leadership role that they've taken in this debate.

CHIP REID: Deborah Hersman with the National Transportation Safety Board led the charge last year when the government agency called for a nationwide ban on all cell phones while driving.

DEBORAH HERSMAN: We know that you can save lives. You can prevent injuries if you-- if you hang up.

CHIP REID: Just don't tell that to Dave Cotton who's worried about the government encroaching on his mobile office.

DAVE COTTON: And then how far are they going to take it if my GPS is on our cell phones? I mean is that illegal use?

(End VT)

CHIP REID: Now even the federal government is divided on this issue, yes, the NTSB opposes all cell phone use while driving. But the

secretary of transportation has said it's okay to use a phone so long as it's not handheld. And, Charlie and Erica, as we all know, even among friends and in families, this is a subject of hot debate.

ERICA HILL: Indeed, it is. Chip, thank you.

You know, it's interesting, Charlie, as we've looked at this issue so many times over the years, there've been multiple studies that have found, in some cases it's not even the fact of holding it, it's the distraction of the conversation and studies have found that distraction with another person in the car or even just listening to the radio are equally distracting to that one you're having on a cell phone. So clearly the debate is ongoing.

CHARLIE ROSE: And the distraction is the thing to worry about?

ERICA HILL: Yes.

CHARLIE ROSE: Got it.

ERICA HILL: Focused. We are focused on your weather now at 7:41.

Here's a look at your local weather.

(LOCAL WEATHER BREAK)

ERICA HILL: You may not risk taking a drug that hasn't been tested for safety. So then why would doctors implant devices into a person's body when those devices have had little or no testing? We have the results this morning of a revealing new investigation. Stay with us. You're watching CBS THIS MORNING.

(ANNOUNCEMENTS)

ERICA HILL: Love that song.



CHARLIE ROSE: The chances are you know someone with an artificial hip or some other medical implant and you would assume those products are rigorously tested to make sure they're safe.

ERICA HILL: But a new Consumer Reports investigation just out this morning shows it is rarely the case. Elaine Quijano has one woman's story.

(Begin VT)

ELAINE QUIJANO: After developing severe arthritis, fifty-six-year-old Terry Sagalow (ph) had her left hip replaced in 2007. At first everything seemed fine but not for long.

TERRY SAGALOW: When I got home and after a couple of weeks, I started--the leg started to-- to hurt.

ELAINE QUIJANO: Despite the pain in her left hip, Terry needed her right hip replaced two years later--then a bombshell. The manufacturer called DePuy was recalling all ninety-three thousand of the artificial hips worldwide.

TERRY SAGALOW: I had both hips were being recalled.

ELAINE QUIJANO: The hips, which are all metal, have a high failure rate and metals from the implants can seep into the bloodstream, that's linked to an increased cancer risk, problems with eyesight and hearing, and other complications. And it's not just hips that are failing. According to an investigation by Consumer Reports, most medical implants have never been tested for safety. That doesn't surprise Doctor Steven Nissen.

DR. STEVEN NISSEN (Cleveland Clinic): There is a consistent pattern of

failures in medical devices.

ELAINE QUIJANO: He co-authored a separate report that found more than twenty-eight hundred people died in 2006 because of faulty devices.

DR. STEVEN NISSEN: I think people make the assumption that when their doctor implants a device, whether it be an artificial joint or a pacemaker, that it's undergone very rigorous testing and that assumption isn't always true.

ELAINE QUIJANO: In a statement to CBS News, DePuy says, "Dozens of tests and studies relating to the design, materials, and performance of components of their recalled hips were conducted" and point out that the hips were "cleared for marketing by the FDA." But that's little comfort to Terry Sagalow. She's one of hundreds of patients suing the manufacturer.

TERRY SAGALOW: I'm finding out now that these things that they put into me weren't even tested. And they're in my body. It's really quite upsetting.

For CBS THIS MORNING, I'm Elaine Quijano in New York.

(End VT)

ERICA HILL: The FDA did not respond to CBS News' request for comment. It told Consumer Reports the current regulations have "...served American patients well." And that "as a responsible guardian of public health, the FDA believes it's a challenge to eliminate a program without having a better alternative."

CHARLIE ROSE: Nancy Metcalf is senior program editor in Consumer

Reports, she wrote the "Dangerous Devices" article. We're pleased to have you here. Good morning.

NANCY METCALF (Consumer Reports Senior Program Editor): Good morning.

CHARLIE ROSE: Why? Why would not the FDA want this to be done, to see this kind of testing?

NANCY METCALF: Well, it goes back to a loophole that you could really drive a truck through, which is that if you're a medical device manufacturer and you can prove that your device is sort of, kind of similar to a device that was sold earlier, you can get it grandfathered in without any clinical testing. And, you know, device companies have very smart lawyers and regulatory people who help them do that.

CHARLIE ROSE: But I'm just surprised that the FBI would not-- that the FDA would not say, you know, we have a reason we haven't done this, other than- -

ERICA HILL: Got to wait for something better which is, yeah.

CHARLIE ROSE: Wait for something better, exactly.

NANCY METCALF: Well, yeah. That's a question to ask them.

CHARLIE ROSE: Well, we tried. This is widespread, too. And here's a doctor who said, he's not surprised and he's seeing a pattern of this.

NANCY METCALF: Yeah, a-- a lot of medical people who follow this thing closely are really kind of horrified by this. I-- I talked with a number of them. And, you know, this is the thing that affects a lot of people. We did a survey of-- of national survey of American adults and seventeen percent of them said they have something implanted in their

body.

ERICA HILL: Wow.

NANCY METCALF: It could be, you know, replacement limbs, if they've had cataract surgery, a joint, a heart valve, a stent, something.

CHARLIE ROSE: So this extends beyond hips and--

NANCY METCALF: Oh, very much.

CHARLIE ROSE: --and knee replacement.

NANCY METCALF: Very much. Yes.

ERICA HILL: So we're talking about some of the other things on the list. Lap-bands--

NANCY METCALF: Yes.

ERICA HILL: --internal defibrillators, surgical mesh that-- that some women have-- have needed for different things. So when you look at that list of things and, if you're thinking, (a), I've got something in my body, I'm one of those seventeen percent of Americans, or, (b), I have something scheduled, what do you do to make sure what you need is safe?

NANCY METCALF: Well, a couple things. First of all, you need to ask, do I really need this device? Is there another way to fix my problem? Find out what your doctor wants to put in you, get the name of it, go to the FDA website, [FDA.gov](http://FDA.gov), plug it in their search engine. If there's safety problems or recalls, you can see them. Also go on just any search engine and put in the name. If you see a bunch of lawyers trying to get clients for lawsuits--

ERICA HILL: Right.

CHARLIE ROSE: Mm.

NANCY METCALF: --that's another red flag.

ERICA HILL: But-- but real quickly because we're very tight on time.

If we go to the FDA website, but they're not updating the way that they regulate things, can I trust that information?

NANCY METCALF: Well, you can trust what's there, but we-- we really need to get the FDA to be more rigorous about these new implantable devices.

CHARLIE ROSE: It's good advice to anybody. Go and look for yourself--

NANCY METCALF: Yes.

CHARLIE ROSE: --to see if there's a pattern of-- of other people having the same problem.

NANCY METCALF: Yes.

ERICA HILL: Nancy, good to have you with us. Thank you.

NANCY METCALF: Thank you.

ERICA HILL: For years the L.A. Dodgers have been caught up in a very messy divorce. Now an NBA legend is picking up the ball. We'll take you inside the deal that has Hollywood buzzing.

You're watching CBS THIS MORNING.

(ANNOUNCEMENTS)

CHARLIE ROSE: Gayle King is in the greenroom. Gayle, tell us what you have for the next hour.

GAYLE KING: I will tell you. Charlie, you're going to be there, too.

You, too, Erica. We're going to take a closer look at the JetBlue

captain who was detained yesterday. Find out from John Miller what the FBI has planned for him. John's already here.

Due to a nasty divorce, the L.A. Dodgers went up for sale and a basketball legend will be one of the new owners. Rebecca, in one word it is?

REBECCA JARVIS: Magic.

GAYLE KING: I love magic. Dave Feherty, magic you have is?

DAVID FEHERTY: Well, does anybody remember Tiger Woods?

GAYLE KING: Everybody does. Tony Robbins will be here, too. Peter Greengerd-- Greenberg will tell us five things cruise lines don't want you to know. I always think Love Boat.

PETER GREENBERG: Yeah, but I think Love Boat, you know, well, do you remember Isaac the Bartender and the doc? Well you say--

GAYLE KING: We got to go.

PETER GREENBERG: Okay.

GAYLE KING: We'll tell the other--

END

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