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# St. Louis jury orders Johnson & Johnson to pay \$72 million in talcum powder cancer case

Johnson & Johnson to Pay \$72 Mil To Cancer Victim's Family

Inform



16 hours ago • By Kim Bell

28



A family photo of Jacqueline Fox and her son, Marvin Salter.

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**ST. LOUIS** • A jury here has awarded \$72 million in damages on a woman's claim that her longtime use of baby powder and other Johnson & Johnson products contributed to the ovarian cancer that killed her.

The St. Louis Circuit Court jury found that the company failed to warn the public and conspired to hide the truth, said Jim Onder, one of the lead attorneys, who practices in Webster Groves.

Johnson & Johnson, a health care giant based in New Brunswick, N.J., is expected to appeal. It issued a statement Tuesday insisting the products are safe.

The plaintiffs' lawyers said it was the first jury in the nation to award damages over claims that are the basis of suits by at least 1,200 women here and elsewhere.

The verdict in favor of Jacqueline Fox was for \$10 million in actual damages and \$62 million in punitive damages. About half the punitive damages would go toward the Missouri Crime Victim Compensation Fund, Onder said.

Fox, 62, of Birmingham, Ala., died last fall, about 2½ years after being diagnosed. Her son, Marvin Salter of Jacksonville, Fla., became plaintiff after her death. Jurors heard from Fox in an audio deposition, recorded a few months before her death.

The suit claimed her use for more than 35 years of talc-containing products, such as Johnson's Baby Powder and Shower to Shower body powder for feminine hygiene, contributed to her cancer.

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The more than three-week trial culminated in nearly five hours of deliberations Monday that delivered a decision about 10:15 p.m. Jere Beasley, one of Fox's lawyers, said the vote was 10-2.

One juror, Jerome Kendrick, 50, said he and nine women voted in favor of Fox, two men against.

The company's internal memos "pretty much sealed my opinion," Kendrick said. "They tried to cover up and influence the boards that regulate cosmetics."

Kendrick added, "They could have at least put a warning label on the box but they didn't. They did nothing."

Kendrick said the \$62 million total was calculated at \$1 million for each year of Fox's life.

Fox's son, Salter, is a 46-year-old mortgage banker who said the jury's decision on monetary damages surprised him. "I was speechless when we heard the initial number," Salter said. He added: "To think, how groundbreaking this could be for so many other women."

Salter said Johnson & Johnson is a household name he always trusted. When he heard something such as baby powder could have contributed to his mother's cancer, "my reaction was disbelief," Salter said. "How can a company have known about this relationship between talc and ovarian cancer since the 1970s and not disclosed it?"

Salter was the only biological child of Fox, a single mother who also raised foster children.

Onder said that, after being diagnosed with Stage 3 ovarian cancer, Fox contacted lawyers based on a TV ad about talc.

"The sad part is, she had to learn about it from lawyer ads, while Johnson & Johnson tried to hide the truth from her," Onder said.

Beasley said the jury found against Johnson & Johnson, a holding company, and Johnson & Johnson Consumer Cos. Inc., but did not fault another defendant, the talc producer, Imerys Talc America Inc.

Carol Goodrich, a spokeswoman for Johnson & Johnson, said in an email Tuesday, "We have no higher responsibility than the health and safety of consumers, and we are disappointed with the outcome of the trial."

Goodrich added, "We sympathize with the plaintiff's family but firmly believe the safety of cosmetic talc is supported by decades of scientific evidence."

Goodrich said the company would have no further comment.

The company's internal documents were a big part of the plaintiff's case.

Onder said, "All their internal documents show that they knew talc caused ovarian cancer, and actively undertook to hide the truth, not only from the governmental regulators but from the public."

Onder said it's clear from the internal memos that the company spent 30 years preparing for litigation over the risk. He said one company internal document talks about declining product use because of increased awareness of the health risk, and how to grow the franchise by targeting blacks and Hispanics as the highest users of talcum powder. Fox was black.



but handles trials individually because, unlike in a class action case, the plaintiffs don't all claim identical damages.

"Some people were cured, some weren't," he explained.

Talcum powder is made from talc, a mineral. Fox's lawyers said corn starch is a safer alternative but the company chose not to use it.

The American Cancer Society's website says "it has been suggested that talcum powder might cause cancer in the ovaries if the powder particles (applied to the genital area or on sanitary napkins, diaphragms, or condoms) were to travel through the vagina, uterus, and fallopian tubes to the ovary."

But the society says studies have mixed results, some showing a slightly increased risk and some showing none. The research continues.

The American Cancer Society estimates that 22,280 women in the United States will be diagnosed with ovarian cancer this year, and that about 14,240 women will die of it this year. Beasley said, "We were able to prove that approximately 1,500 die each year because of the talc involvement."

An epidemiologist who testified for Fox estimated about 10 percent of those who die have ovarian cancers linked to talc.

A pathologist found talc in Fox's ovaries, which caused the inflammation which in turn caused her cancer, Beasley said.

Salter said his mother, who died Oct. 6, did not sue for the money. "It was a fight," he said, "so others are warned."

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**St. Louis jury orders Johnson & Johnson to pay \$72 million in talcum powder cancer case**

The verdict is the first in the nation in which a jury awarded damages over claims that talc contributed to ovarian cancer.



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