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St. Louis jury says J&J must pay \$72M to family of dead woman in landmark talcum powder cancer case

By Martha Neil

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The first case to go to trial among some 1,200 claims currently faced by Johnson & Johnson alleging a link between its talc-containing products and cancer obviously did not turn out the way the pharmaceutical giant would have wished.

After three weeks of trial and five hours of deliberation, a St. Louis jury on Monday awarded a \$72 million verdict against the company, including \$62 million in punitive damages, concerning a woman who died of ovarian cancer last year, according to [Bloomberg](#) and the [St. Louis Post-Dispatch](#).

Jacqueline Fox, 62, whose son took over the case after her death, alleged a link between Johnson's Baby Powder and Shower to Shower—talc products Fox used daily—and her disease. She also alleged Johnson & Johnson knew of the potential cancer issue and failed to warn consumers. However, the company said there is no scientific proof that use of talc-containing products cause cancer. Although Johnson & Johnson reportedly continues to sell some products that contain talc, it has substituted cornstarch in others and no longer owns the Shower to Shower feminine hygiene brand used by Fox.

This is the first time damages have been awarded in such a case, the Bloomberg article notes. A federal jury in North Dakota found the company liable in a similar case in 2013, but it awarded no damages. There are suits pending in state and federal court in St. Louis involving another 1,000 plaintiffs; and another 200 lawsuits are pending in New Jersey state court.

In opening arguments for the trial, plaintiff's attorney Allen Smith told the jury that internal company documents showed Johnson & Johnson knew of studies linking ovarian cancer and talc use, yet kept selling it and targeted marketing efforts to African-American and Hispanic women. "The evidence—the internal documents—will show that the company valued profits over human life," he said.

However, Johnson & Johnson attorney Gene Williams said the "best and most recent" studies showed no connection between talc use and ovarian cancer, an earlier [Bloomberg](#) article reported. "We don't have to warn based on a plaintiff's suspicions," he said.

Agreement by only nine of the 12 jurors was sufficient to reach a verdict, the article notes.

Attorney Jere Beasley, one of the lawyers representing the plaintiffs, said the jury voted 10-2 in favor of Fox, the Post-Dispatch reports.

The closely watched Fox case was seen as a bellwether concerning possible efforts by Johnson & Johnson to settle other cases.

A spokeswoman for the company declined to discuss the case after the verdict but told the Post-Dispatch in an email: “We have no higher responsibility than the health and safety of consumers, and we are disappointed with the outcome of the trial. We sympathize with the plaintiff’s family but firmly believe the safety of cosmetic talc is supported by decades of scientific evidence.”

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