

TTAB

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January 25, 2008

VIA FEDERAL EXPRESS

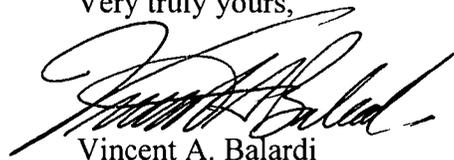
Trademark Trial and Appeal Board
Trademark Assistance Center
Madison East, Concourse Level, Room C55
600 Dulany Street
Alexandria, VA 22314

Re: Opposition to Application Serial No. 78/949737
Filing Date: 08/10/2006
Publication Date: 11/27/2007
Mark: THE FACES OF FLU

Dear Sir/Madam:

Enclosed please find a Notice of Opposition in connection with the above-referenced application together with my firm's check in the amount of \$300 in payment of the required filing fee and a copy of the Federal Express shipment receipt report confirming service of the Notice of Opposition this date on the applicant.

Very truly yours,



Vincent A. Balardi

VAB:sf
Enclosures
#2051
F:\American Lung\Trademark-Trial&Appeal.let.doc

01/30/2008 HPHAM1 00000123 78949737

01 FC:6402 300.00 OP



01-28-2008

FedEx Ship Manager
Shipment Receipt

From: VINCENT A. BALARDI, ESQ. MORGENTHAU & GREENES, LLP 575 LEXINGTON AVENUE 31ST FLOOR NEW YORK NY 10022 (212) 888-2005	To: R&R HEALTHCARE COMMUNICATIONS INC. ATT: LAWRENCE ROTH OR MICHAEL KLEM 630 BROOKER CREEK BOULEVARD SUITE 300 OLDSMAR FL 34677 (212) 888-2005	Return Address: VINCENT A. BALARDI, ESQ. MORGENTHAU & GREENES, LLP 575 LEXINGTON AVENUE 31ST FLOOR NEW YORK NY 10022 (212) 888-2005
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Date: 01/25/2008

Tracking Numbers: 707920472283

Service Type: FedEx Priority Overnight

Package Type: FedEx Envelope

Special Handling:

Number of Packages: 1

Weight: 1.00 lbs

Declared Value: 0.00

Signature Release: N

COD Shipment N

Bill Shipment to: Sender

Account #: 119311047

Courtesy Rate: 25.63

Total Surcharges: 4.18

Handling Charge: 0.00

Total customer charge: 25.63

Reference: #2051

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stated to be used are “providing continuing medical education courses.” Opposer’s mark is used in connection with educational services, namely a non-profit campaign to increase awareness among the public and health care professionals as to the facts, risks and seriousness of influenza, especially among at-risk people, and the importance of immunization and other preventive measures, through portrait galleries, print and broadcast public service announcements, celebrity spokespeople and the dissemination of brochures, fact sheets, press releases, articles, advertisements, and letters (the “Services”).

3. As set forth below, Opposer’s use of its FACES OF INFLUENZA mark pre-dates Applicant’s use of its THE FACES OF FLU mark, and Opposer’s substantial nationwide promotional efforts and media coverage have caused the public to identify FACES OF INFLUENZA with Opposer and its Services. Accordingly, Opposer has superior rights to its mark.

4. In April 2006, Opposer designed a logo and began laying the groundwork for a nationwide campaign, under its FACES OF INFLUENZA mark, in connection with the Services.

5. On June 5, 2006, Opposer registered the domain name www.facesofinfluenza.org utilizing its FACES OF INFLUENZA mark in connection with the Services, and as of January 16, 2007, has received more than 47,240 unique visitors to the site and had more than 163,083 pages viewed. A copy of the www.facesofinfluenza.org homepage, as it currently appears, is annexed hereto as Exhibit A.

6. On June 22, 2006, Opposer made a PowerPoint presentation at the annual National Influenza Vaccine Summit (the “Summit”) in Chicago, Illinois announcing its FACES OF INFLUENZA campaign and related Services. The Summit was established by the American Medical Association and the U.S. Centers for Disease Control and Prevention. The participants

at the June 22, 2006 Summit meeting represented 73 organizations nationwide and included healthcare professionals; local, state and federal government public health officials; vaccine manufacturers and distributors; consumers; and local and national influenza immunization coalitions. The American Medical Association posted the materials Opposer presented at the Summit on the Summit pages of the American Medical Association website, a copy of which is annexed hereto as Exhibit B.

7. As outlined in Exhibit C annexed hereto, after the June 22, 2006 Summit, Opposer continuously and extensively used and exploited its FACES OF INFLUENZA mark across the country in interstate commerce in connection with its Services.

8. In contrast, per the Applicant's application for trademark registration, Applicant's first use of its The FACES OF FLU mark apparently does not occur until July 20, 2006, and, upon information and belief, Applicant did not register its www.facesofflu.com domain name until August 2, 2006.

9. Clearly, Opposer has used the mark in interstate commerce on and in connection with Opposer's Services prior to the stated date of Applicant's first use of its mark. Therefore, Opposer has superior rights to its mark.

10. In addition, Opposer has expended significant business time and expense in an effort to exploit and promote its FACES OF INFLUENZA mark in connection with its Services.

11. Opposer has invested substantial resources and funds to gain name recognition for its mark and related Services among the media and grass roots community groups. In 2006 and 2007 combined, the Opposer spent over \$10.8 million toward that end, and expects to budget \$4.8 million for expenditure in 2008.

12. Opposer's use of its FACES OF INFLUENZA mark has been widely publicized throughout the United States through the Opposer's own website and promotional efforts, national media coverage, celebrity spokespeople and advertisements in publications such as *The New York Times*, *The Washington Post*, *USA Today*, *The Chicago Tribune* and *The Los Angeles Times* and articles in other publications. See Exhibit D annexed hereto for examples of publicity relating to Opposer's mark and related Services.

13. Opposer estimates that its media relation efforts in connection with its mark reached more than 550 million people in 2006 and more than 635 million people in 2007 through newspapers, magazines, television, radio and internet outlets.

14. Accordingly, through Opposer's substantial promotional efforts and expenditures and extensive media coverage, the public has come to identify FACES OF INFLUENZA with the Opposer.

15. The Services relating to Opposer's mark and the services relating to Applicant's mark could be marketed through the same channels of trade and to the same class of end users.

16. Because the mark that Applicant seeks to register is virtually identical to Opposer's mark and relates to substantially similar or related services, the Applicant's use and registration thereof is likely to cause confusion, mistake and/or deception as to the source or origin of the services and will injure and damage Opposer and the goodwill and reputation it has established in its mark.

17. The services of Opposer and Applicant are so closely related that the public is likely to be confused and/or deceived and is likely to assume erroneously that Applicant is in some way connected or affiliated with Opposer, all to Opposer's irreparable damage.

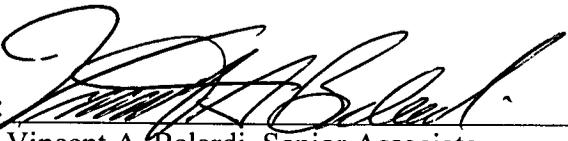
18. For as long as Applicant's application is pending, or if Applicant's mark is registered, Opposer will be unable to prosecute any application to register its mark on the Principal Register despite Opposer's prior substantial use and exploitations, all to Opposer's irreparable damage.

19. By reason of the foregoing, Opposer will be damaged by the registration of Applicant's mark and the registration of Applicant's mark should be refused.

Dated: January 25, 2008
New York, New York

Respectfully submitted,

MORGENTHAU & GREENES, LLP

By: 

Vincent A. Balardi, Senior Associate
Attorneys for the Opposer American Lung Association
575 Lexington Avenue, 31st Floor
New York, NY 10022
(212) 888-2005
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EXHIBIT A

WWW.FACESOFINFLUENZA.ORG HOMEPAGE



FACES OF

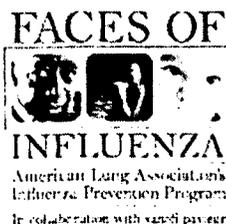


INFLUENZA

American Lung Association's
Influenza Prevention Program

In collaboration with sanofi pasteur

» ENTER SITE



Are you a *Face of Influenza*?
Take the Quiz

Find a Flu Clinic

go

ENTER YOUR ZIP

- Public Health Info
 - Portrait Gallery
 - Target Vaccination Groups
 - Influenza Vaccination Quiz
 - About Influenza
 - Public Service Announcements
 - Regional Events
- Professional Health Info
 - Health-care Provider Tools
 - Influenza Educator Tools
- About the Flu Clinic Locator
 - Media
 - For News Media
 - General Information
 - Flu News E-Newsletter
 - Contact Us
 - Reference Materials
 - Sitemap

Home

Welcome to *Faces of Influenza*

Welcome to *Faces of Influenza*—an educational Web site of the American Lung Association. This site is designed to put a face on influenza in the United States and show firsthand the seriousness of this potentially deadly infectious disease.

This site features special portraits of famous and not so famous Americans, who represent each of the influenza high-risk groups—persons health officials recommend receive an influenza vaccination each and every year.

Along with these dramatic portraits are compelling stories about their experience with influenza and the importance of annual immunization.

You will likely see yourself, family members and others among the many *Faces of Influenza*. You also will come to realize that influenza is not the common cold. It's serious. Each year, approximately 226,000 Americans are hospitalized with complications from influenza. An average of 36,000 people die from the virus and its complications.¹

The American Lung Association encourages you to view each of the *Faces of Influenza* featured in this Web site gallery and learn more about influenza and immunization. It is our hope that you will recognize yourself or someone you care for among these high-risk groups, and get vaccinated.

The *Faces of Influenza* educational initiative is made possible through a collaboration with sanofi pasteur.

SEARCH SITE

[PRINTER FRIENDLY VERSION](#)

[E-MAIL TO FRIEND](#)

The mission of the American Lung Association is to prevent lung disease and promote lung health. The *Faces of Influenza* educational initiative is a collaboration between the American Lung Association and sanofi pasteur. Click here to contact a local Lung Association in your area or call 1-800-LUNGUSA

- Home | MyLungUSA | About | Contact Us | Donate | Programs & Events | Media | Español | Web Store
 Diseases A to Z | Research | Wall of Remembrance | Treatment Options & Support | Get Involved
 Quit Smoking | Asthma & Allergy | Your Lungs | Air Quality

The information contained in this American Lung Association® web site is not a substitute for medical advice or treatment, and the American Lung Association recommends consultation with your doctor or health-care professional.

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EXHIBIT B

**MATERIALS PRESENTED AT ANNUAL NATIONAL
INFLUENZA VACCINE SUMMIT ON JUNE 22, 2006**

+ AMERICAN
LUNG
ASSOCIATION®

Improving Life, One Breath at a Time

800-LUNGUSA lungusa.org



The Lung Association's Plan to Increase Influenza Immunization Awareness

**An Integrated Marketing Approach to Engaging Consumers
Online and Off**



Building On the Success of the Flu Clinic Locator

FLUCLINICLOCATOR.ORG - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Search Favorites Media

Address: http://www.flucliniclocator.org/

Google Search 639 blocked

Search Web Mail My Yahoo! Answers Games FIFA World Cup

AutoLink Options

AMERICAN LUNG ASSOCIATION

MyLUNG USA | ABOUT | DONATE | PROGRAMS & EVENTS | MEDIA | ESPANOL | SEARCH

DISEASES A TO Z RESEARCH WALL OF REMEMBRANCE TREATMENT TOBACCO CONTROL

American Lung Association

FluClinicLocator

Home > Find a Flu Clinic

Find a Flu Clinic

go

ENTER YOUR ZIP

What You Can Do

Donate

Tell a Friend Where to Find

FLU CLINIC LOCATOR

Zip Code:

Within:

From:

Attention Health Care Professionals!

1/20/06 Update:
The American Lung Association's Flu Clinic Locator site is being closed for the season, due to a necessary technical upgrade and a corresponding small volume of clinics. Our apologies for the inconvenience this closure

THE NONPROFIT TIMES

Volume 11, Number 1
Direct: (800) 452-2626
Printed in the U.S.A.

ALA'S Locator Spreads Flu Information

National collaboration tied efforts of many into one

The American Lung Association's (ALA) Locator, a national database of flu information, has become a valuable resource for many organizations and individuals. The Locator is a free, online service that provides information on flu symptoms, prevention, and treatment. It is available in multiple languages and is accessible from any computer with an internet connection. The Locator is a result of a national collaboration between the ALA and many other organizations, including the Centers for Disease Control and Prevention (CDC), the National Health and Medical Research Council (NH&MRC), and the World Health Organization (WHO). The Locator is a valuable resource for anyone who is interested in flu information. It is a free, online service that provides information on flu symptoms, prevention, and treatment. It is available in multiple languages and is accessible from any computer with an internet connection. The Locator is a result of a national collaboration between the ALA and many other organizations, including the Centers for Disease Control and Prevention (CDC), the National Health and Medical Research Council (NH&MRC), and the World Health Organization (WHO).

Prepare For Landing

It's time to get on top of the flu season



The flu season is upon us, and it's time to get on top of it. The American Lung Association (ALA) is leading the way in providing information and resources to help you stay healthy. The ALA's Locator is a free, online service that provides information on flu symptoms, prevention, and treatment. It is available in multiple languages and is accessible from any computer with an internet connection. The Locator is a result of a national collaboration between the ALA and many other organizations, including the Centers for Disease Control and Prevention (CDC), the National Health and Medical Research Council (NH&MRC), and the World Health Organization (WHO). The Locator is a valuable resource for anyone who is interested in flu information. It is a free, online service that provides information on flu symptoms, prevention, and treatment. It is available in multiple languages and is accessible from any computer with an internet connection. The Locator is a result of a national collaboration between the ALA and many other organizations, including the Centers for Disease Control and Prevention (CDC), the National Health and Medical Research Council (NH&MRC), and the World Health Organization (WHO).



Why a Consumer Awareness Program is Needed?



- U.S. supply expected to surpass demand
- Consumer misperception that influenza is not a serious illness
- Consumer misperception that injectable vaccine can cause influenza
- Unpredictable influenza vaccine uptake due to seasonality of disease and vaccine need
- Consumers need a “reason to believe” before they will seek immunization
- Recent supply problems resulted in conflicted messaging

What Does Program Need to Work?



- High-profile, far-reaching consumer awareness campaign that highlights influenza immunization
 - Media-attractive, unique plus informative for consumers
- Highly visible to capture widespread consumer and media attention
- Must create a strong “reason to believe” in influenza immunization messages
- Appeal to wide range of audiences (healthy and high-risk)

Program Objectives



- Drive healthy and high-risk to seek influenza immunization by dispelling misperceptions about influenza and the vaccine
- Reach caregivers and household contacts, too!
- Encourage professionals to immunize these audiences or refer for vaccination

FACES OF



INFLUENZA

American Lung Association's
Influenza Prevention Program

In collaboration with sanofi pasteur

What Does Program Need to Work?



- Mass communications initiative to generate media coverage and deliver controlled messages
- Print: Health/lifestyle/fitness/women's magazines, major market newspapers, mat release
- TV: Morning and talk show appearances, b-roll packages
- Public service education campaigns (PSAs on TV, radio, print)
- Paid radio promotions with PSA-style messages
- Internet and e-mail communications (call to action vehicles)

Faces of Influenza

Extensive National Awareness Program

- Celebrity-driven national consumer awareness campaign targeted at healthy and high-risk consumers (and household contacts, caregivers)
- Well-known celebrities to put extremely high-profile “face” on influenza



FACES OF

A horizontal strip containing three black and white portraits of people of different ages and ethnicities, representing the "faces" of the influenza prevention program.

INFLUENZA

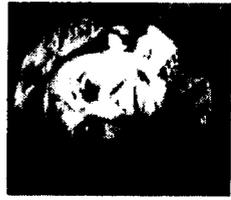
American Lung Association's
Influenza Prevention Program

In collaboration with sanofi pasteur

Faces of Influenza



- Everyday people to add their special compelling stories for "grassroots" appeal, bring influenza "home" (represent all recs, ages)
- "Faces of Influenza" Regional Extensions
 - Extensive local media outreach and promotion in regional markets to encourage attendance



FACES OF



INFLUENZA

American Lung Association's
Influenza Prevention Program

In collaboration with sanofi pasteur

EXHIBIT C

Continued Usage of FACES OF INFLUENZA

<u>Date</u>	<u>Description</u>
06/28/2006	Letter from American Lung Association President announcing FACES OF INFLUENZA campaign sent via e-mail to over 1,300 volunteers and staff across the county.
06/28/2006	Website www.facesofinfluenza.org goes "live."
7/2006	National Influenza Vaccinations Summit July 2006 newsletter containing American Lung Association's June 22, 2006 FACES OF INFLUENZA presentation and executive summary distributed to its members via e-mail.
07/26/2006	Nationwide distribution of press release announcing collaboration between American Lung Association and sanofi pasteur in the FACES OF INFLUENZA campaign.
09/15/2006	Presentation made in Minneapolis, Minnesota to American Lung Association's Nationwide Assembly.
09/19/2006	National press conference for FACES OF INFLUENZA campaign featuring celebrity spokespeople, physicians and public health figures and related nationwide distribution of press release and audio news release to news outlets.
9/28-30/2006	Exhibit booth at the American Academy of Family Physicians Scientific Assembly in Washington, D.C. and distributed FACES OF INFLUENZA materials
10/2006	Mat release distributed to more than 10,000 daily and weekly newspapers and newsletters nationwide.
10/25/2006	Phoenix, AZ regional campaign, featuring celebrity spokesperson and media event.
10/26/2006	Detroit, MI regional campaign, featuring celebrity spokesperson and media event.
11/01/2006	Minneapolis/St. Paul, MN regional campaign, featuring celebrity spokesperson and media event.
11/11/2006	Philadelphia, PA regional campaign, featuring celebrity spokesperson and media event.
11/27/2006	Seattle, WA regional campaign, featuring celebrity spokesperson and media event.
11/27/2006	National press conference for National Influenza Vaccination Week in concert with the Centers for Disease Control and Prevention and the U.S. Department of Health and Human Services in a including nationwide distribution of a press release.
11/27/2006	Audio news release distributed to radio stations nationwide

11/28/2006	Houston, TX regional campaign, featuring celebrity spokesperson and media event.
12/17-27/2006	Paid advertisements in <i>The New York Times</i> , <i>The Washington Post</i> , <i>USA Today</i> , <i>The Chicago Tribune</i> and <i>The Los Angeles Times</i>
12/2006-1/31/2007	Internet ads for FACES OF INFLUENZA website placed in late December on key sites for Detroit, Houston, Minneapolis, Philadelphia, Phoenix and Seattle to extend the regional campaigns.
1/2007	Public service announcements on in-flight entertainment programming on US Airways and United Airlines.
12/2006-1/31/2007	Public service announcements at movie theaters in Detroit, Houston, Minneapolis, Philadelphia, Phoenix and Seattle to extend the regional campaigns
5/18/2007	FACES OF INFLUENZA preliminary campaign plans for 2007/2008 presented to American Lung Association's Board of Directors and Nationwide Assembly in San Francisco, California.
6/2007	FACES OF INFLUENZA campaign plans for 2007/08 presented to community groups and public health officials in the six regions, Detroit, Houston, Minneapolis, Philadelphia, Phoenix and Seattle.
8/2007	FACES OF INFLUENZA Campaign Toolkit presented to community groups and public health officials in the six regions, Detroit, Houston, Minneapolis, Philadelphia, Phoenix and Seattle.
9/7/2007	FACES OF INFLUENZA campaign plans for 2007/2008 presented to American Lung Association Nationwide Assembly in Portland, Maine.
9/2007	Mat release distributed to local daily newspapers and weeklies nationwide.
9/2007	Spanish mat releases distributed to local Hispanic newspapers and weeklies nationwide.
10/18/2007	Press Release announcing actress Jennifer Garner's role as spokesperson for FACES OF INFLUENZA national campaign distributed to news outlets nationwide.
10/2007-2/2008	Public service announcement distributed to TV stations nationwide to air during the fall and winter influenza season.
11/2007-2/2008	Hispanic public service announcement distributed to Hispanic TV stations nationwide to air during the fall and winter influenza season.
11/12/2007	National press conference for FACES OF INFLUENZA for 2007/08 campaign launch with celebrity spokespeople, physicians, and public health figures and related nationwide distribution of press release to news outlets
11/13/2007	Satellite media tour featuring Jennifer Garner and physician spokesperson conducted to give interviews to TV stations across the country.
11/13/2007	Satellite media tour and radio media tour featuring a Hispanic physician as spokesperson to give interviews to Hispanic TV and radio stations across the country.

11/27/2007	Press conference held in Phoenix with Mayor and other city officials and physician as spokespeople with press release distributed throughout the region and FACES OF INFLUENZA Portrait Gallery on display for the week of November 26 at City Hall.
12/4/2007	Press conference at Houston City Hall with City Council endorsement and mayoral proclamation of FACES OF INFLUENZA Day in Houston and press release distribution throughout the region.
12/6/2007	Press event at City Hall with Deputy Mayor and City Council Members and Mayoral proclamation of December as FACES OF INFLUENZA Month in Detroit.
12/2-9/2007	Internet ads placed on Detroit websites to promote FACES OF INFLUENZA vaccination clinic.
12/4, 9, 11/2007	Print ads placed in Detroit publications to promote FACES OF INFLUENZA vaccination clinic.
12/5-11/2007	Radio ads placed on Detroit stations to promote FACES OF INFLUENZA vaccination clinic.
12/11/2007	Regional campaign vaccination clinic and media event held in Detroit with celebrity spokespeople, physician and local officials and distribution of a press release throughout the region
12/3-16/2007	Internet ads placed on Philadelphia websites to promote FACES OF INFLUENZA vaccination clinic.
12/5, 7,10/2007	Print ads placed in Philadelphia publications to promote FACES OF INFLUENZA vaccination clinic.
12/7-13/2007	Radio ads placed on Philadelphia stations to promote FACES OF INFLUENZA vaccination clinic.
12/13/2007	Regional campaign vaccination clinic and media event held in Philadelphia with celebrity spokespeople, physician and local officials and distribution of a press release throughout the region.
12/2007	Distribution of FACES OF INFLUENZA materials and announcements in bulletins through six mega churches in Houston reaching tens of thousands of members.
12/26/2007-1/4,7,8/2008	Print ads placed in Seattle publications to promote FACES OF INFLUENZA vaccination clinic.
12/26/2007-1/8/2008	Internet ads placed on Seattle websites to promote FACES OF INFLUENZA vaccination clinic.
1/2/2008-1/8/2008	Radio ads placed on Seattle stations to promote FACES OF INFLUENZA vaccination clinic.
1/2/2008	Direct mail ad sent in Seattle to promote FACES OF INFLUENZA vaccination clinic.
1/7-14/2008	Internet ads placed on Minneapolis/St. Paul websites to promote FACES OF INFLUENZA vaccination clinic.

1/8/2008	Regional campaign vaccination clinic and media event held in Seattle with celebrity spokespeople, physician and local officials and distribution of a press release throughout the region.
1/9,11,12/2008	Print ads placed in Minneapolis/St. Paul publications to promote FACES OF INFLUENZA vaccination clinic.
1/9-15/2008	Radio ads placed on Minneapolis/St. Paul stations to promote FACES OF INFLUENZA vaccination clinic.
1/10/2008	FACES OF INFLUENZA celebrities conduct media tours in Philadelphia, Houston, and Phoenix to give interviews to media in those regions.
1/12/2008	Direct mail ad sent in Minneapolis/St. Paul to promote FACES OF INFLUENZA vaccination clinic.
1/15/2008	Regional campaign vaccination clinic and media event held in Minneapolis/St. Paul with celebrity spokespeople, physician and local officials and distribution of a press release throughout the region.

EXHIBIT D

Examples of FACES OF INFLUENZA in the News

- October 9, 2006, *Globe*, photos and article about actress Jean Smart, psychiatrist Dr. Joyce Brothers, and actor Dean Cain as *Faces of Influenza*.
- October 30, 2006, *OK!* Jean Smart, TV personality Joy Behar, and Dean Cain photos and note that they are *Faces of Influenza* and listing of www.facesofinfluenza.org for information on influenza.
- November 2, 2006, *About.com*, article on Faces of Influenza.
- November 28, 2006, *Houston Chronicle*, article about actor Peter Gallagher's upcoming appearance there for the *Faces of Influenza* campaign.
- September 18, 2007, *marieclaire.com*, announcement of actress Jennifer Garner's participation in the *Faces of Influenza* campaign.
- October 2007, *Redbook*, photo and note about Jennifer Garner as spokesperson for the *Faces of Influenza* campaign.
- November 16, 2007, *About.com*, interview article with Dean Cain regarding his participation in the *Faces of Influenza* campaign.
- December 3, 2007, *In Touch Weekly*, photo of Dean Cain getting his influenza vaccination for the Faces of Influenza campaign.
- December 2007, *Health & Leisure* magazine, article about Faces of Influenza campaign and upcoming vaccination clinic in Detroit.

GLOBE HEALTH Report



Dean Cain (left), Jean Smart (far right) and Dr. Joyce Brothers (below) have special reasons for getting flu shots



SUPERMAN gets his flu shot every year – and so should you!

That's what celebrities like former TV Man of Steel Dean Cain, ex-Designing Woman Jean Smart and famed psychologist Dr. Joyce Brothers are urging everyone at risk to do, as part of the American Lung Association's national campaign, Faces of Influenza.

They point out that two-thirds of Americans are in high-risk categories for getting the flu due to other conditions that lower immunity – like asthma, diabetes and aging.

Cain, 40, star of the Superman series *Lois and Clark*, says his flu shot helps keep his severe asthma from flaring up.

"Something like the flu can trigger a full-blown asthma attack, so I make sure I get my flu shot every year," the former Princeton football

star, who did a stint with the Buffalo Bills, tells GLOBE.

Cain, who recently suffered a three-week bout of acute bronchitis, says he makes sure his son Christopher, 6, from a relationship with model Samantha Torres, and other loved ones get shots, too.

"Because I am in a high-risk group for catching the flu, I need to make sure my son and all my family also get them," he explains. "The shot strengthens your immune system so that you can fight off the flu virus if you come into contact with it."

Actress Smart, 55, is also at high risk for the flu – she's had diabetes since age 13.

"I take insulin every day and I insist upon getting a flu shot every year to protect me," Smart tells GLOBE. "When you are a diabetic, you are at a greater risk of contracting the flu and having serious complications because your immune system is depressed.

"The last time I had the flu was 20

STARS URGE READERS:

GET FLU SHOTS – NOW! Millions of Americans at high risk

years ago and I was so sick, I thought I wanted to die. Since then, I have been getting my annual flu shots and I've been fine."

Smart, whose grandparents lost half of their 10 kids to the flu, also insists that her 16-year-old son Connor and husband Richard Gilliland get vaccinated every year,

noting that the flu is "still a killer."

Dr. Brothers, 77, tells GLOBE that she's been getting her annual

flu shot for as long as she remembers.

"And that's a long time," she jokes, adding that it is especially critical now that she's a senior.

"When you are older you need to take advantage of every bit of protection

you can get to live longer and healthier.

"It just makes sense to take what's available and the flu shot is easy to get, safe and highly effective."

Dr. Michael Niederman, chairman of the Department of Medicine at Winthrop-University Hospital in Mineola, N.Y., tells GLOBE that it is crucial that people over 50, children from 6 months to 2 years and those with chronic medical conditions get their flu vaccine.

Says the doctor, "You need an annual vaccination because the strain of the flu varies from year to year."

- LYNN ALLISON
lynnallison@globeff.com

WHO SHOULD BE VACCINATED

The United States Centers for Disease Control in Atlanta recommends that both adults and children with the following health problems get vaccinated in the fall:

- Heart disease
- Lung disease
- Asthma and COPD (chronic obstructive pulmonary disease)
- Kidney disease
- Metabolic diseases, such as diabetes
- Anemia and other blood disorders
- Weakened immune systems

OK!
SPECIAL

WE'VE

INSIDE
OK!'s Celeb Diet & Body Special
PLUS How Drew got the

body&soul BY RACHEL RABKIN PECHMAN

FLU FACTS

Test your flu knowledge and find out how to protect yourself

EACH YEAR, millions of people in the U.S. get the flu (influenza), and more than 200,000 people are hospitalized as a result of it. If you're not careful, it could sideline you. Do you know what to do to protect yourself? Take our quiz and find out your flu IQ.

1. Who should be sure to get the flu shot every year?

- A.** People with compromised immunity or a chronic medical condition, such as asthma, diabetes or heart disease.
- B.** Pregnant women.
- C.** Children 6 months old to 5 years old and adults 50 and older.
- D.** People caring for or living with someone at high risk for complications from the flu, including babies younger than 6 months who are too young to be vaccinated.
- E.** Anyone who wants protection.
- F.** All of the above.

ANSWER: F. Since the vaccine is readily available this flu season, anyone who wants to prevent influenza should consider getting vaccinated, especially those who are most vulnerable to complications from the flu. Warning: If you are allergic to eggs, you may not be eligible for the vaccine. Ask your doctor.

2. What are the best ways to keep germs at bay?

- A.** Stay at home as much as possible.
 - B.** Wash your hands frequently.
 - C.** Don't rub your eyes, nose or mouth.
 - D.** Use sanitizing hand gels regularly.
- ANSWER: B, C and D.** Both washing your hands and using sanitizing hand gels kill germs. But since it's impossible to avoid germs completely, try not to put your hands on your face, because the flu

virus enters the body through the eyes, nose and mouth.

3. True or False?

The flu shot protects against bird flu. **FALSE** There is currently no vaccine available that will protect against the avian flu. At this time, however, the avian flu is not an immediate threat to Americans, while the seasonal flu is. So the influenza vaccine is still very important.

4. Which is NOT a symptom of the flu?

- A.** Nausea or vomiting.
- B.** Sore throat that comes on gradually.
- C.** Extreme fatigue.
- D.** Fever.
- E.** Body aches and chills.

ANSWER: B. Gradual onset of symptoms is associated with the common cold. Flu symptoms, on the other hand, come on suddenly.

5. True or False?

If you're sick, you shouldn't get vaccinated against the flu. **FALSE** It is safe to get the flu shot even while you have a minor cold or other illness. If you are in doubt, talk with your doctor.

6. When is the best time to get the flu shot?

- A.** Before fall begins.
 - B.** December.
 - C.** October and November.
- ANSWER: C.** The best time to get vaccinated is in October or November. But if you don't get the shot then, it's still helpful to get it during the winter months since the virus circulates up until the spring.

7. What should you do if you think you have the flu?

- A.** Stay home and rest.

- B.** Let it pass. If you're not at high risk for complications, you should be fine.
- C.** Drink plenty of fluids.
- D.** Call your doctor.

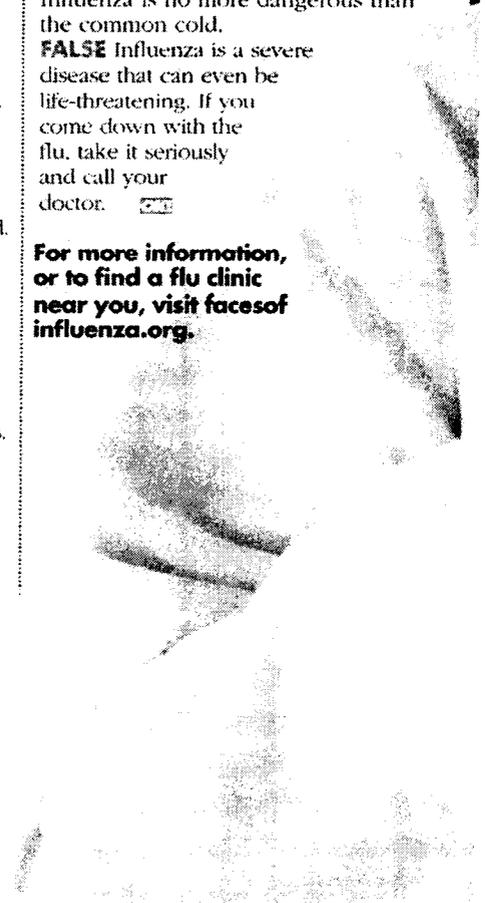
ANSWER: A, C and D. Get plenty of sleep, stay hydrated and contact your doctor, who may prescribe you an antiviral drug that will shorten the duration of your symptoms.

8. True or False?

Influenza is no more dangerous than the common cold.

FALSE Influenza is a severe disease that can even be life-threatening. If you come down with the flu, take it seriously and call your doctor. **EW**

For more information, or to find a flu clinic near you, visit facesofinfluenza.org.





Jean Smart



Joy Behar



Dean Cain

FACES OF INFLUENZA

These actors get the flu shot every year. Why? Jean Smart (main image), of Fox's *24*, gets it because she has type 1 diabetes; *The View*'s Joy Behar (inset, top) gets vaccinated because she's over 50; and former Superman Dean Cain (inset, bottom) gets immunized because he has asthma.

ASK RACHEL

Our health director answers your top questions



DEAR RACHEL

I work out at night. Should I eat dinner beforehand?

A. Wait until afterward, so you don't feel sluggish or get stomach cramps while exercising, says fitness trainer Bob Harper of NBC's *The Biggest Loser*. But this doesn't mean you should work out on an empty stomach. "Get a little food in your system because this will fuel your exercise and help you work out to your full potential," says Harper (pictured below), who is also the spokesperson for stepitupdiabetes.com. Shoot for a light snack (about 200 calories) that includes carbohydrates and protein. Good picks include a glass of milk with a protein supplement, or a tablespoon of peanut butter and an apple. Then, after you work out, have dinner. "You'll need protein to build up the muscles that break down during your workout, and carbs to replenish the glycogen you use up."



DEAR RACHEL

Are some foods really aphrodisiacs?

A. There are actually substances in certain foods that have been shown to get people in the mood, says Dr. Hilda Hutcherson, an ob-gyn and author of *Pleasure: A Woman's Guide to Getting the Sex You Want, Need and Deserve*. For instance, chocolate contains phenylethylamine, a feel-good chemical, and oysters contain zinc, a mineral that is important for the production of the hormone testosterone. Here's the catch: "The amount of these substances in the food is so small that you would have to consume a ton of it before you really felt their effects," says Dr. Hutcherson. But don't give up hope. "If you believe these foods will help your sex life, then they will, because your brain — and the fantasy it creates — is the best aphrodisiac." So eat whichever sensual food you want. If you think it's working for you, it probably is.



These answers are not intended to substitute for individual professional care.

Thank you for trusting me with your questions. This is my last column for *OK* magazine. I've greatly enjoyed responding to your thoughtful queries and bringing you the advice and wisdom of medical experts. Wishing you all the best of health, Rachel

About.com : Cold & Flu

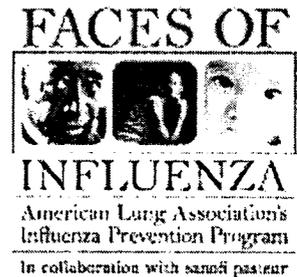
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Faces of Influenza

The American Lung Association has collaborated with sanofi pasteur to present the [Faces of Influenza](#) campaign. This campaign is designed to increase the public's awareness of the seriousness of influenza and the importance of getting a [flu shot](#). The campaign includes a [photo gallery](#) with images of people affected by influenza and public service announcements on television and the internet. Most people know that the flu is no fun, but few know that it is a very serious illness that hospitalizes over 200,000 people and kills as many as 36,000 every year. Both celebrities and every day people that have been affected by the flu have come together to help increase awareness about this disease. Be sure to check out the [Faces of Influenza](#) website and read some of the stories of people affected by influenza. You may find that they are much more like you than you would have thought.



The American Lung Association also provides a [Flu Clinic Locator](#) on their website. If you do not know where to go to find a flu shot in your area, just put in your zip code and you will get a list of all registered flu shot clinics in your area. You can also contact your doctor, local hospital or health department so you can be immunized this year and every year.

Photo courtesy of American Lung Association

Thursday November 2, 2006 | [comments \(1\)](#)

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Nov. 28, 2006, 1:18 AM

The O.C.'s Gallagher to talk here about flu

Actor Peter Gallagher of Fox's *The O.C.* will talk about the seriousness of influenza and the importance of immunization today at the Galleria, where free flu shots will be administered.

It's all part of the American Lung Association's *Faces of Influenza* portrait gallery, which will be on display on the street level near Ann Taylor in the middle of the mall.

Gallagher will autograph *Faces of Influenza* portrait books, which will be given away to those who visit the new gallery from 11 a.m. to 1 p.m. Flu shots will be given 10 a.m.-4 p.m.

The portraits are of celebrities and other Americans who have personally experienced the serious effects of influenza. For more information, visit www.facesofinfluenza.org.

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marie claire

Jennifer Garner Joins the "Faces of Influenza" program

The American Lung Association has launched **Faces of Influenza**, a multi-year national public awareness initiative, to help Americans put a "face" on this serious disease and recognize annual influenza immunization as an important preventative measure to protect themselves and their families every year. Jennifer Garner is supporting this cause as the national "face" of influenza.

"I've joined the American Lung Association on its Faces of Influenza program. We all know someone who should receive an influenza vaccination. It can be a very serious illness that's why I make sure my family is vaccinated each year." - Jennifer Garner

Influenza is a serious respiratory illness. Even though the disease is preventable, along with its complications, influenza kills an average of 36,000 people and hospitalizes about 226,000 people every year. Those targeted for immunization, include people 50 years of age and older, young children, everyone in close contact with people who have high-risk conditions, and health care providers.

"I want other families to know how important influenza vaccination can be for our health. It's likely we all know someone who should be immunized. For example, just about everyone in my life needs to get immunized. Two out of every three Americans are recommended to receive annual influenza immunization." - Jennifer Garner

For more information go to FacesOfInfluenza.com



Find this article at: <http://www.marieclaire.com/world/make-difference/Jennifer-Garner-influenza>

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FIGHT THE FLU!

You can't prevent the common cold, but you can keep your kids from getting more serious sniffles and fevers by making sure that they get a flu shot each fall. In fact, kids as young as 6 months can receive a flu shot. "Most people don't know that the flu is a serious illness," says actress **Jennifer Garner**, mom to 2-year-old Violet and spokesperson for the American Lung Association's Faces of Influenza Campaign. "We think of it as an amped-up cold, but it's not," she warns. "Over 200,000 people go to the hospital and 36,000 people die every year from complications of influenza. And children are more susceptible to getting the flu and developing complications, such as secondary infections, from it." To find a flu clinic in your area, go to facesofinfluenza.org and click on "flu clinic locator." —Rebecca Davis



About.com : Cold & Flu

Dean Cain on the "Faces of Influenza" Campaign

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Dean Cain at the American Lung Association's "Faces of Influenza" campaign launch
Photo courtesy: American Lung Association

What Scares Superman?

Dean Cain, an actor best known for his role as Superman on ABC's "Lois and Clark: The New Adventures of Superman," is participating in the American Lung Association's "Faces of Influenza" campaign, urging all at-risk Americans to be immunized against the flu. This campaign includes celebrities as well as everyday Americans, putting a "face" to each high risk group.

There are more than 220 million people that should be getting a flu shot each year, but the number of people who actually *are* immunized is much lower. The purpose of the campaign is to put a real face on each group with the thought that, chances are, all Americans will see either themselves or someone they love in one of these faces.

Cain took time out to speak with me about this important campaign during the 2007 launch in New York City on Monday, November 12, 2007. He obviously feels very strongly about the importance of flu shots and the severity of the influenza virus.

How did you get involved with the Faces of Influenza campaign?

Dean Cain: Well, I am a face of influenza. I am in a high risk group because I have asthma. So I know if I get the flu how absolutely terrible that is for me, for working and just my general health. I got it about four years ago. It was debilitating and crushed me, and I don't ever want to get it again. So now I get an influenza vaccination every year. And I'm also a father. I have a seven year-old boy who also has asthma. And so it is also very important to me that he gets an influenza vaccination every year so he doesn't come down with influenza as well.

- Find out more about [flu shots and who needs them](#).

How did having the flu affect you and your asthma?

Dean Cain: I thought I was going to die, it was in my lungs, it would not leave, and I could not get rid of it for a long time. I had to miss work; I had to change things around because I was just not fit, not healthy and I could just not get out there and do things.

- Learn about the symptoms of influenza.

Have you ever known anyone who was hospitalized with serious complications from influenza?

Dean Cain: I haven't known anyone specific who was hospitalized with influenza, but we have taken my son to the emergency room a couple of times for something that may have been of that nature. I know that there are almost a quarter of a million people every year in America who are hospitalized from influenza, so that is a significant number. More importantly, [there] are 36,000 people a year who die [from it].

Do you have any personal hopes for what people will gain from the campaign?

Dean Cain: Well, you know, I fight this even within my own family. With my mother, in fact, just doesn't believe in getting a [flu] vaccination. You know, people forget about polio, chickenpox, measles...the things we get vaccinated for. They forget that these diseases have basically been eradicated through vaccinations. And so it becomes a non-issue. Well, if we stop getting vaccinated, people are going to start getting those diseases again as well. As far as the flu goes, be smart about it, vaccinate yourself, vaccinate your children. It's not some crazy conspiracy to make money. They are giving these out free in so many places. You can get free flu shots wherever you go. It saves the economy a lot of money because we won't have so many people hospitalized from it. You don't have to deal with so many people dying from it. It is a fantastically easy and wonderful thing to do to protect your family and yourself.

I couldn't agree more, it's wonderful. It's so nice to hear that you believe that. It seems like so many people these days don't. It seems like, like you said, that people think it is just somebody's plot to get money.

Dean Cain: Yeah, well, they need to get out there and see who is supporting it -- which officials, which doctors. Speak to your doctor. That is another thing I say. Just go speak to your doctor.

Do you have anything else you do to try to prevent colds and flu since you do have asthma? Do you have any tips for other asthmatics? Anything specific you do to try to keep your family healthy?

Dean Cain: Sure, the basics: Get proper rest, wash your hands often, and attempt to keep your children somewhat clean. It's impossible, I know, they are children. That is just the way it works.

- Get more [tips for keeping yourself and your family healthy.](#)

1 2 [Next](#)

Updated: November 16, 2007

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(Continued from Page 1)

About the campaign: Are there going to be other events going on around the country?

Dean Cain: I'm going to be in Philadelphia in December, I'll be in Seattle in January, and there will be other places [holding events.] People think that if they don't get their flu shot by Thanksgiving, they think, "well I missed it, I will just take my chances." But that is not true at all. The season peaks in February, so you can get it all the way through March. It certainly won't do you any harm; the virus will still be around. Plus if you travel to Australia, the end of our flu season is the beginning of theirs. And I travel all over the world, so it definitely helps.

- See the American Lung Association's "[Faces of Influenza](#)" website for a schedule of events around the country.

Yes, and I have actually heard that the flu season was pretty bad in Australia last year, so I'm hoping it's not going to be so bad here.

Still, it doesn't look good for us. Is there anything else that you would like readers of About.com's Cold and Flu site to know?

Dean Cain: One of the things that I wish would be covered, that I want people to understand, is that you are not going to get sick from the flu shot. Dispel the myths. You can get the flu after you get the flu shot, but not *because* you got the flu shot. At least [your case will] hopefully be less severe than it would have been.

- Can you get the [flu from a flu shot](#)?
- Why did you get [sick after a flu shot](#)?
- Does [cold weather make you sick](#)?
- Read more about the [vaccine controversy on our Autism Spectrum Disorders site](#).

I know, it is very frustrating but it is very hard to change people's minds.

Dean Cain: I know, but that is what I am hoping to do.

My Two Cents

I certainly hope Dean is able to encourage people to get their flu shots, too. It is a very important immunization for a lot of people, and we sadly fall far short of recommended vaccine levels every year.

If you have the opportunity to visit the [Faces of Influenza website](#), or one of the events around the country, I encourage you to do so. It conveys a very powerful message about how severe the flu can be and how so many of us can and should be vaccinated.



Dean Cain getting a flu shot at the American Lung Association's "Faces of Influenza" campaign launch. Photo courtesy: American Lung Association

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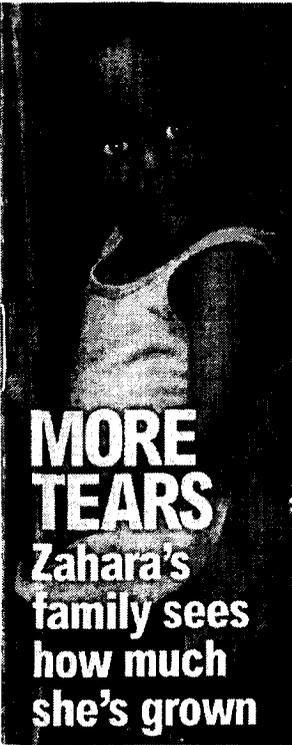
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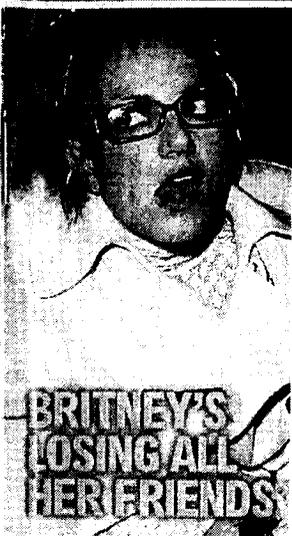


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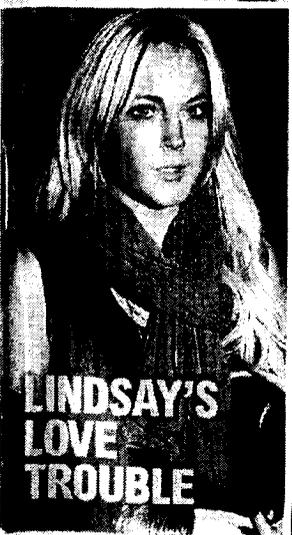
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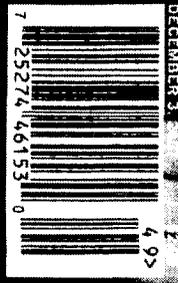
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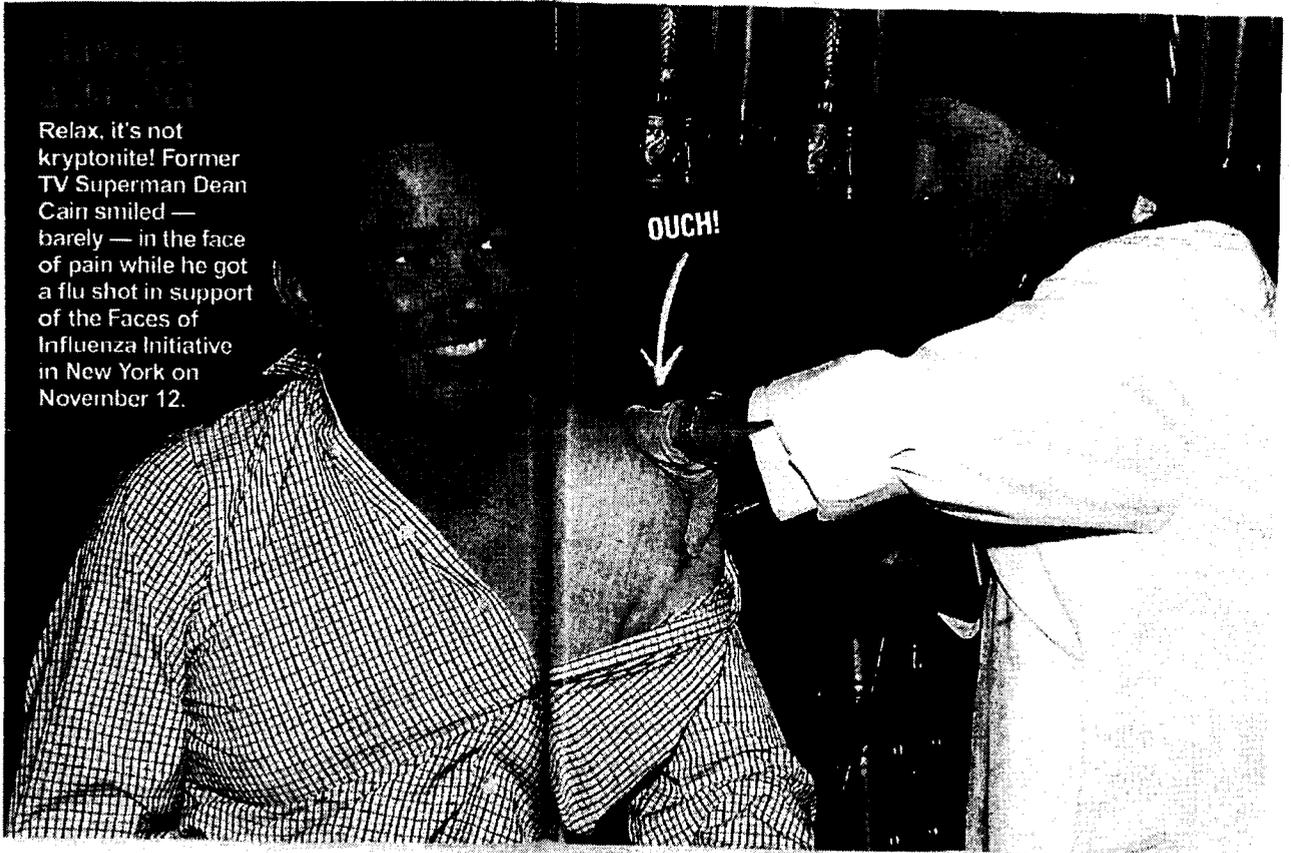


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Relax, it's not
kryptonite! Former
TV Superman Dean
Cain smiled —
barely — in the face
of pain while he got
a flu shot in support
of the Faces of
Influenza Initiative
in New York on
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D E T R O I T ' S

Faces of the **FLU**

By Heather Ashara, MPH

To get the flu vaccine or to not get the flu vaccine? This is a popular question many of us are wondering for our families and ourselves as the weather starts to change and flu season accelerates into full steam.

If you're someone who is hesitant about getting vaccinated or if you're someone who is just waiting for the right time and place, The Faces of Influenza, a national education campaign started by the American Lung Association is hosting a local event on December 11 at the Detroit Skating Club in Bloomfield Hills to distribute information and hold a flu shot clinic for the public. The organization puts a common face to those affected by influenza and promotes the importance of the vaccine by using celebrities like Jennifer Garner and not so well known faces of families and children around the country who have been affected by this virus.

During the event, shots will be administered for a small fee and Detroit's own Karen Newman, LaShell Griffen and Olympic ice skater, Kristi Yamaguchi will attend the event in order to share their personal stories about their experience with the disease and to encourage others to get vaccinated.

How serious is the flu?
According to the Centers for Disease Control and Prevention, 36,000 Americans die each year from the flu, which is also referred to as influenza, and more than 200,000 individuals are hospitalized due to the illness.

"The flu is not the cold. It is far more serious and has the power to cause pneumonia and other respiratory infections which can be fatal," says Dr. Thomas Trueheart, an allergist at TrueCare Asthma and Allergy in Southfield.

Historically the influenza epidemic of 1918 killed between 50 million and 100 million

people worldwide. Even though we haven't seen an epidemic of this scale in almost one hundred years, we now have a preventative measure to ensure that a pandemic this massive and devastating does not strike again, says Dr. Trueheart.

The Faces of Influenza, a national education campaign started by the American Lung Association, is hosting a local event on Dec. 11 in Bloomfield Hills to distribute information and hold a flu shot clinic for the public.

Although anyone can contract the virus, there are certain groups who are at a particular risk for getting it. Those that are most at risk are the very young, the elderly and anyone suffering from a chronic disease, which compromises the immune system, says Dr.

Trueheart. You can find out if you or your family members are included in one of these high-risk categories, by taking the online quiz at: www.facesofinfluenza.org/quiz/.

While health experts recommend annual influenza vaccination for more than 220 million people in the U.S., influenza immunization rates fall far short every year. Locally, between 98,533 and 394,371 in Wayne County alone will contract influenza each year.

The Vaccine
The vaccine comes in two forms: an injection or a nasal spray. Both of these forms are effective by allowing antibodies to develop in the body within two weeks of administration, which provides protection against the influenza virus. The vaccine protects against three of the most virulent strains of the influenza virus, says Dr. Trueheart. Since the strains change from year to year, a vaccine must be received each year in order to ensure protection.

The side effects tend to be soreness at the injection site, fever or aches with the injection form of the vaccination and cold-like symptoms as well as possible nausea, fever and achiness for the nasal spray. The vaccine does not cause influenza, says Dr. Trueheart even though that is one of the commonly cited myths surrounding the vaccine.

There is always a small risk with any medical intervention, says Dr. Trueheart but the potential for the vaccine to prevent the thousands of deaths that are attributed each year to the flu far outweighs the risks associated with the vaccine. Those that should not receive it are those with an egg allergy and babies less than six months of age.

For more information on the flu vaccine or on the event being held at the Detroit Skating Club, visit the Faces of Influenza website at: www.facesofinfluenza.org.