

THE NATIONAL LAW REVIEW

Jury Awards \$70 Million in Johnson & Johnson's Talcum Powder Ovarian Cancer Lawsuit

Monday, November 7, 2016

A jury awarded a Californian woman more than \$70 million dollars in **Johnson & Johnson's** third straight legal loss over claims that its talcum powder is linked to ovarian cancer. There are currently over 1,700 lawsuits being brought against the pharmaceutical giant and the last three verdicts present a foreboding picture to come for Johnson & Johnson.

Verdict Follows Two Similar Rulings by St. Louis Court



The claims levied against Johnson & Johnson include that the company ignored compelling evidence that talcum powder could cause cancer over an extended period of use and then refused to warn consumers regarding the link. In fact, many of the talcum products used marketing specifically

to encourage use on the genitals, where it could cause bodily harm over time.

St. Louis juries have not been friendly to Johnson & Johnson, as they have delivered three straight wins for plaintiffs. The first two rulings awarded \$72 million and \$55 million to plaintiffs respectively and the majority of the damages awarded were punitive. Despite unresolved appeals over the first two rulings, it is becoming clear that Johnson & Johnson may be fighting a losing battle and could be held to account for its actions.

Plaintiff Used Talc Products for Decades

The plaintiff awarded \$70 million in the most recent talcum powder case is Deborah Gianecchini, a 62 year old woman who used Johnson & Johnson talc products for more than 40 years. She was diagnosed with ovarian cancer three years ago and her prognosis suggests that she has only a 20% chance of surviving. She is currently undergoing radiation and chemotherapy and has already been through surgery.

Of the damages awarded, \$65 million was punitive and \$2.5 million was awarded as a judgement against Johnson & Johnson's talc supplier, Imerys Talc America. Jurors questioned about their ruling noted that it was evident J & J didn't seem to have any concern over the health of the people using its products. A consensus was made that it was the company's duty to warn consumers at the very least of the risks they faced when using the products.

Statements from Johnson & Johnson seem only to fuel the sentiment, with claims being made that science supports the safety of J & J baby powder and talc powder products. Studies over the past have told otherwise, however, and many of these studies were sanctioned and reviewed by Johnson & Johnson. There is little doubt in the minds of many people that the risks were evident for many years and Johnson & Johnson deliberately chose to



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hide the information from the public in order to continue selling its products.

Cases Face Greater Scrutiny in New Jersey

While the three verdicts in St. Louis bode well for the thousands of women filing claims, a New Jersey court threw two cases out earlier on the claim that there was insufficient scientific evidence to support the plaintiffs' claims. This is despite over 30 years of research that showed an elevated risk of ovarian cancer among women who used talc products compared with those who did not.

Johnson & Johnson has faced pressure before to add warnings to its product labels, but its refusal to do so is due to the fear that women will choose to use competing products that do not contain talc. There are also theories that the company has developed a strategy to avoid government regulation rather than to address safety concerns.

An appeal of this most recent judgement is imminent, but the St. Louis court seems to be much more favorable to victims of product liability than New Jersey. If the verdicts stand, Johnson & Johnson will be forced to consider a settlement offer to resolve the thousands of additional cases yet to make it to trial.

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