

1893

Johnson & Johnson first placed baby powder on the market

1982

1995

2005

2012

2016

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What is talc?

- **Magnesium Trisilicate**
 $\text{H}_2\text{Mg}_3(\text{SiO}_3)_4$ or $\text{Mg}_3\text{Si}_4\text{O}_{10}(\text{OH})_2$



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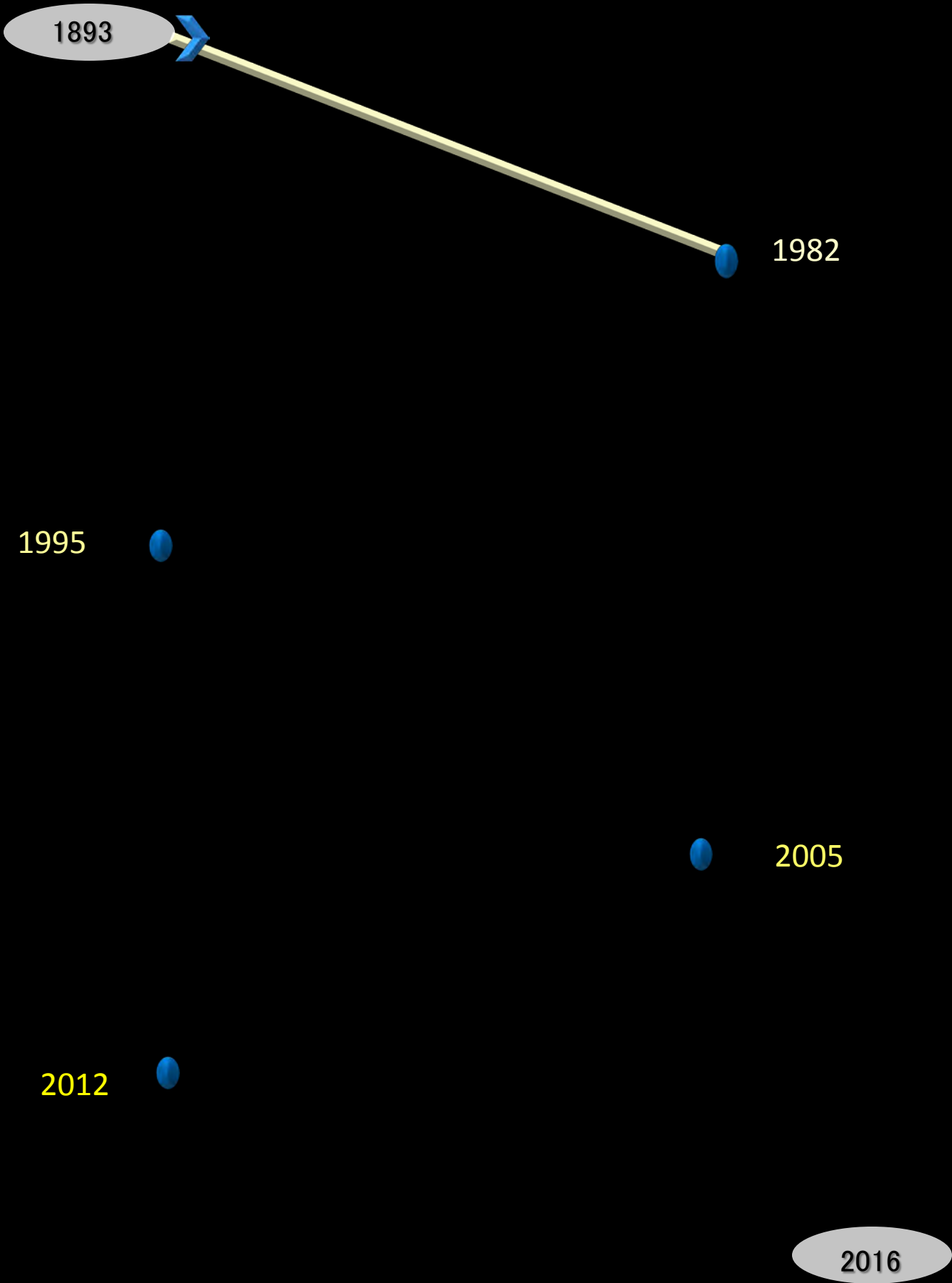


- Mined from the earth



Talc (noun)

- 1 : a very soft mineral that is a basic silicate of magnesium, has a soapy feel, and is used especially in making talcum powder
- 2 : TALCUM POWDER



1893



1982

J & J learned under Federal Food & Drug & Cosmetic Act that: (1) cosmetics like baby powder and Shower to Shower would NOT need FDA approval before going to market; and (2) J & J would not have to test the ingredients

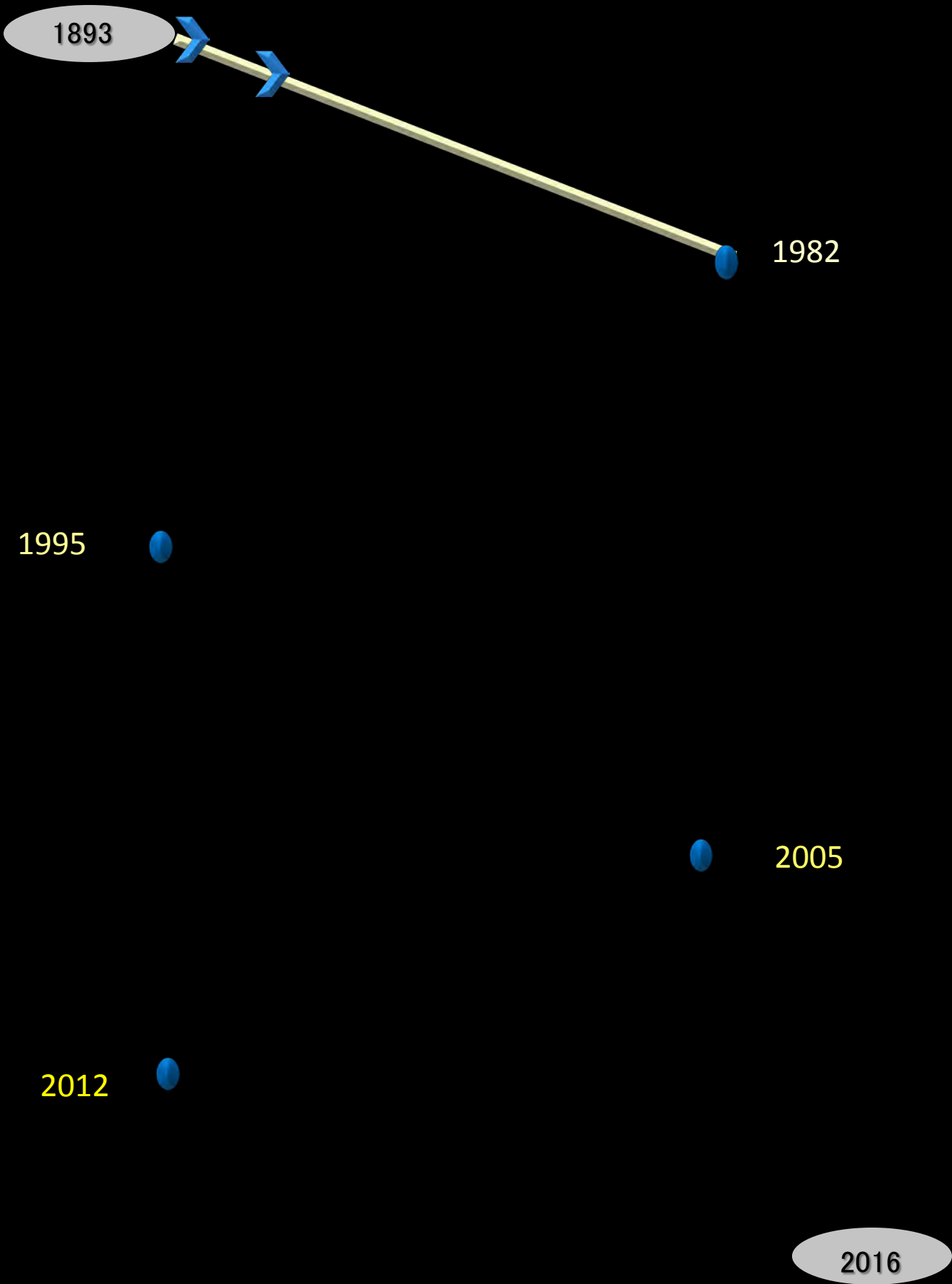
1995

Self regulation was important to J & J and it knew it would be self regulating its talc use

2005

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1893



9/12/1953 -Jackie Fox was born in Alabama.
Used body powders every day of her life. It was a requirement in her household.



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Used body powders every day of her life. It was a requirement in her household.

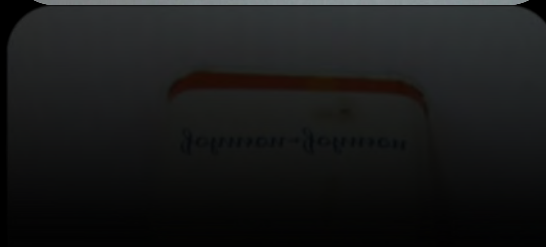


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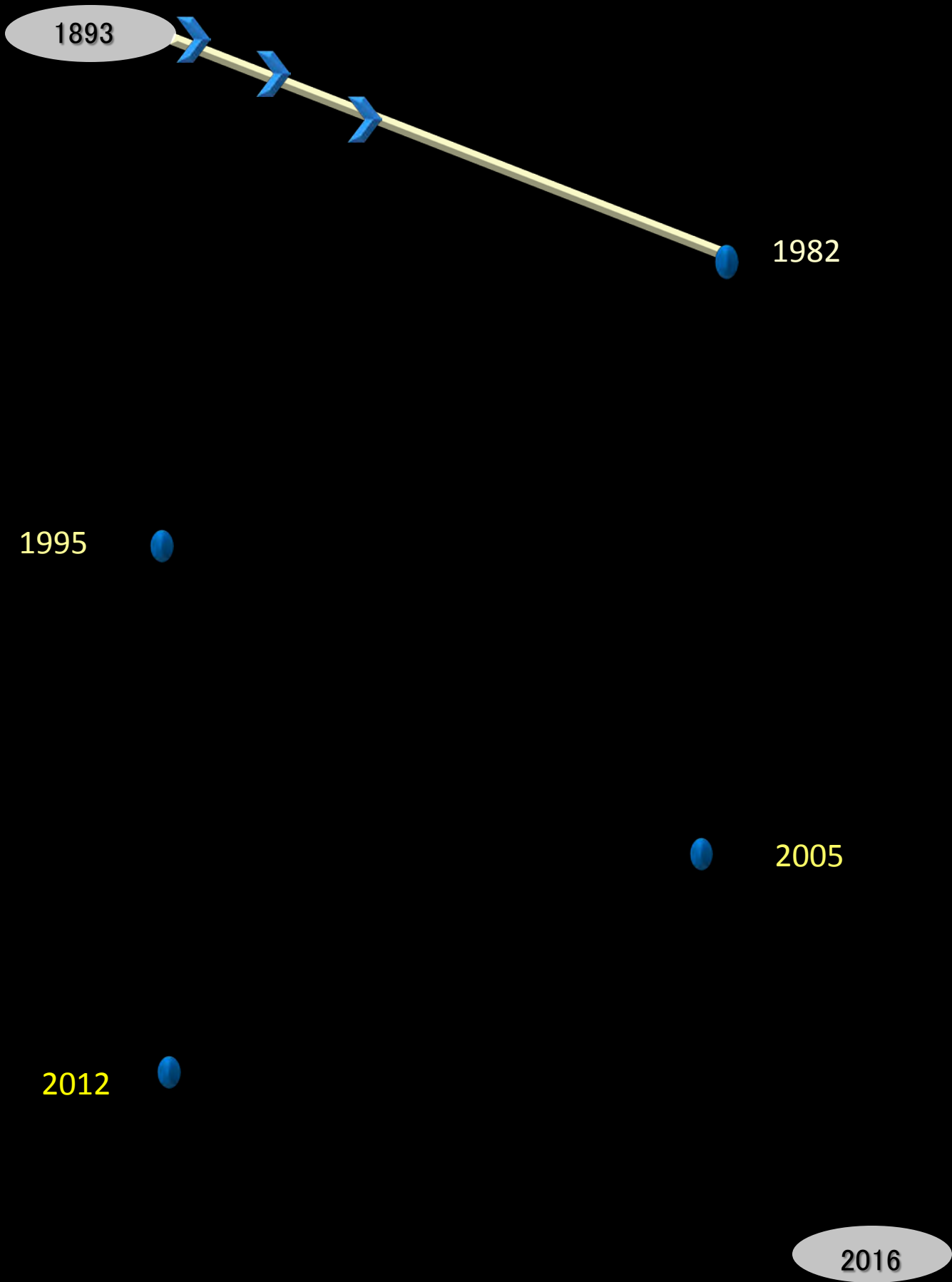


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1893

1982

1960's – J & J brings Shower to Shower to the market with the catchy slogan "Just a sprinkle a day helps keep odor away"

Jackie saw these ads and she remembered these songs. They made her feel good and like the product could be trusted. She added Shower to Shower brand to her daily routine but baby powder was still her go to product.

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1960's – J & J brings Shower to Shower to the market with the catchy slogan "Just a sprinkle a day helps keep odor away"

Jackie saw these ads and she remembered these songs. They made her feel good and like the product could be trusted. Jackie added Shower to Shower brand to her daily routine but baby powder was the go to product.

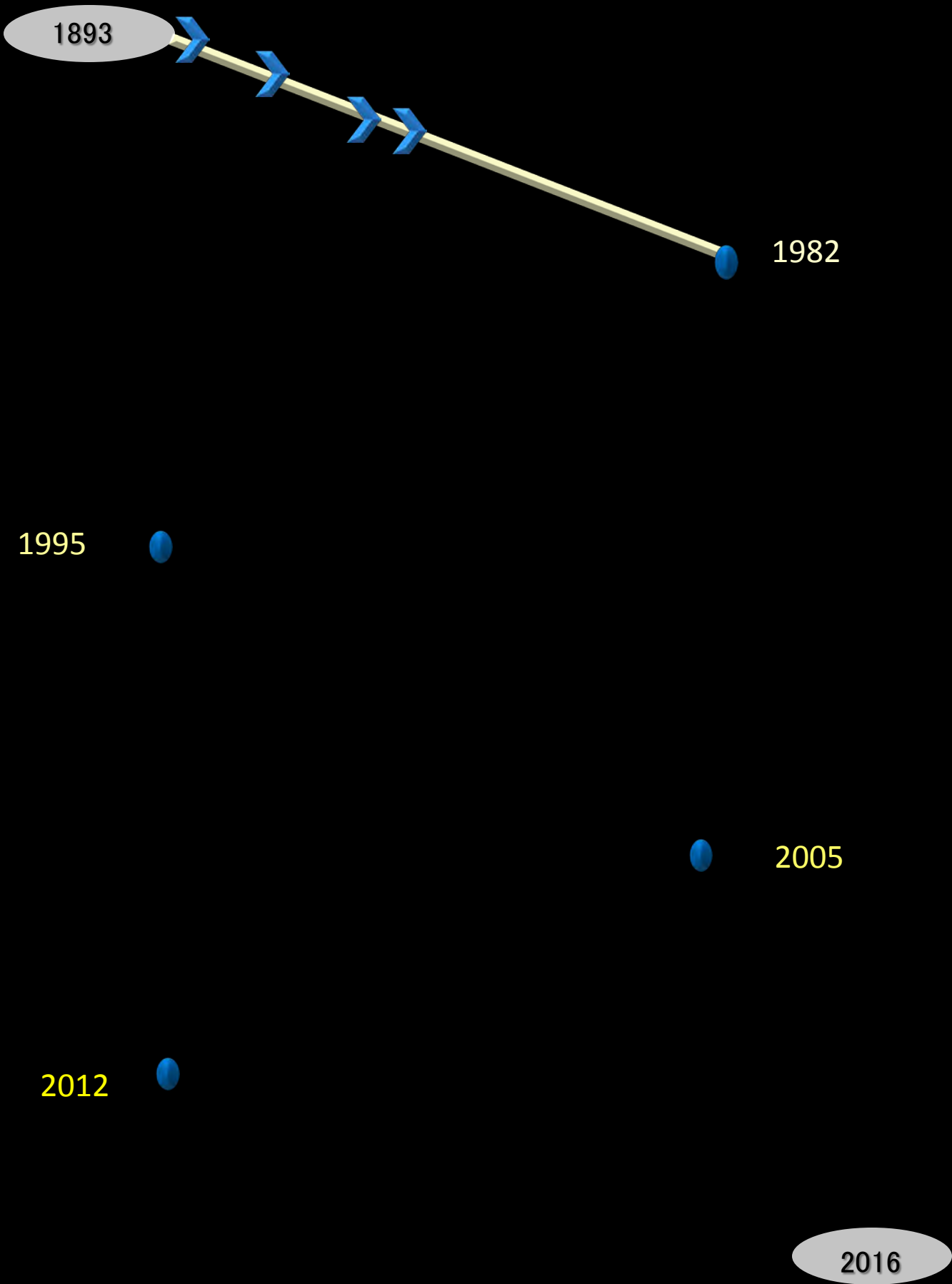
1995



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1971 – Report by Dr. Henderson and others based on a study was the first notice to Johnson & Johnson that talc was associated with ovarian cancer.

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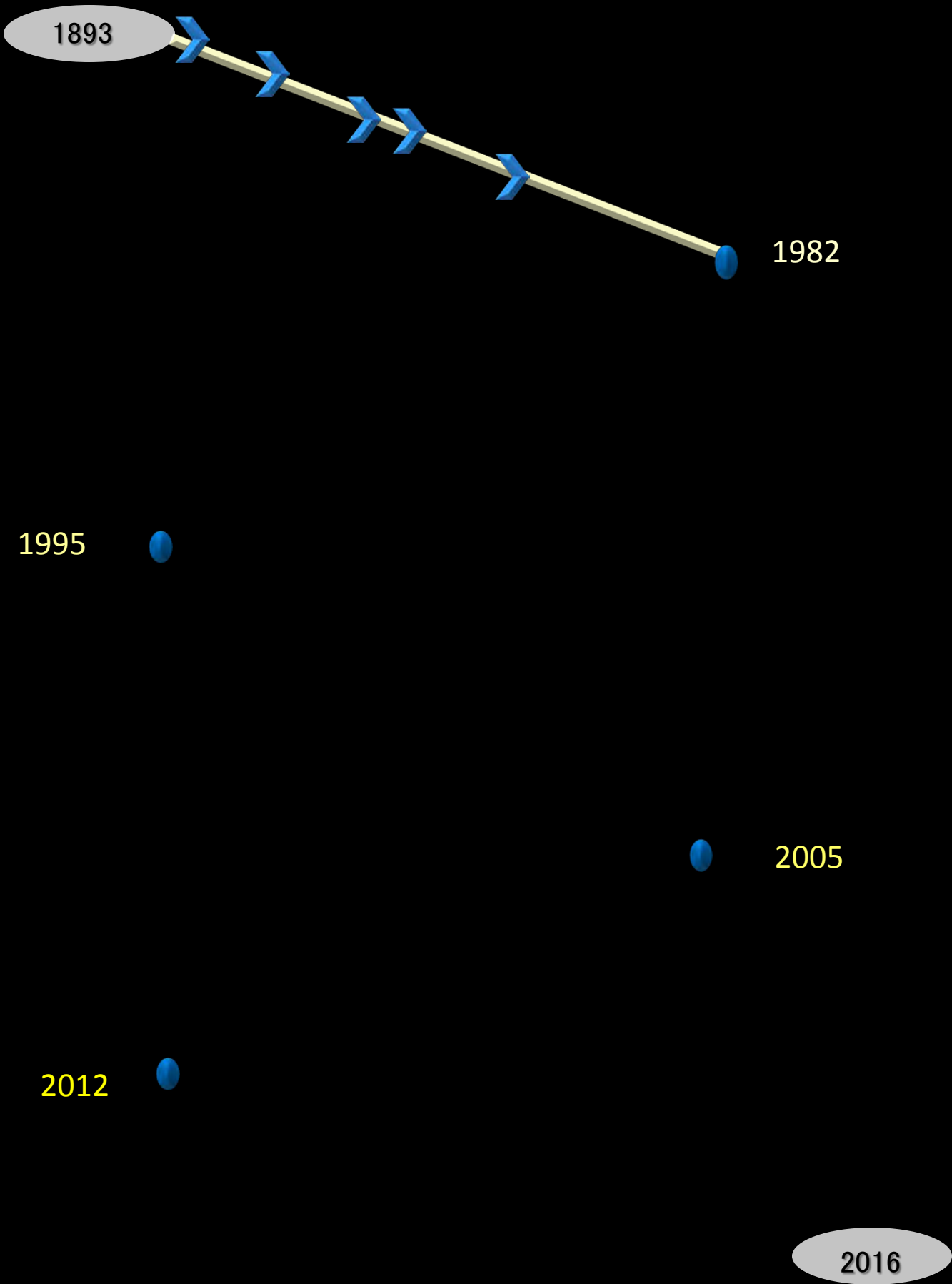
1971 – Report by Dr. Henderson and others based on a study was the first notice to Johnson & Johnson that talc was associated with ovarian cancer.

1995

So, STARTING IN 1971, Johnson & Johnson knew about the Henderson study and that the study suggested a possible link between ovarian cancer and talc (Henderson, 1971)

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1970 – 1980

The Lancet (a British medical journal) published some important information. This was post-Henderson. The journal published letters and editorials regarding a link between talc and ovarian cancer.

1995

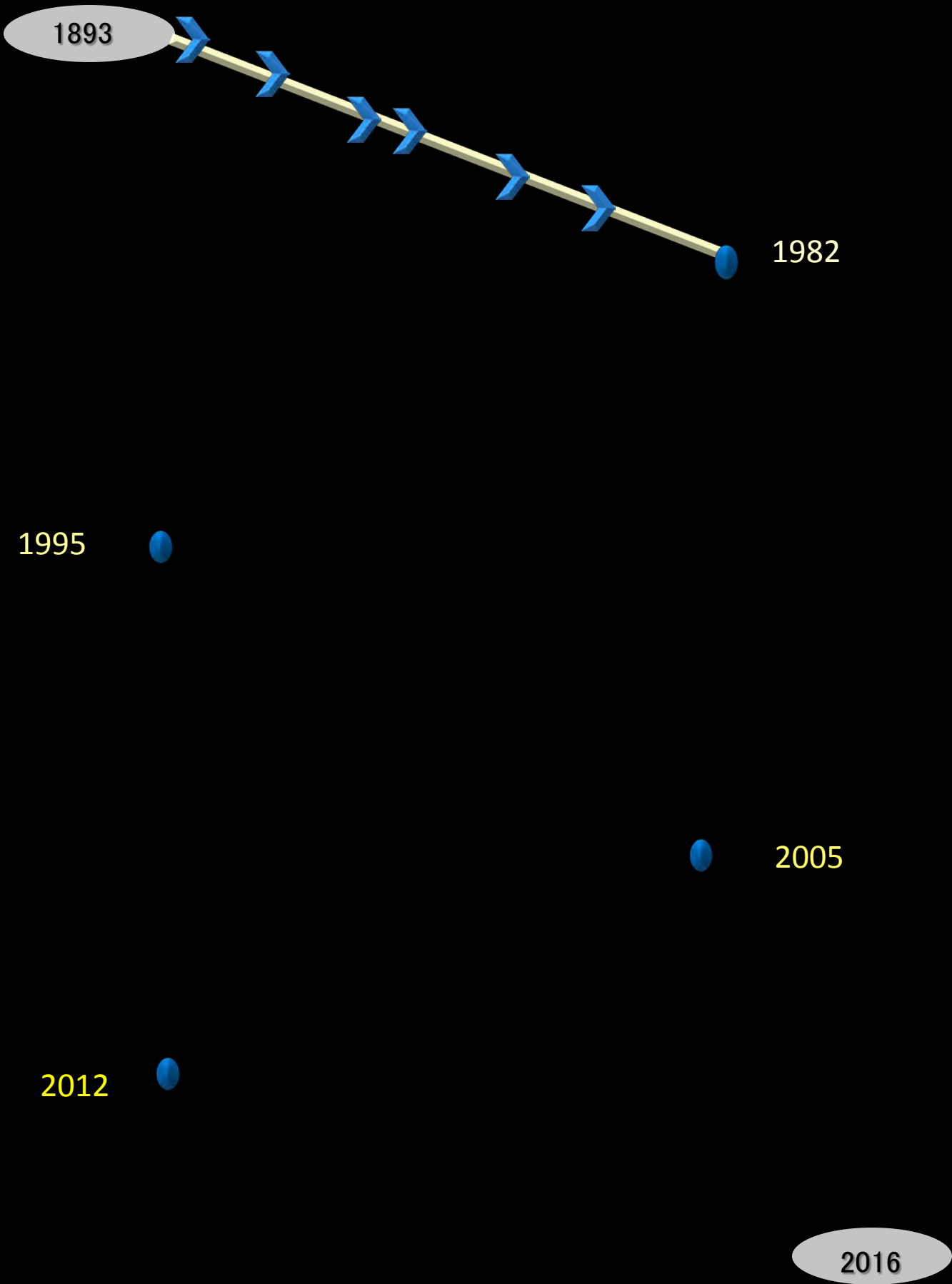


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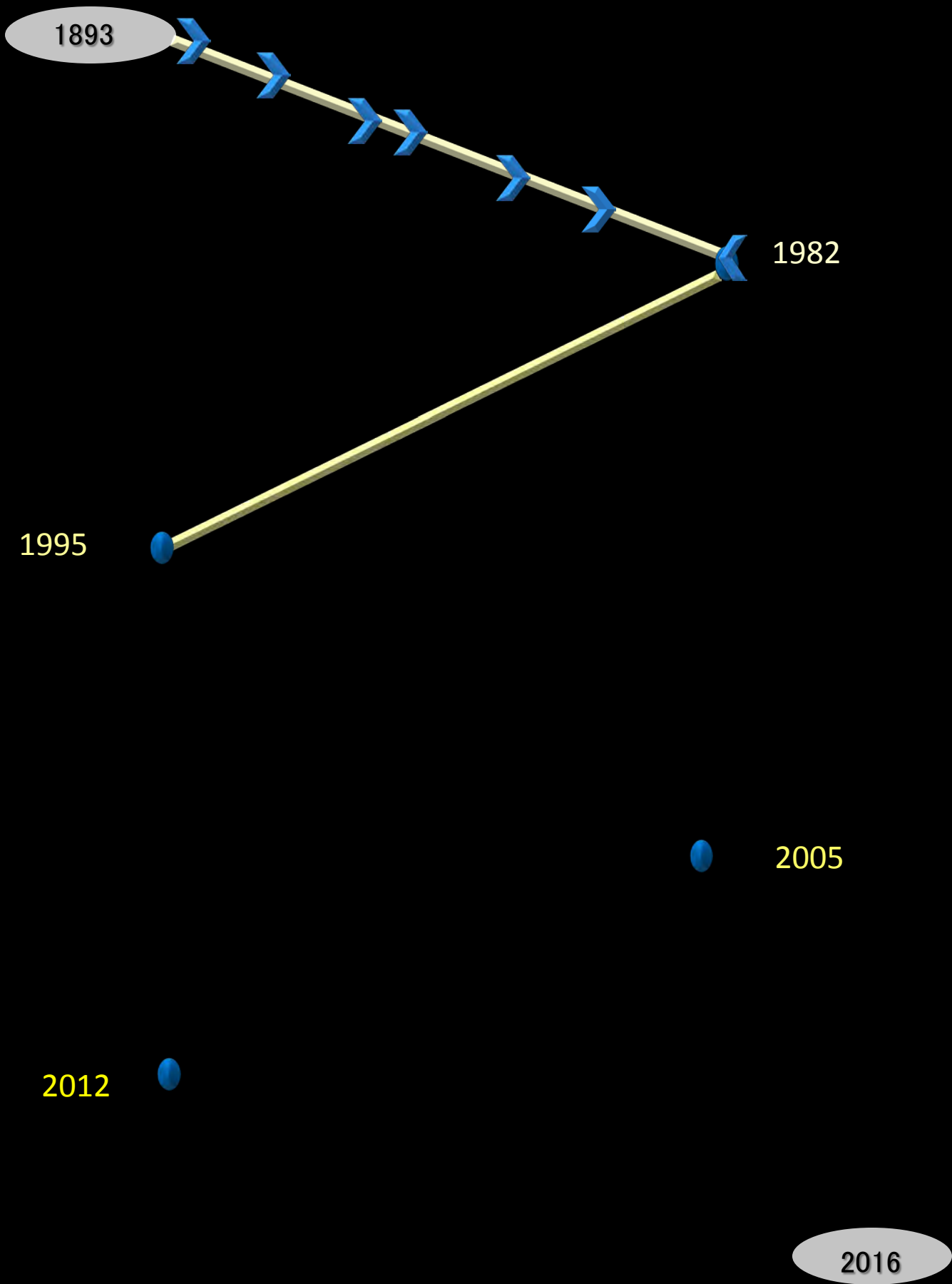
1982 – The first epidemiologic study was performed on the association between cosmetic talc powder use in the genital area and ovarian cancer (Cramer, 1982) demonstrated a 92% statistically significant increased risk for ovarian cancer associated with talc use.

RED FLAG – J & J knew about it

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1893

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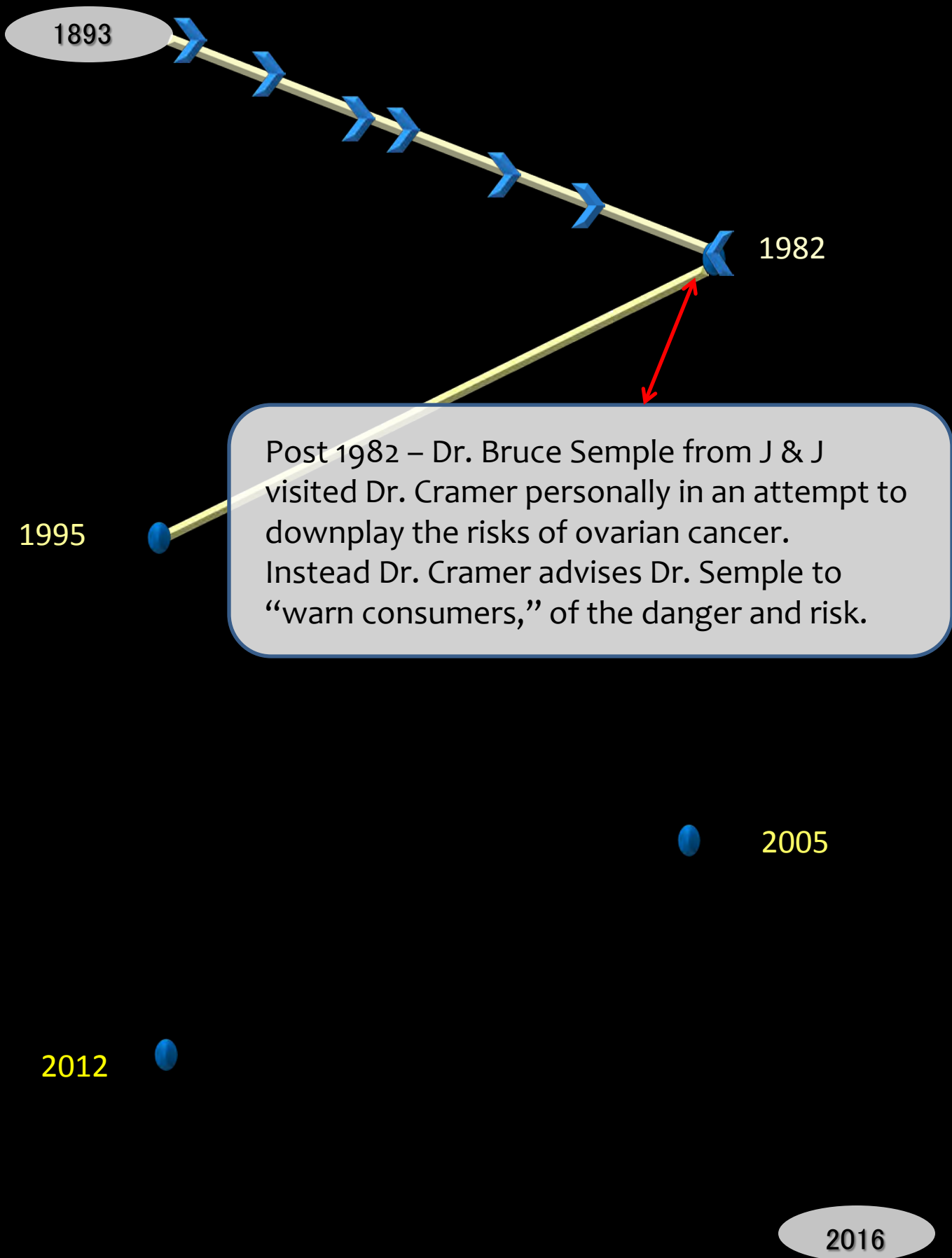
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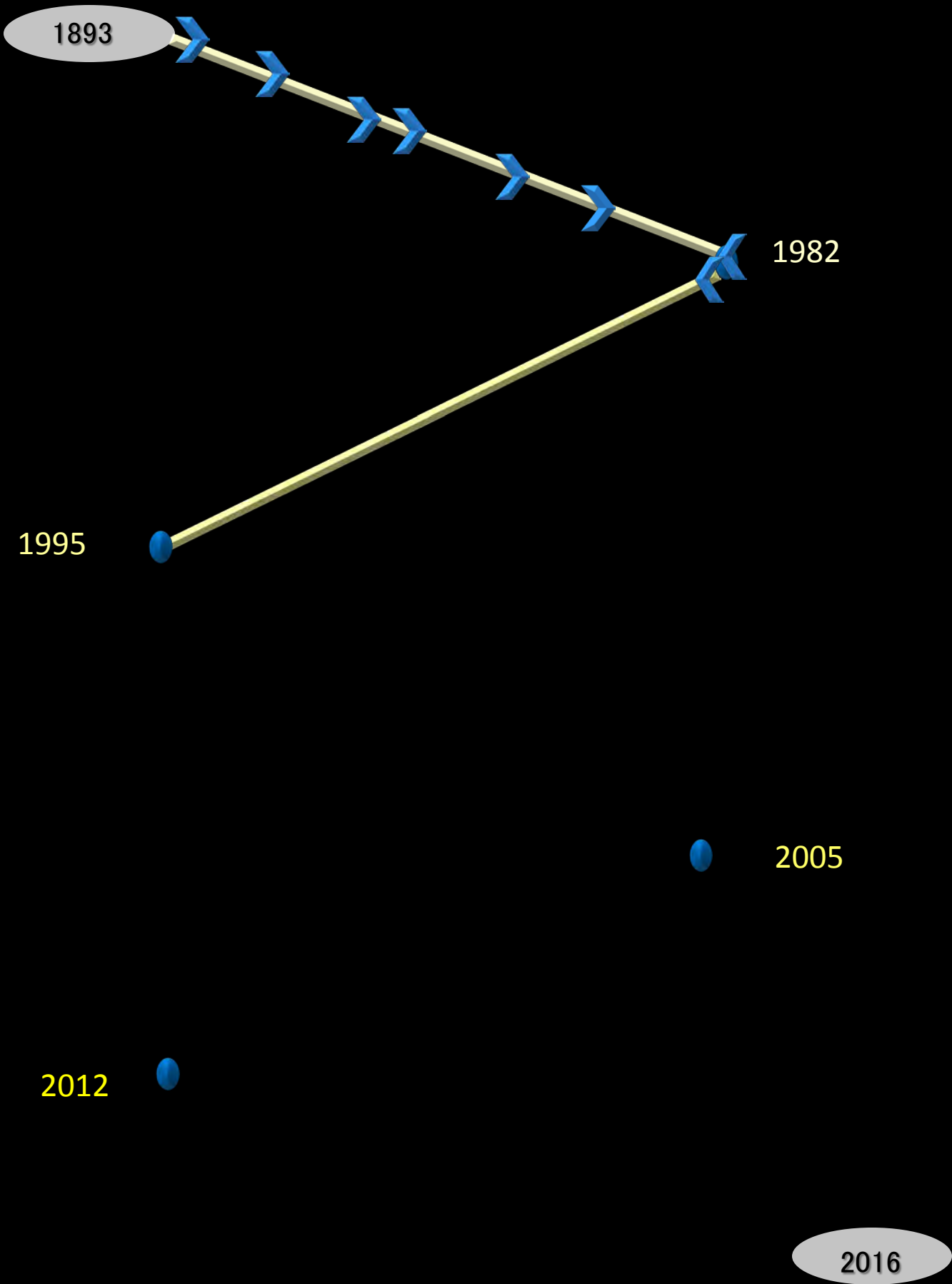
Post 1982 – Dr. Bruce Semple from J & J visited Dr. Cramer personally in an attempt to downplay the risks of ovarian cancer. Instead Dr. Cramer advises Dr. Semple to “warn consumers,” of the danger and risk.

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Since 1982 – There have been more than 20 additional EPI studies reporting an elevated risk of ovarian cancer with talc use, with all demonstrating an increased risk of ovarian cancer with genital talc use.

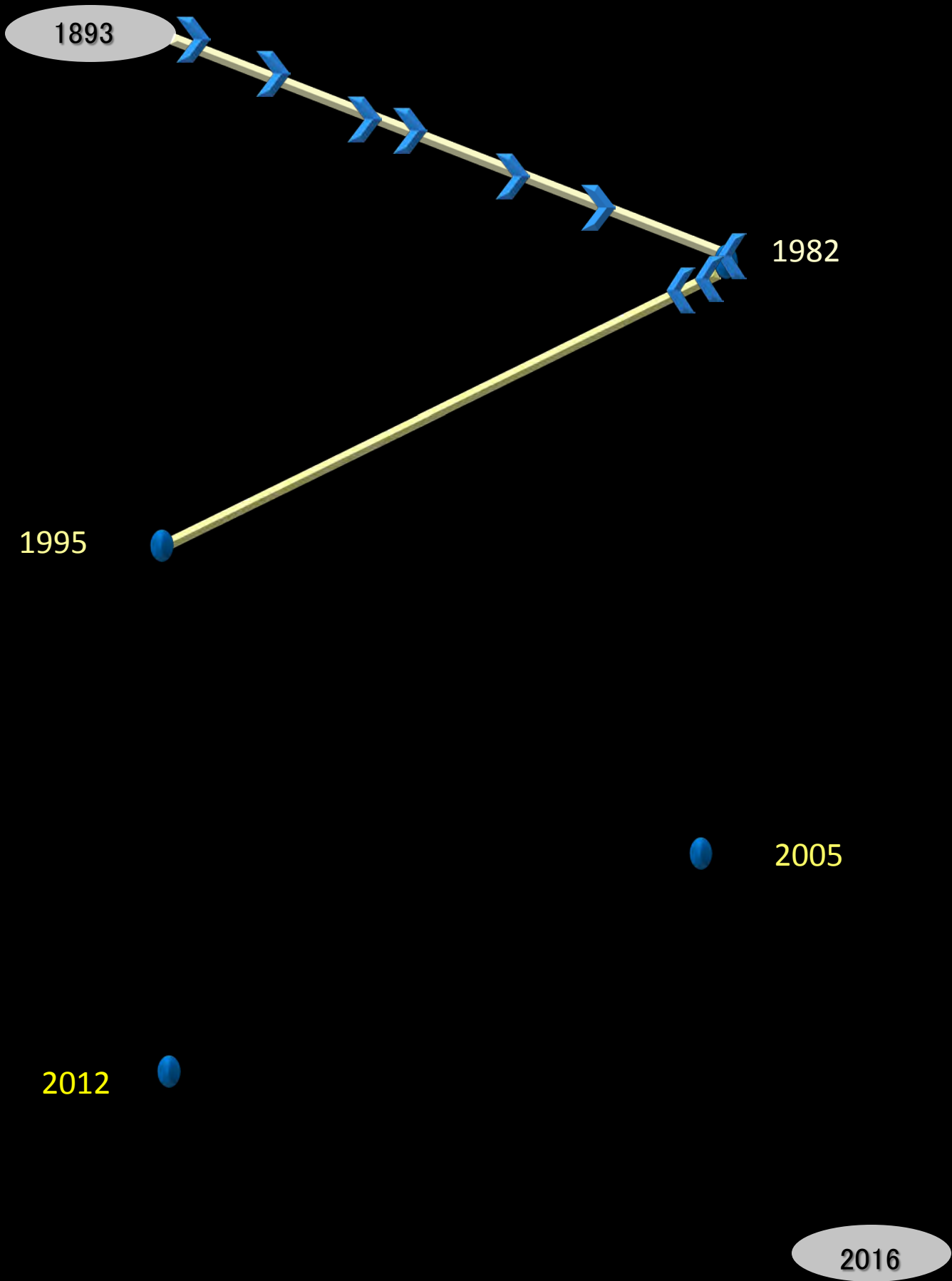
Both J & J and Luzenac admit they knew about these studies performed by doctors and scientists around the world.

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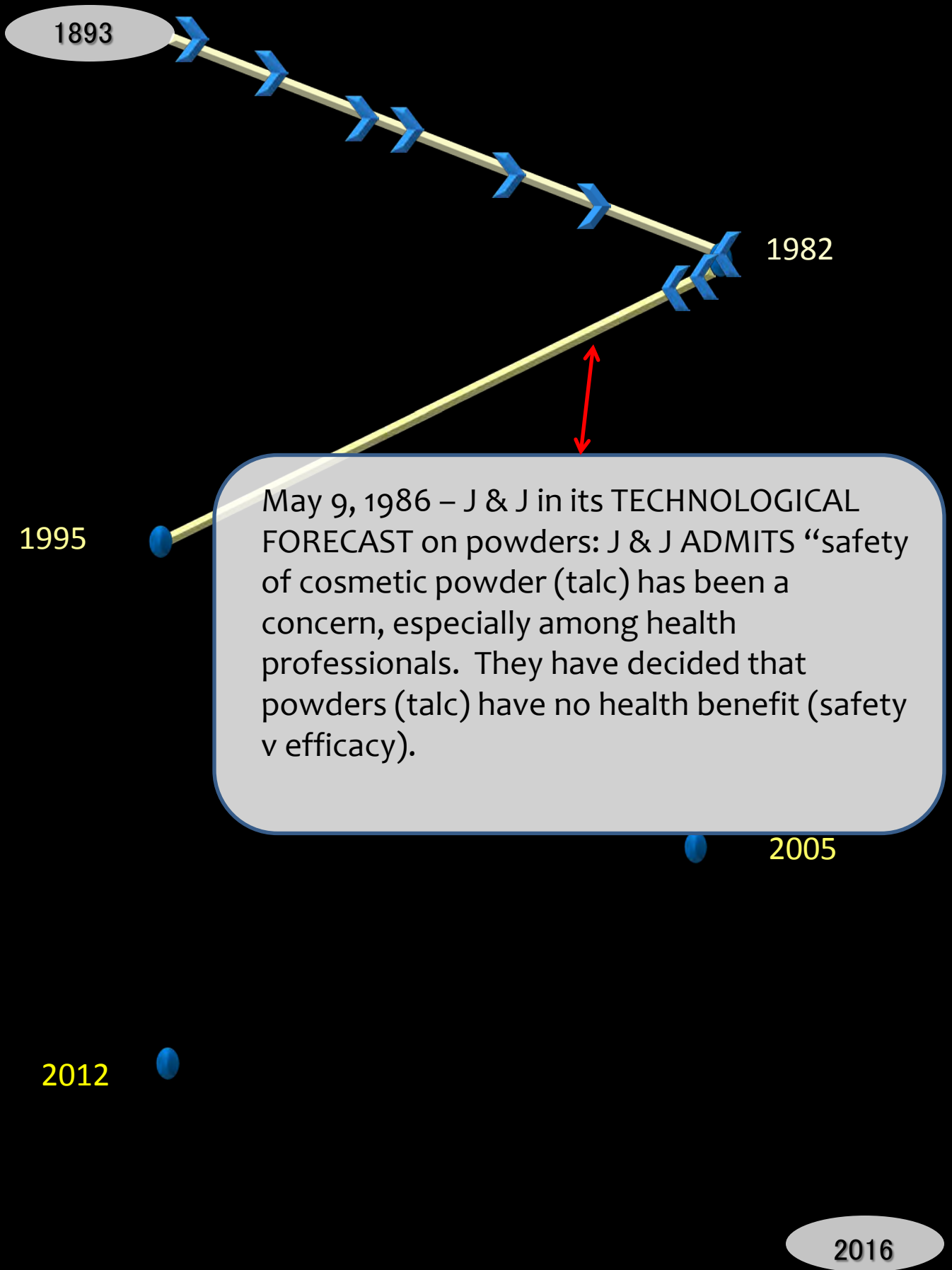
1995

May 9, 1986 – J & J in its TECHNOLOGICAL FORECAST on powders: J & J ADMITS “safety of cosmetic powder (talc) has been a concern, especially among health professionals. They have decided that powders (talc) have no health benefit (safety v efficacy).

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1893

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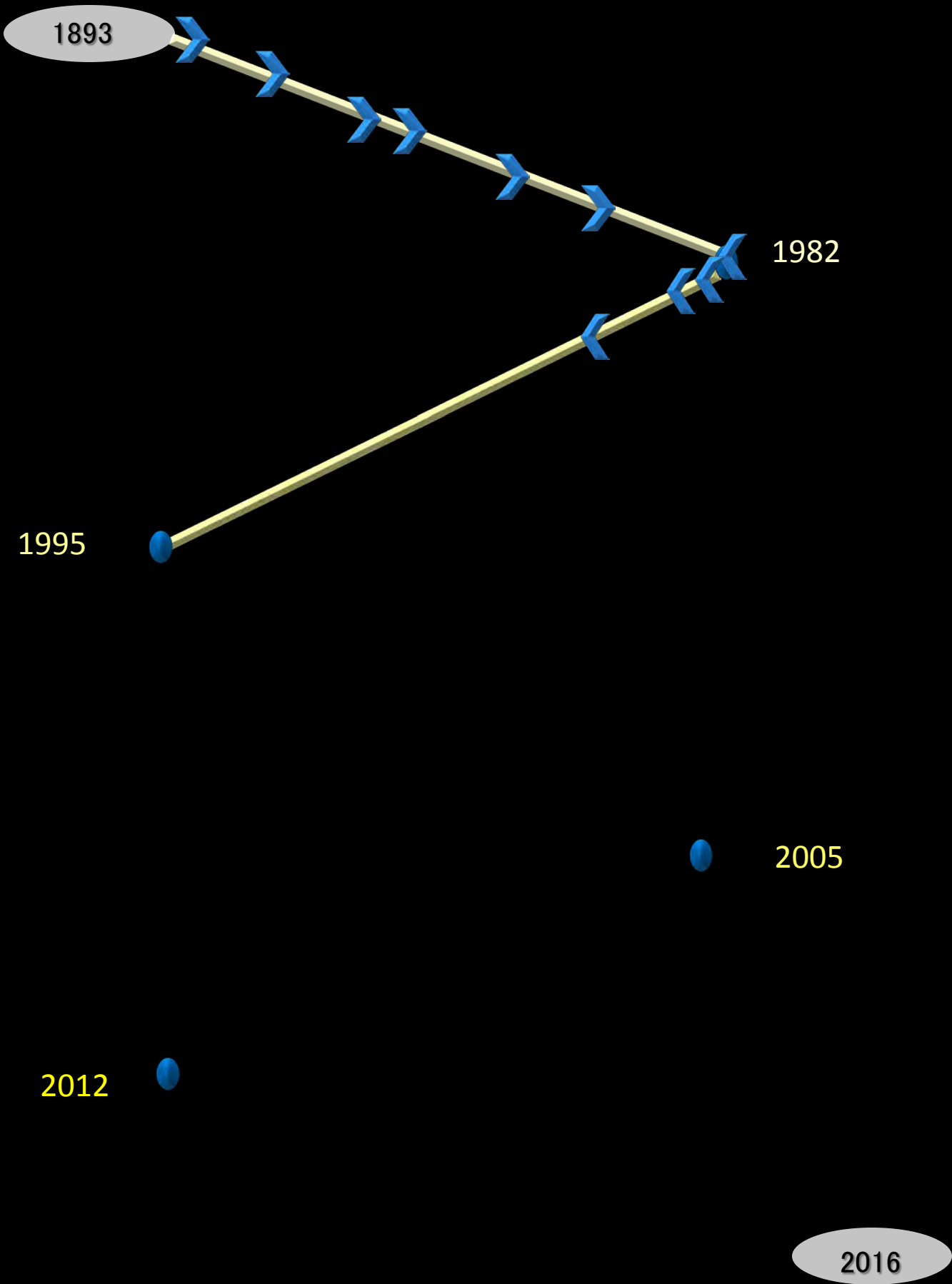
May 9, 1986 – J & J in its TECHNOLOGICAL FORECAST on powders: J & J ADMITS “safety of cosmetic powder (talc) has been a concern, especially among health professionals. They have decided that powders (talc) have no health benefit (safety v efficacy).

2012

So, in 1986 J & J had a product that (1) provided no health benefit; and (2) could cause cancer

2005

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1893

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1992 – The National Toxicology Program (NTP) conducted a study on the inhalation of talc and its effect on rats. The inhalation rat study demonstrated evidence of carcinogenic activity in male rats and “**clear** evidence of carcinogenicity activity in female rats.”

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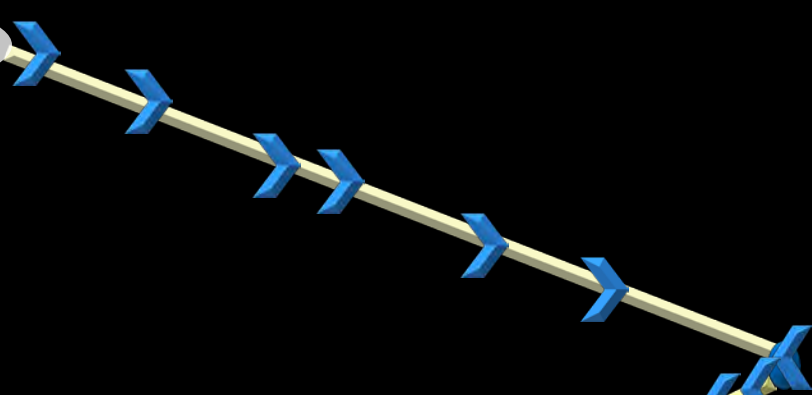


NTP

National Toxicology Program
U.S. Department of Health and Human Services

2016

1893



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2016

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August 5, 1992 – J&J experienced a decline in sales. In an effort to “grow the franchise” made a decision to target African American and Hispanic women. Marketing studies had demonstrated these ethnicities used talc at higher rates.

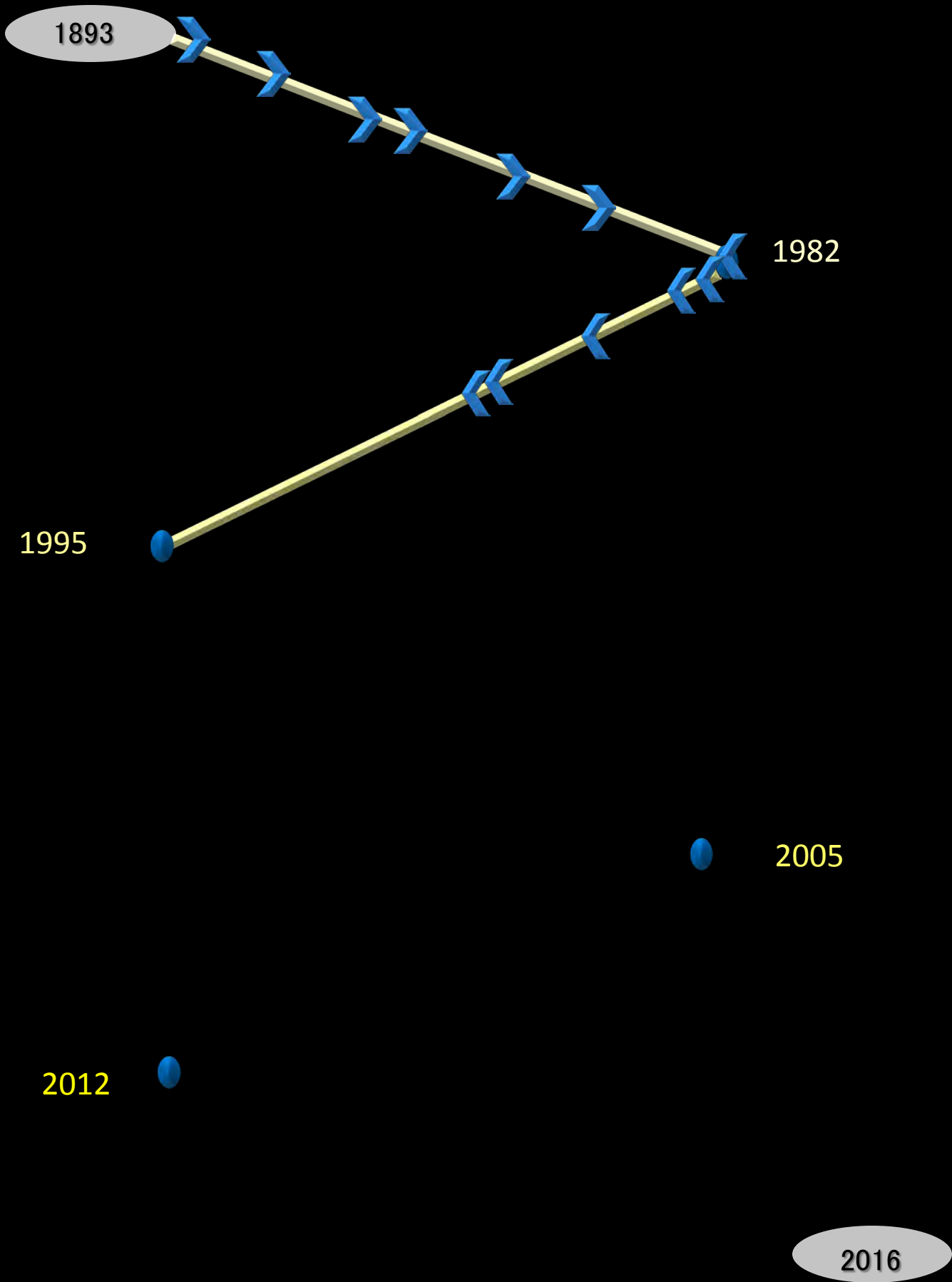
2005

In same document – J&J recognized “negative publicity from health community on talc... cancer linkage... continues.”

Instead of warning – they try to increase sales.

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1893

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CTFA

Cosmetic Toiletry, Fragrance Association

1995

Post 1992 – NTP STUDY: As a result of the NTP study – Cosmetic Toiletry & Fragrance Association (CTFA), the industry group, formed “the Talc Interested Party Task Force.” Spearheaded by J & J and Luzenac and its purpose was to raise money for a “defense strategy” and make sure talc remained unregulated.

2005

Task force never sponsored any research!!

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CTFA

Cosmetic Toiletry, Fragrance Association

Johnson &
Johnson

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TASK
FORCE

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NTP study – Co
Association (C
formed

Force formed by J & J and Luzenac
and Luzenac as to raise money for a
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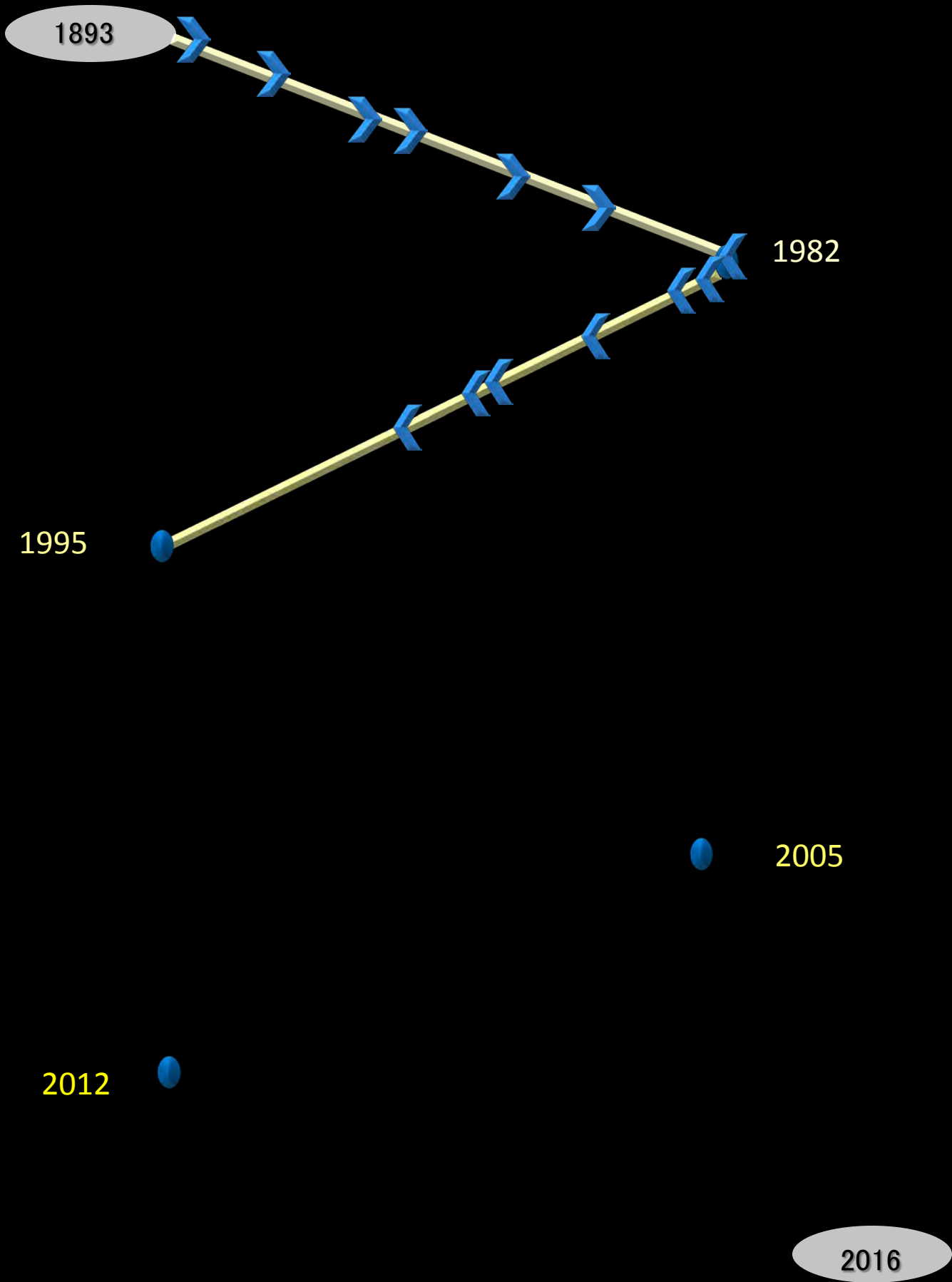
Luzenac

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1893

TASK FORCE

1982



1995

January 1994 - CTFA, FDA and ISRTP sponsored a 2 day workshop on the safety of talc in cosmetics – it was funded by CTFA and their Task Force.

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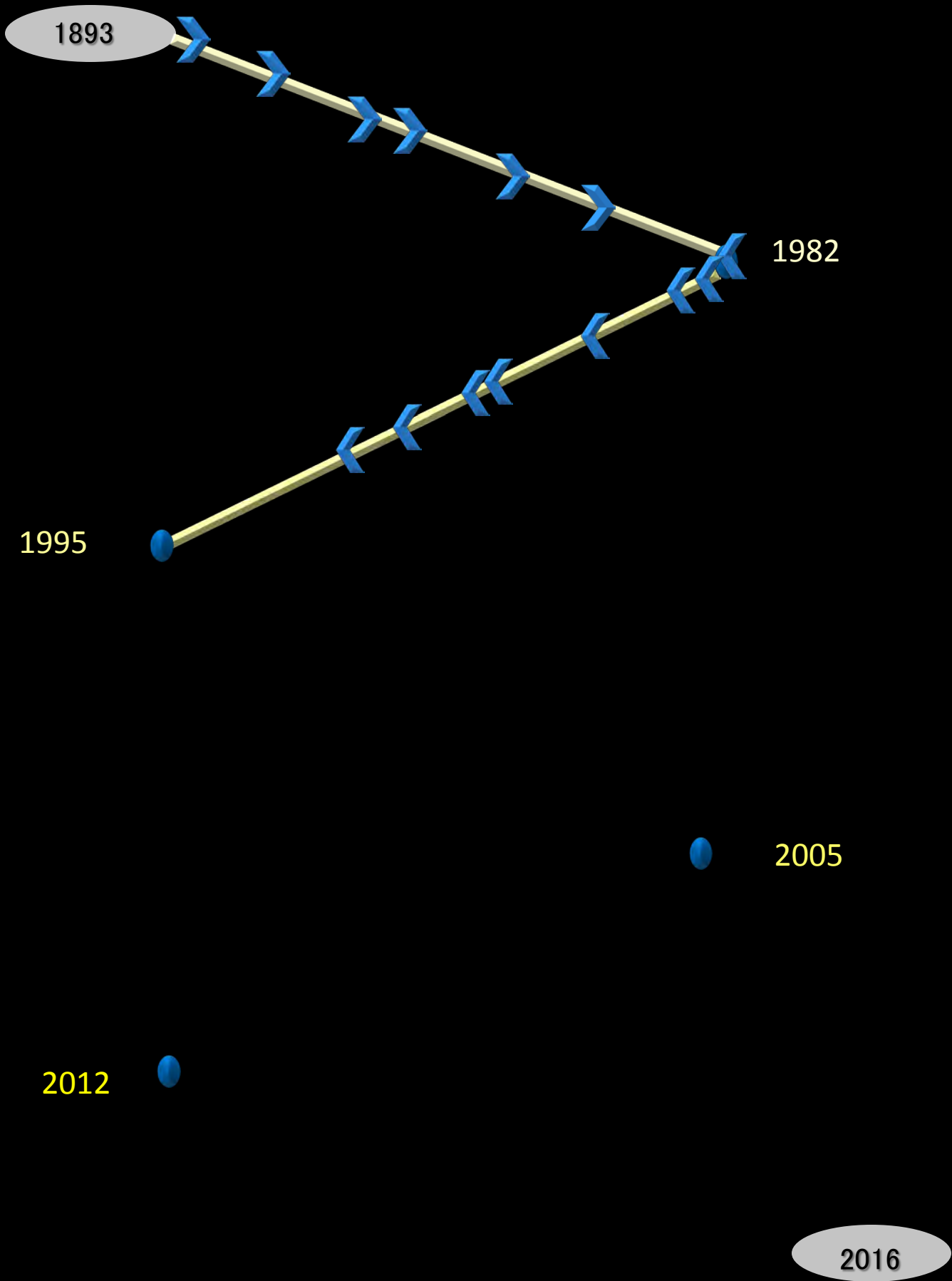
January 1994 - CTFA, FDA and ISRTP sponsored a 2 day workshop on the safety of talc in cosmetics – it was funded by CTFA and their Task Force.

The Task Force was given an early alert to the workshop being planned.

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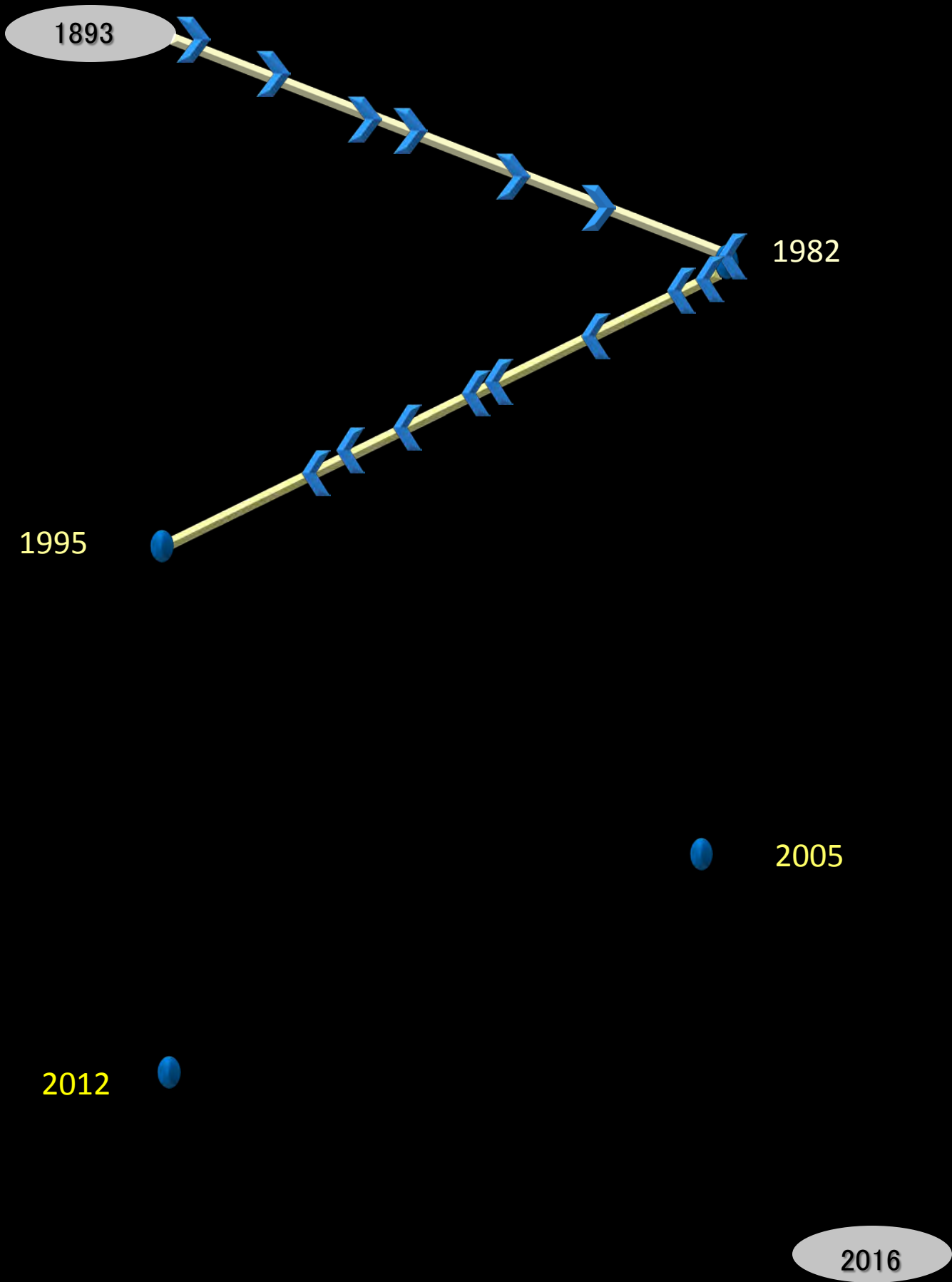


March 29, 1994 – June 11, 1994

Post January 1994 workshop, Dr. Alfred Wehner (a toxicology consultant to Luzenac and CTFA) sent 3 letters to Michael Chudkowski (Mgr of Preclinical Toxicology at J & J Consumer Products) and 1 letter to Dr. Stephen Gettings (Director of Toxicology at the CTFA) acknowledging that after the workshop the FDA continued to be concerned about the risk of ovarian cancer from the use of talc and has

asked for “additional studies.”

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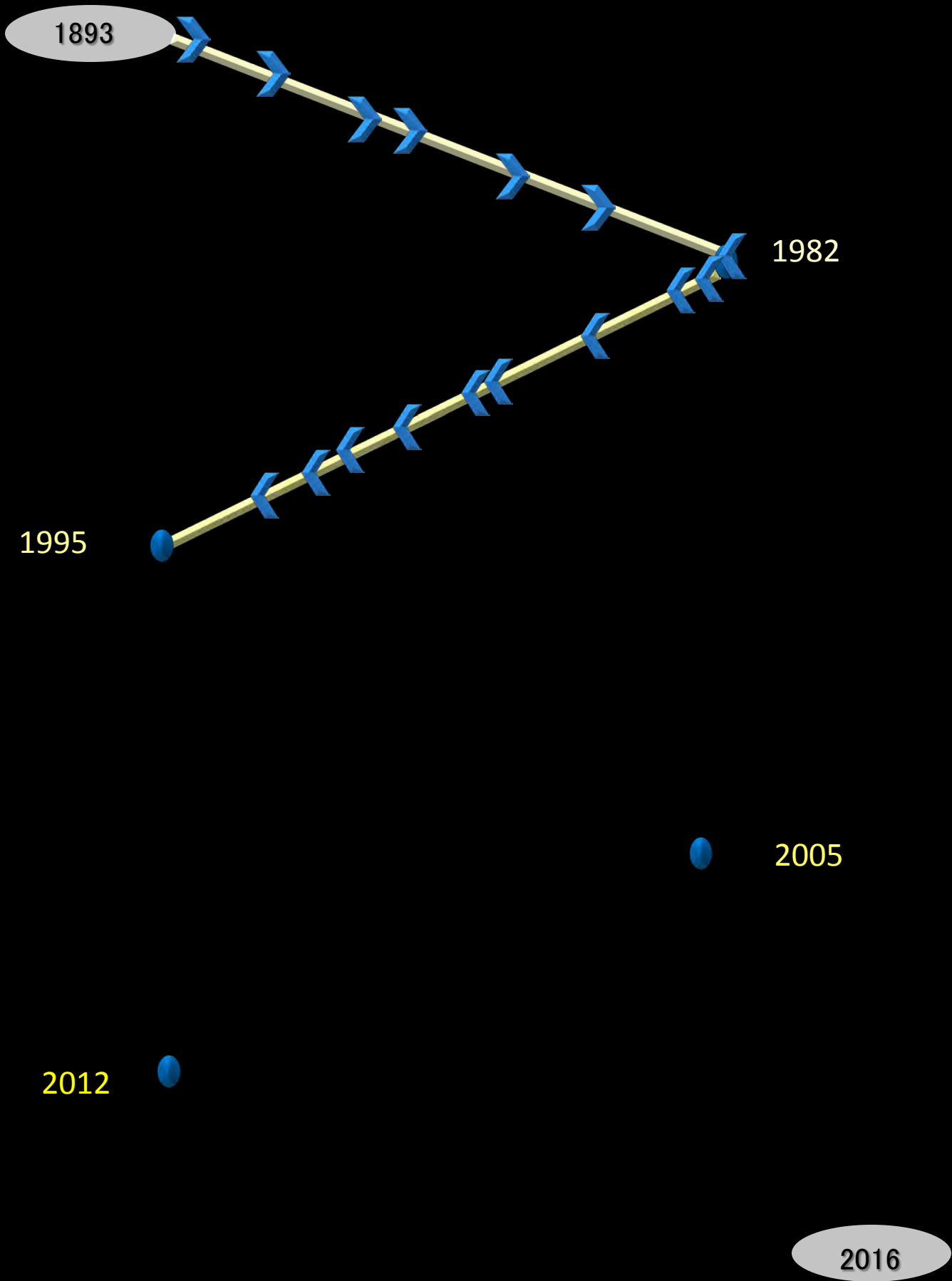


November 10, 1994 – **WARNING REQUEST:**
Samuel Epstein, M.D., Chairman of the Cancer Prevention Coalition, wrote to Ralph Larson, CEO of J & J, requesting that J & J immediately withdraw talc from the market because of ovarian cancer concerns or at a minimum to label the products with information regarding the talc risks – **to warn users!**

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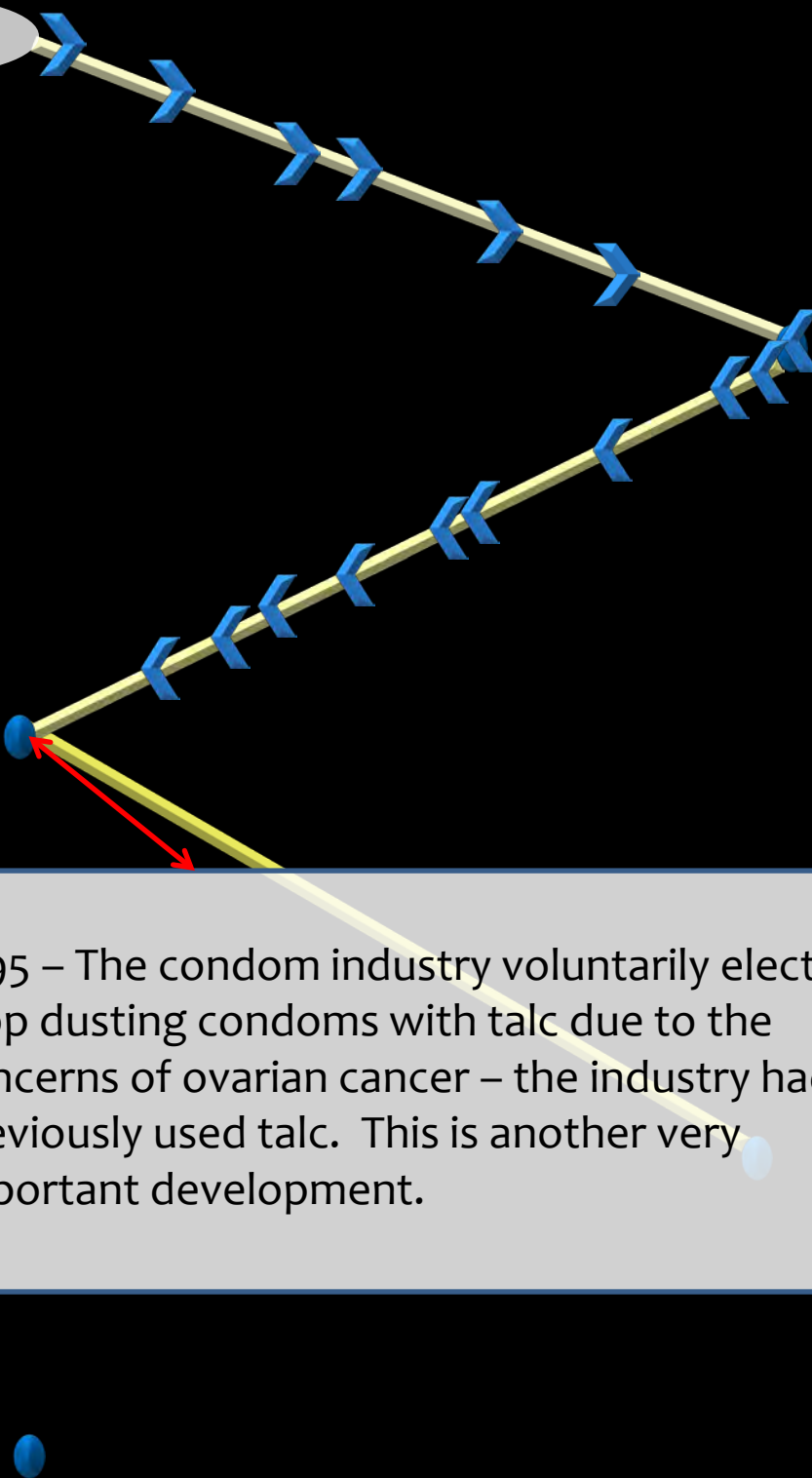
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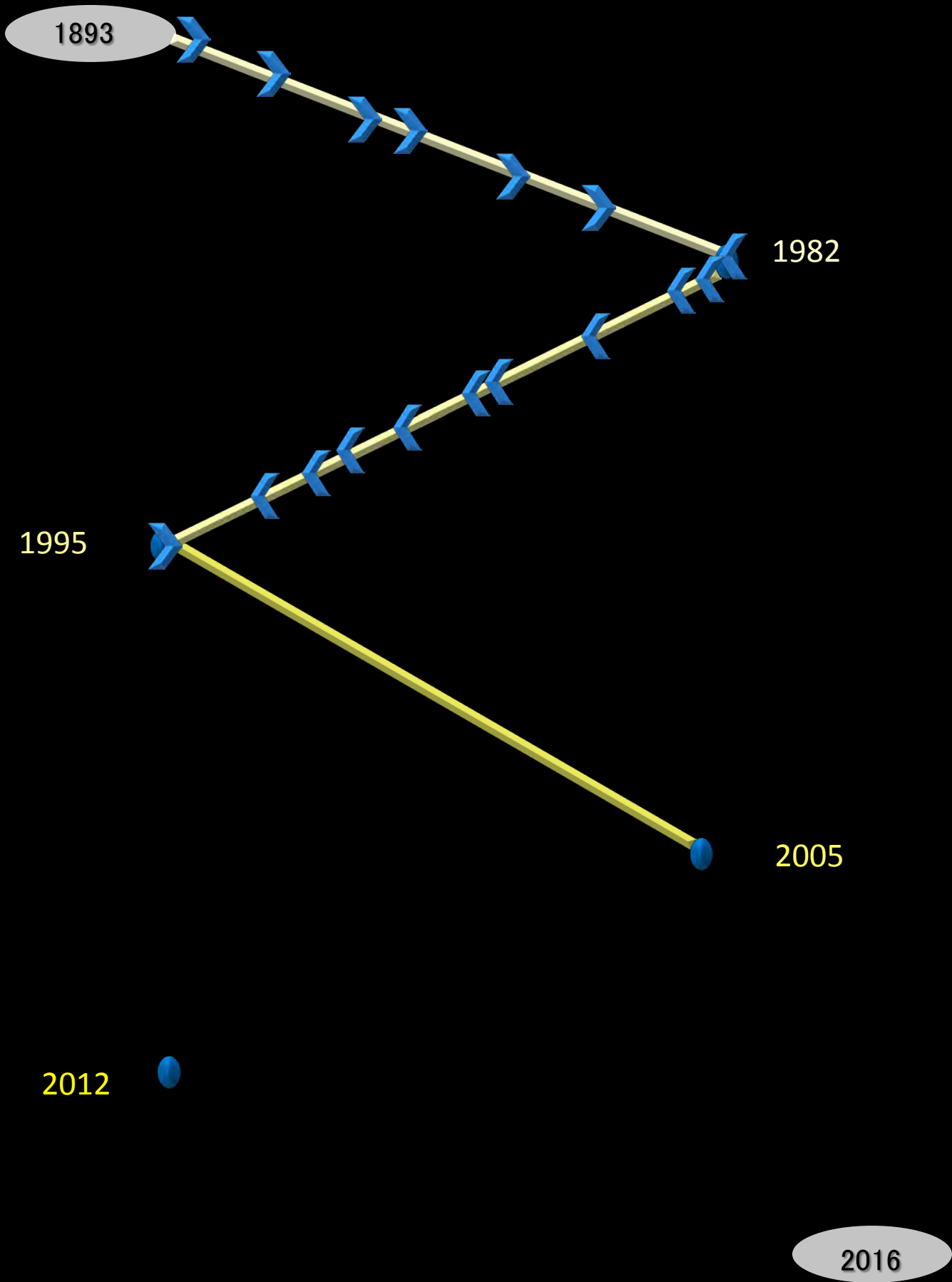
1995 – The condom industry voluntarily elects to stop dusting condoms with talc due to the concerns of ovarian cancer – the industry had previously used talc. This is another very important development.

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1893

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September 17, 1997: Dr. Wehner (the head J & J Toxicologist) wrote to Michael Chudkowski (J & J's Manager of Preclinical Toxicology). He wrote CTFA released "outright false information about the safety of talc to the public on 3 separate occasions."

Dr. Wehner said anybody who denies talc can cause ovarian cancer risks that the talc industry will be perceived by the public like it perceives the cigarette industry – denying the obvious in the face of all evidence to the contrary."

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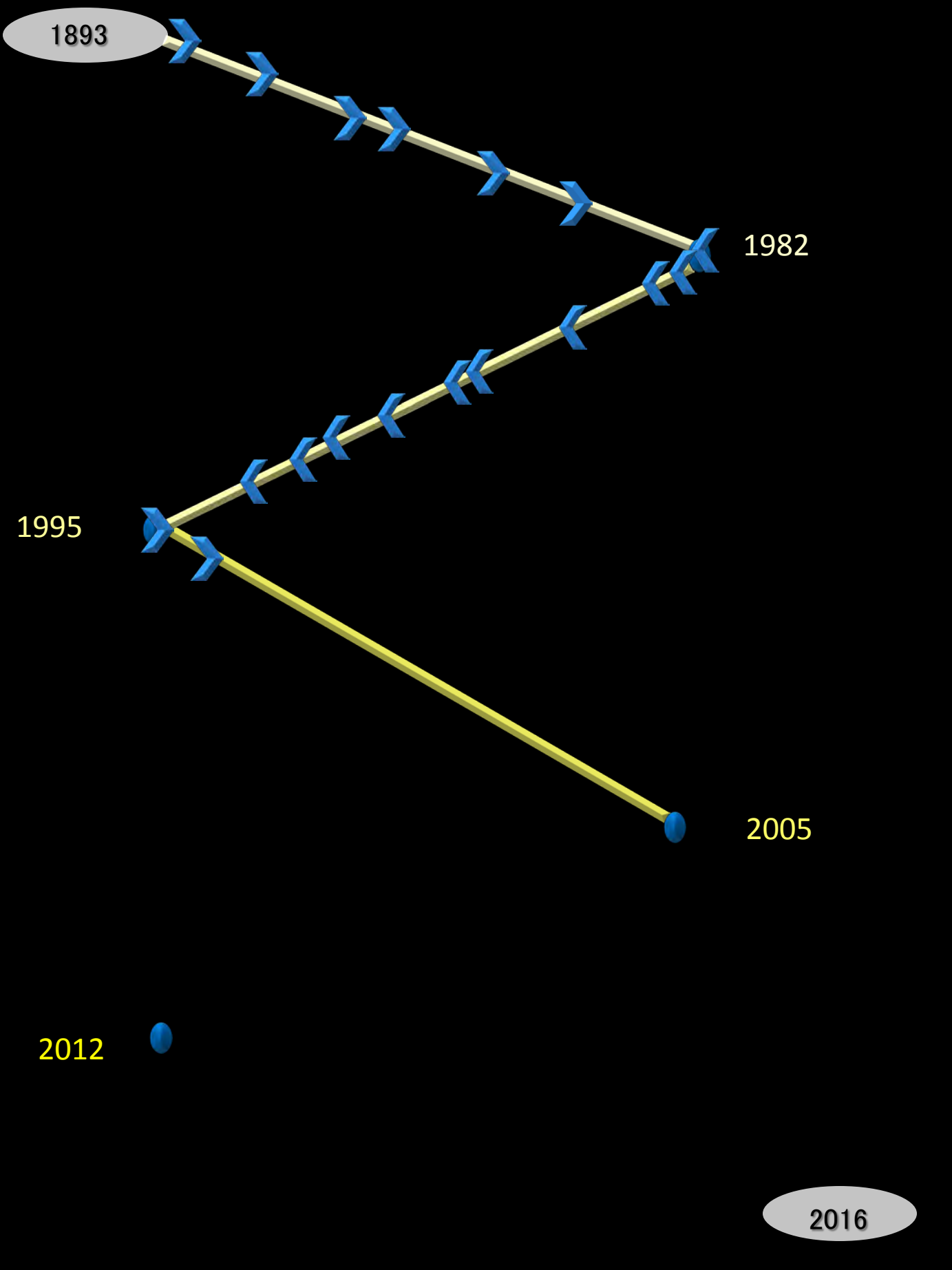
1995



Manager of Technical Toxicology, he wrote that the industry released “outright false information about the safety of talc to the public on 3 separate occasions.”

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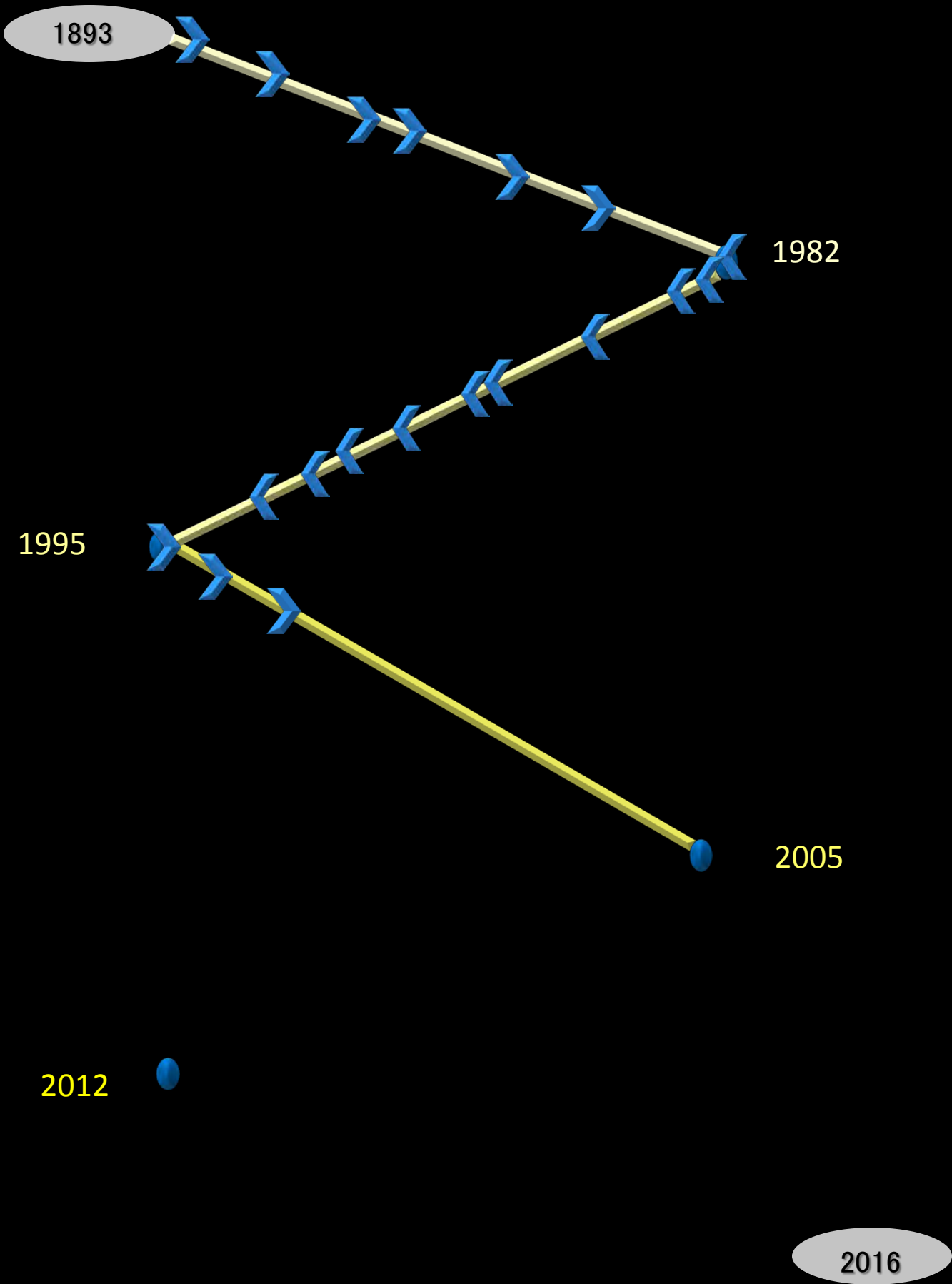


February 2, 1998 – Luzenac writes a memo that it wants to avoid the classification of talc as a “CARCINOGEN.” This memo stated scientific experts “from the club” should be hired to defend talc.

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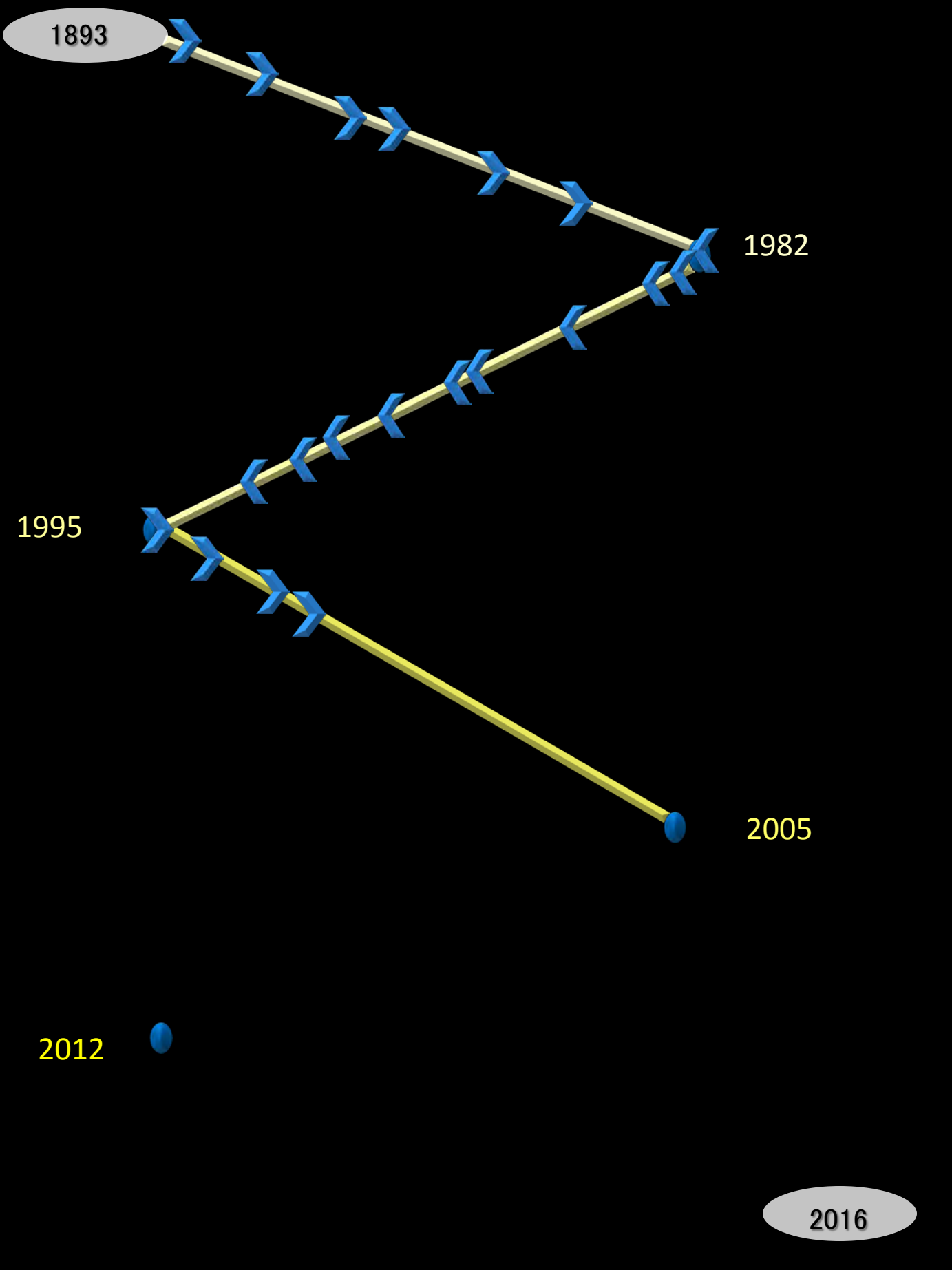
1995



1998 – Janssen Pharmaceuticals, a subsidiary of J & J, CHANGED THE INSTRUCTIONS IN THE BOX OF ITS ALL FLEX DIAPHRAGM to say “powders should not be used with the diaphragm.” Janssen had been selling diaphragms since the 1960’s and the instructions had previously said to “dust diaphragms” with talc powder. This was a company owned by J & J – a monumental change – a safety move. A warning not to use talc.

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1893

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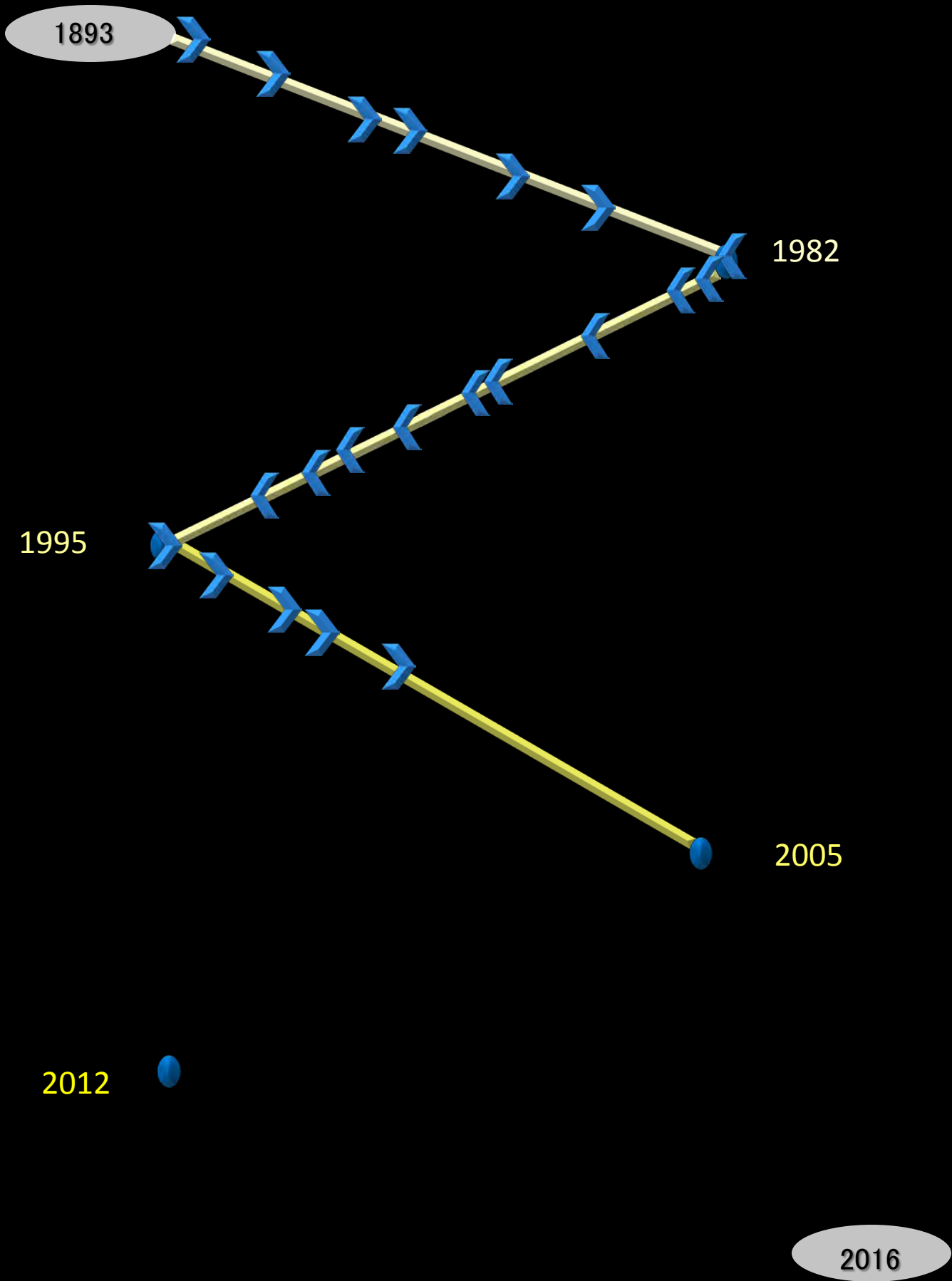
NTP

National Toxicology Program
U.S. Department of Health and Human Services

2000 – the NTP nominated talc to be listed in their Report of Carcinogens (RoC). 2 internal review panels (scientists) made recommendation. Vote was 13/2 to list perineal use of talc as a “human carcinogen.” The industry got involved and got the vote to make a decision deferred.

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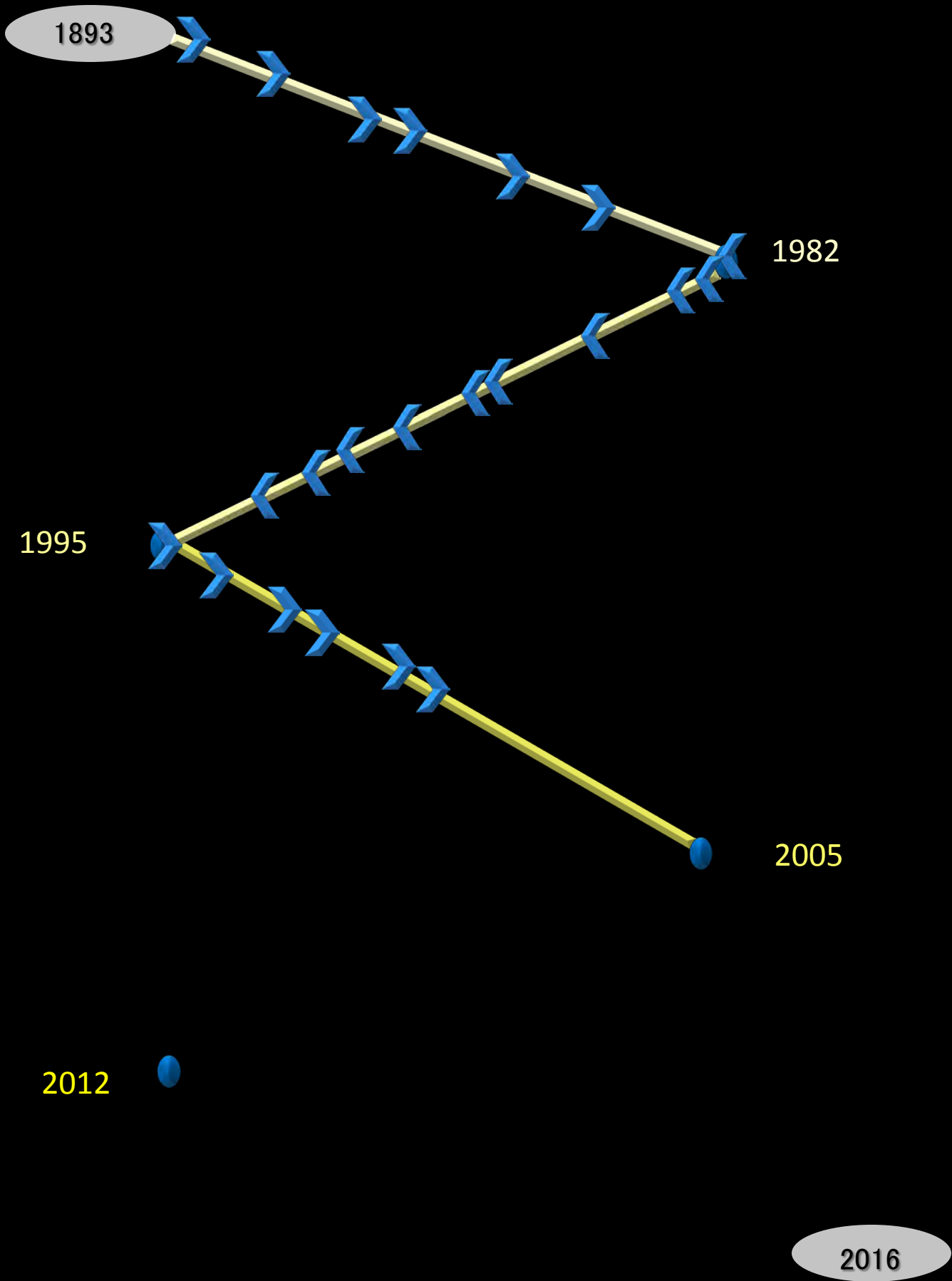
1995

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September 12, 2002 – A Luzenac interoffice memo stated – “Health is an issue to large body powder customers...” The memo NOTES – general public is not aware of any health issues regarding talc. Public was unaware because of heavy advertising of baby powder and Shower to Shower claiming it totally “safe” to use.



1893

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October 27, 2000 – Nichols & Denzenhall, a leader in crisis management, writes to CTFA addressing 2005 problems faced with defending the safety of talc.

J & J and Luzenac had already started a defense strategy.

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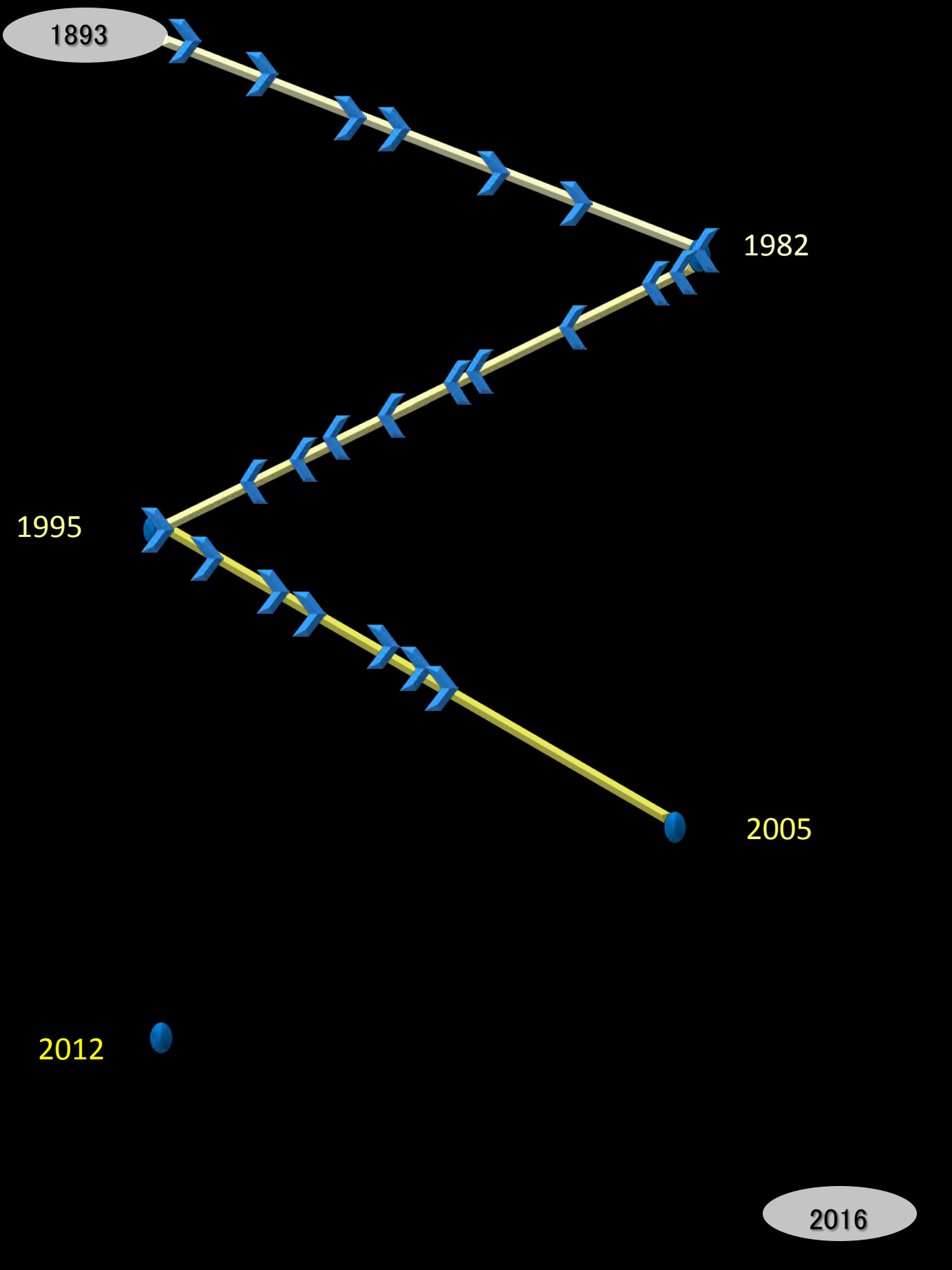
1995

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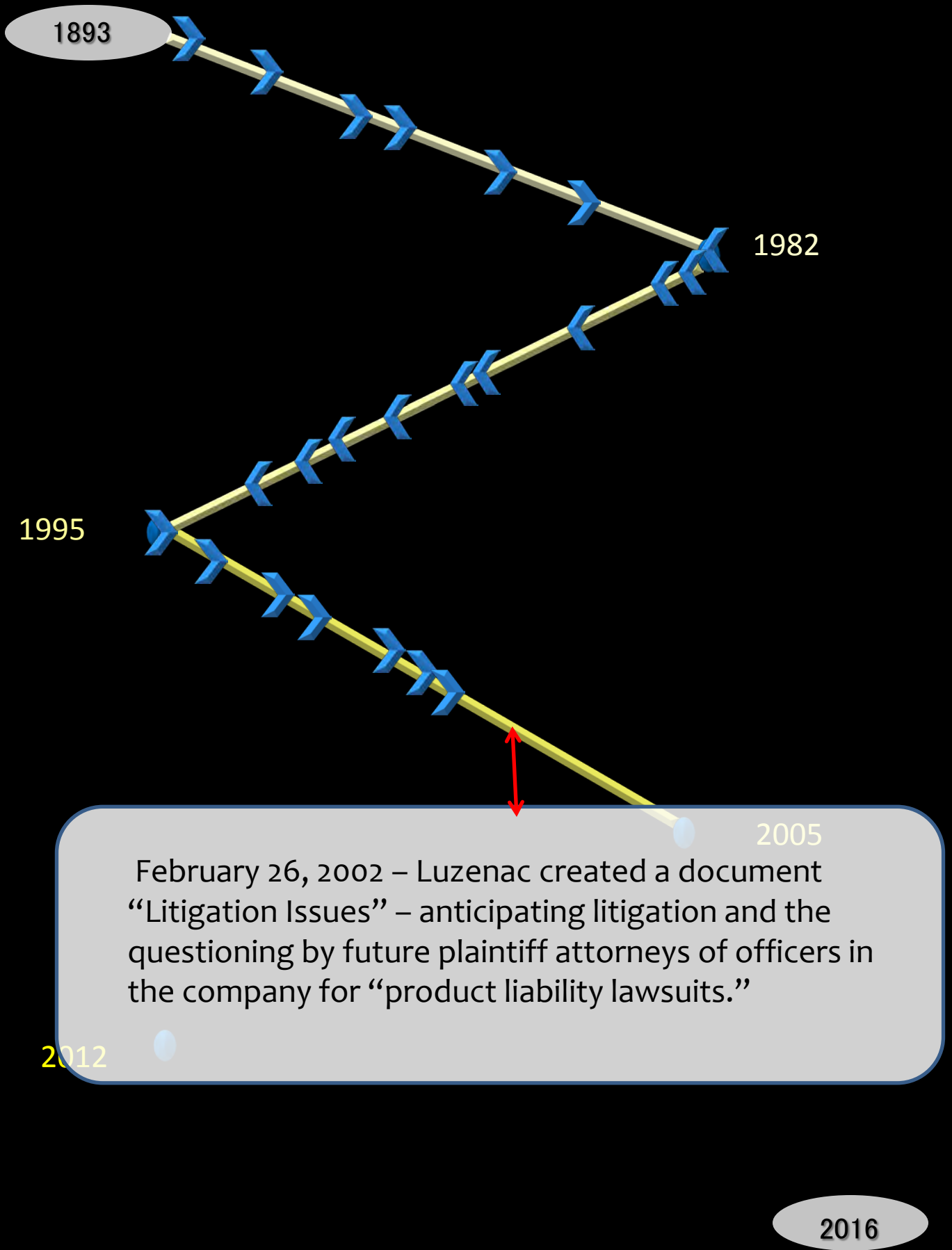
1995

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February 26, 2002 – Luzenac created a document “Litigation Issues” – anticipating litigation and the questioning by future plaintiff attorneys of officers in the company for “product liability lawsuits.”

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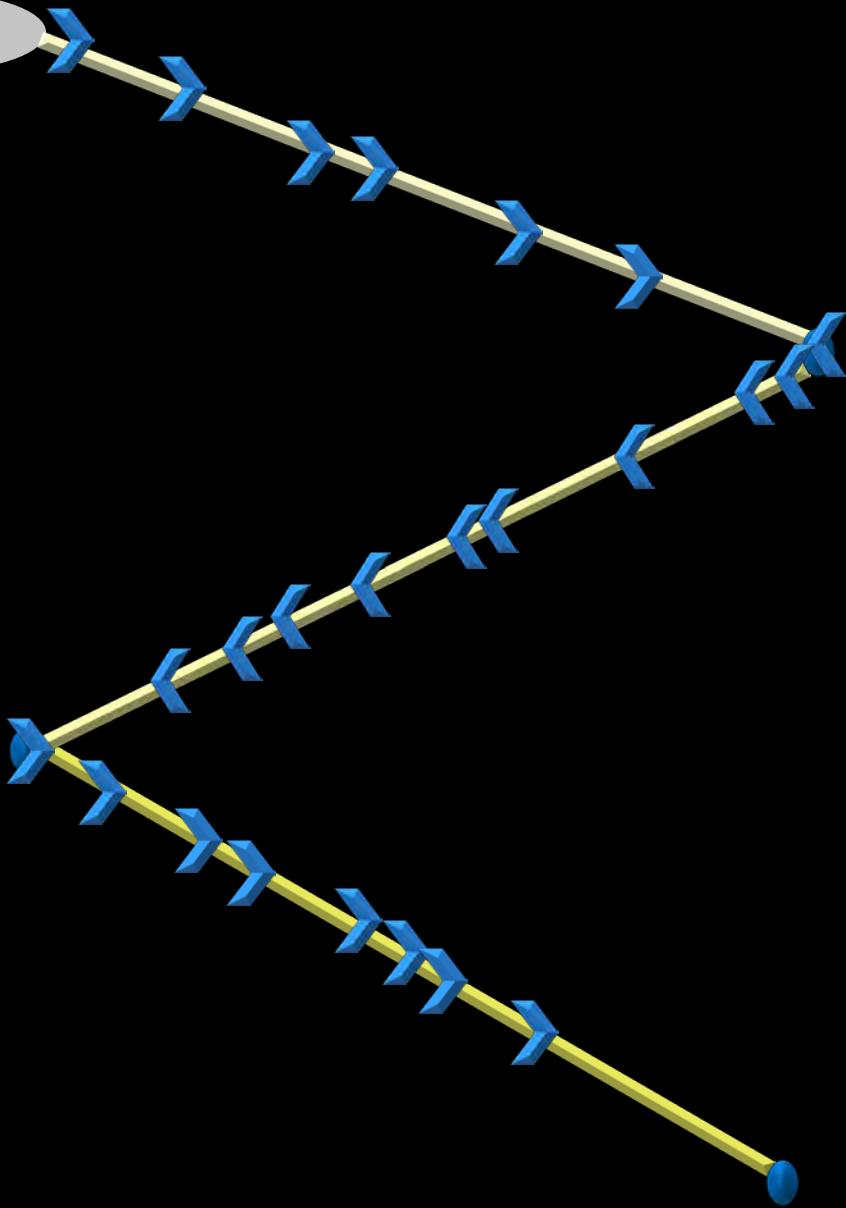
1982

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International Agency
Research on Cancer



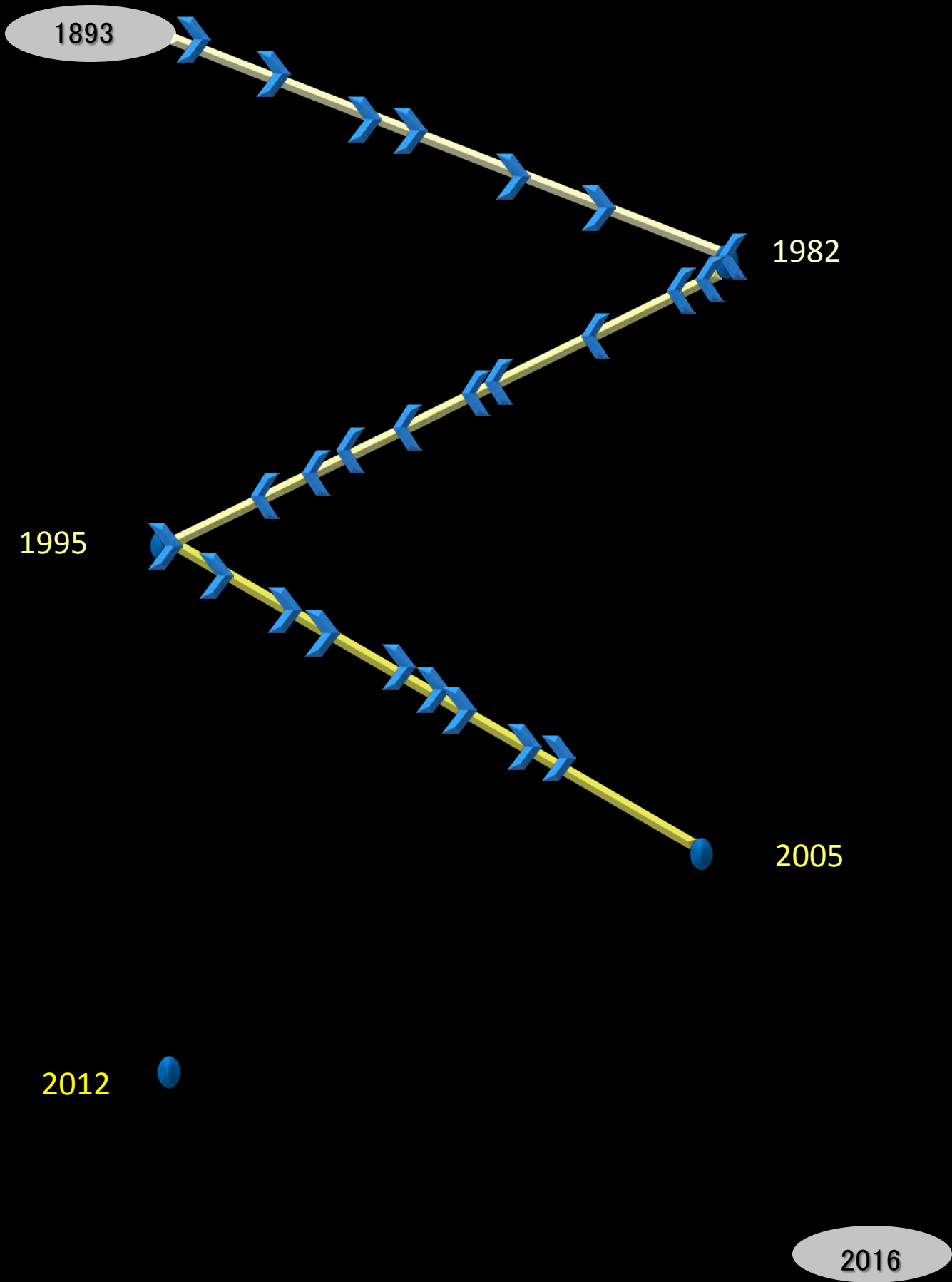
World Health
Organization

2005

March 26, 2002 – Richard Zazenski (Director of Product Safety at Luzenac) writes to Bill Ashton at J & J. He discusses the success thus far “in fending off NTP classification,” but expresses concern for IARC because “unlike the NTP, IARC is answerable to no one politically.”

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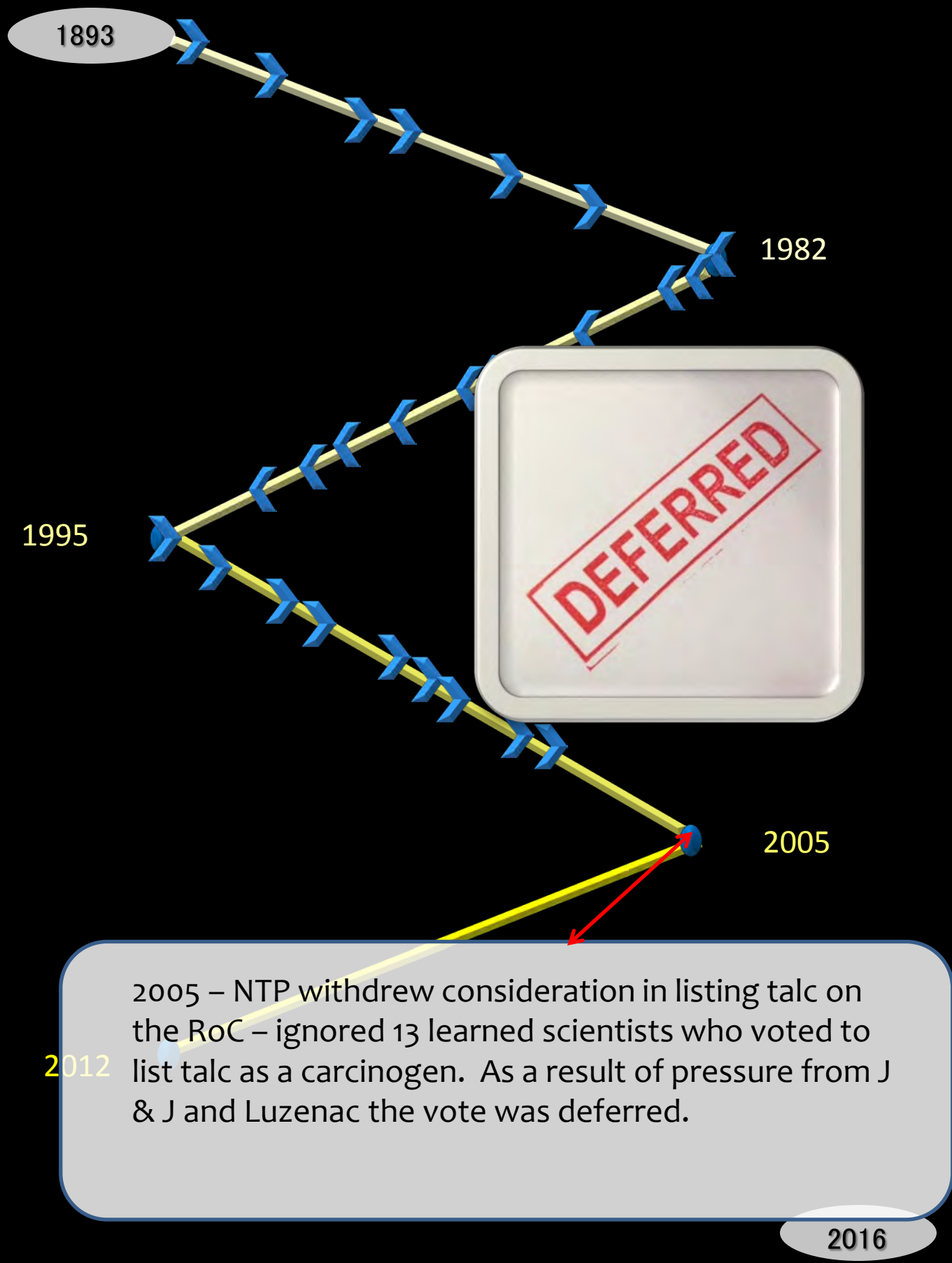
DEFERRED

2005

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2005 – NTP withdrew consideration in listing talc on the RoC – ignored 13 learned scientists who voted to list talc as a carcinogen. As a result of pressure from J & J and Luzenac the vote was deferred.

2016



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International Agency
Research on Cancer



World Health
Organization

2005

2012

2005 – The International Agency for the Research of Cancer (IARC) which is part of the World Health Organization, voted to declare perineal use of “cosmetic grade talc a group 2B carcinogen.” The 2B classification means its possibly carcinogenic. It stated an unusually consistent excess in risk.

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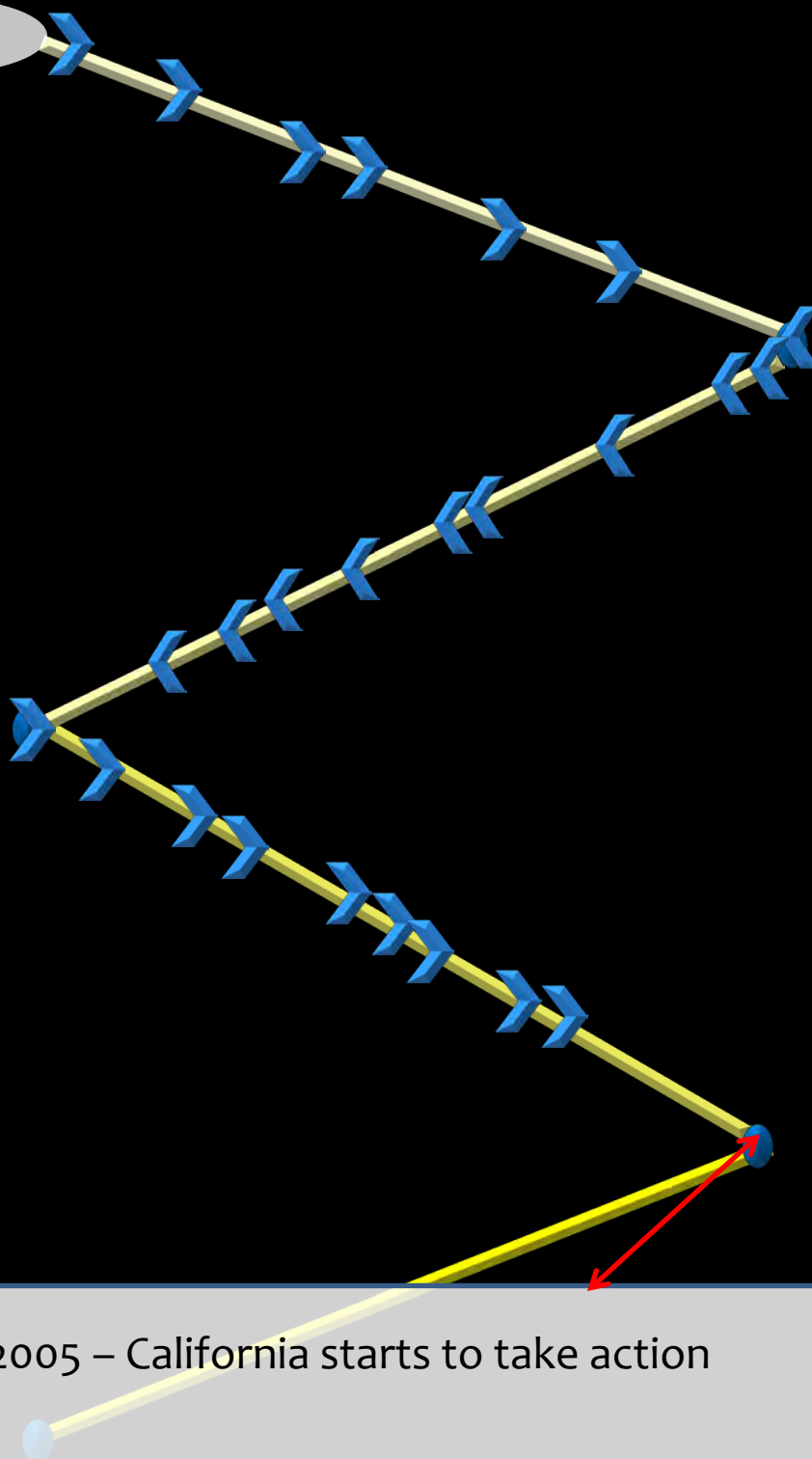
1995

2005

2005 – California starts to take action

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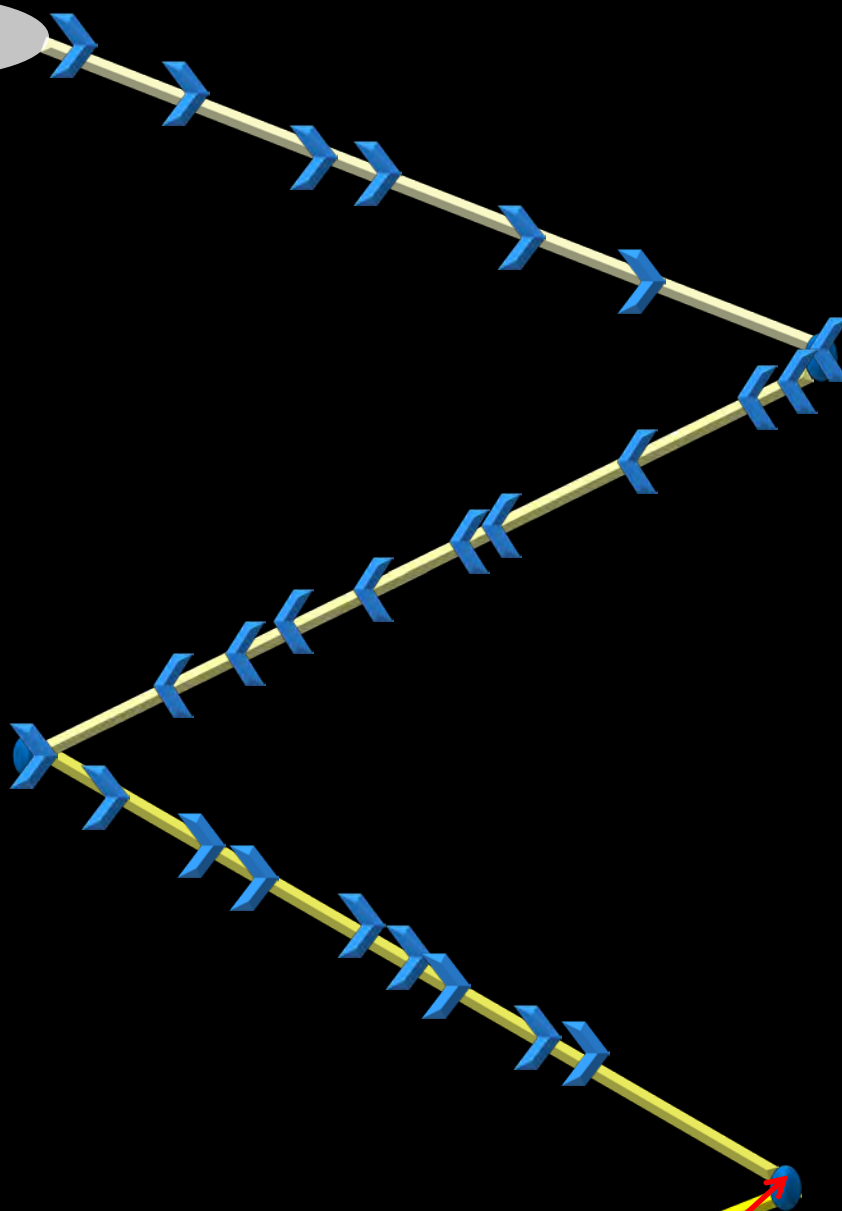
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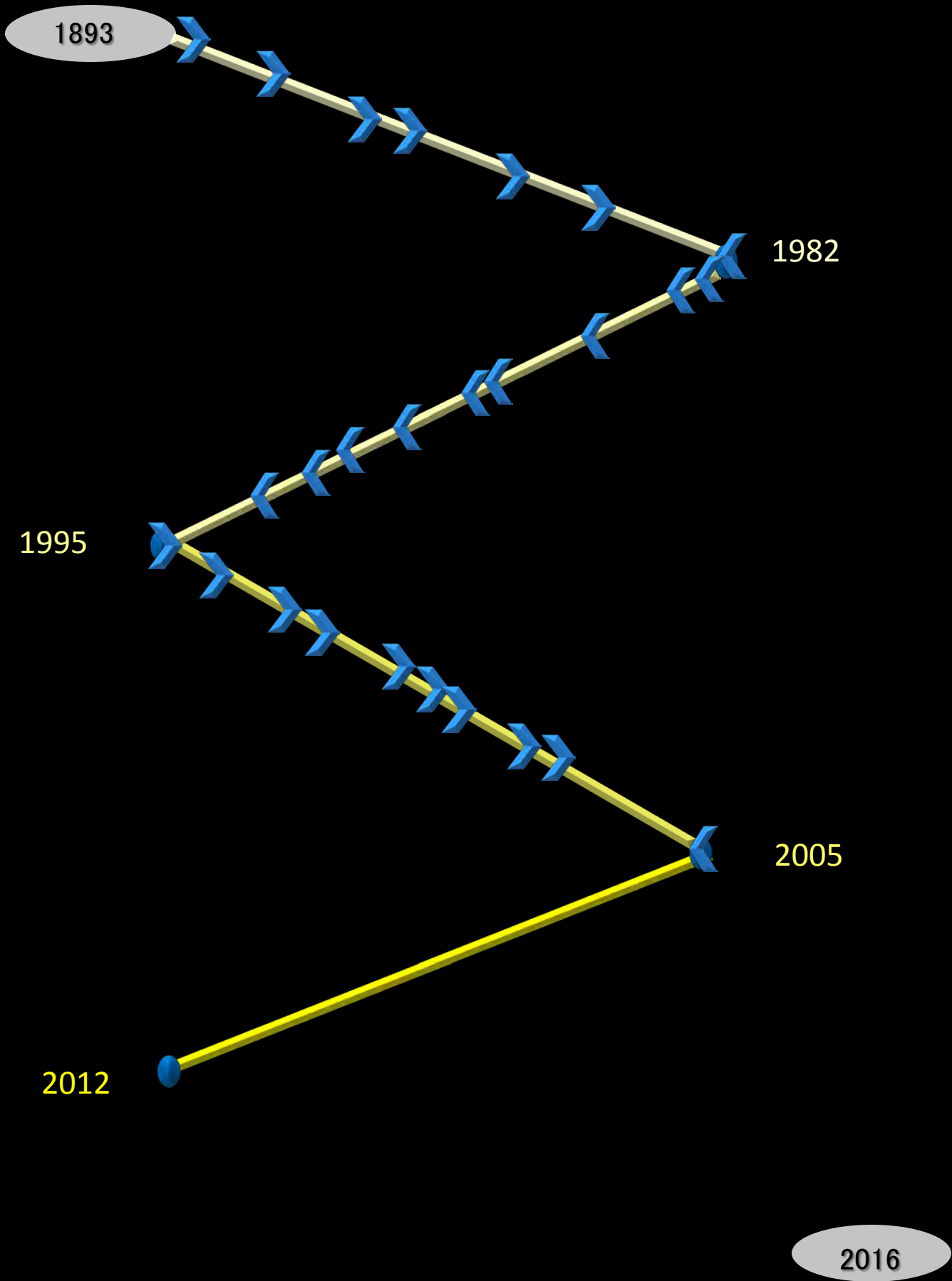
2005

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2005 – CTFA spends over \$600,000 in attempts to kill Senate Bill 484 “California Safe Cosmetics Act” from passing - they lost and the bill became law





1893

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International Agency
Research on Cancer



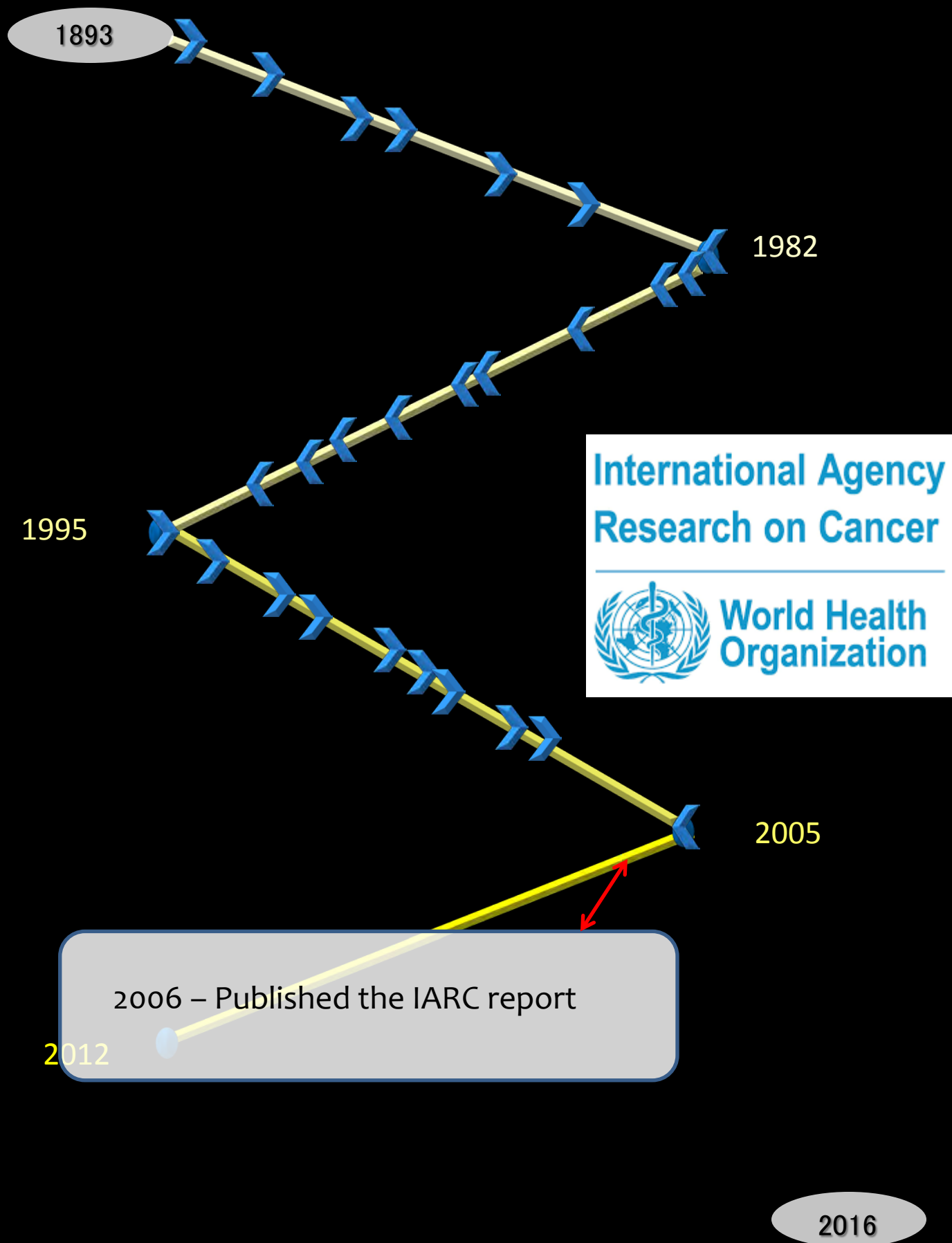
World Health
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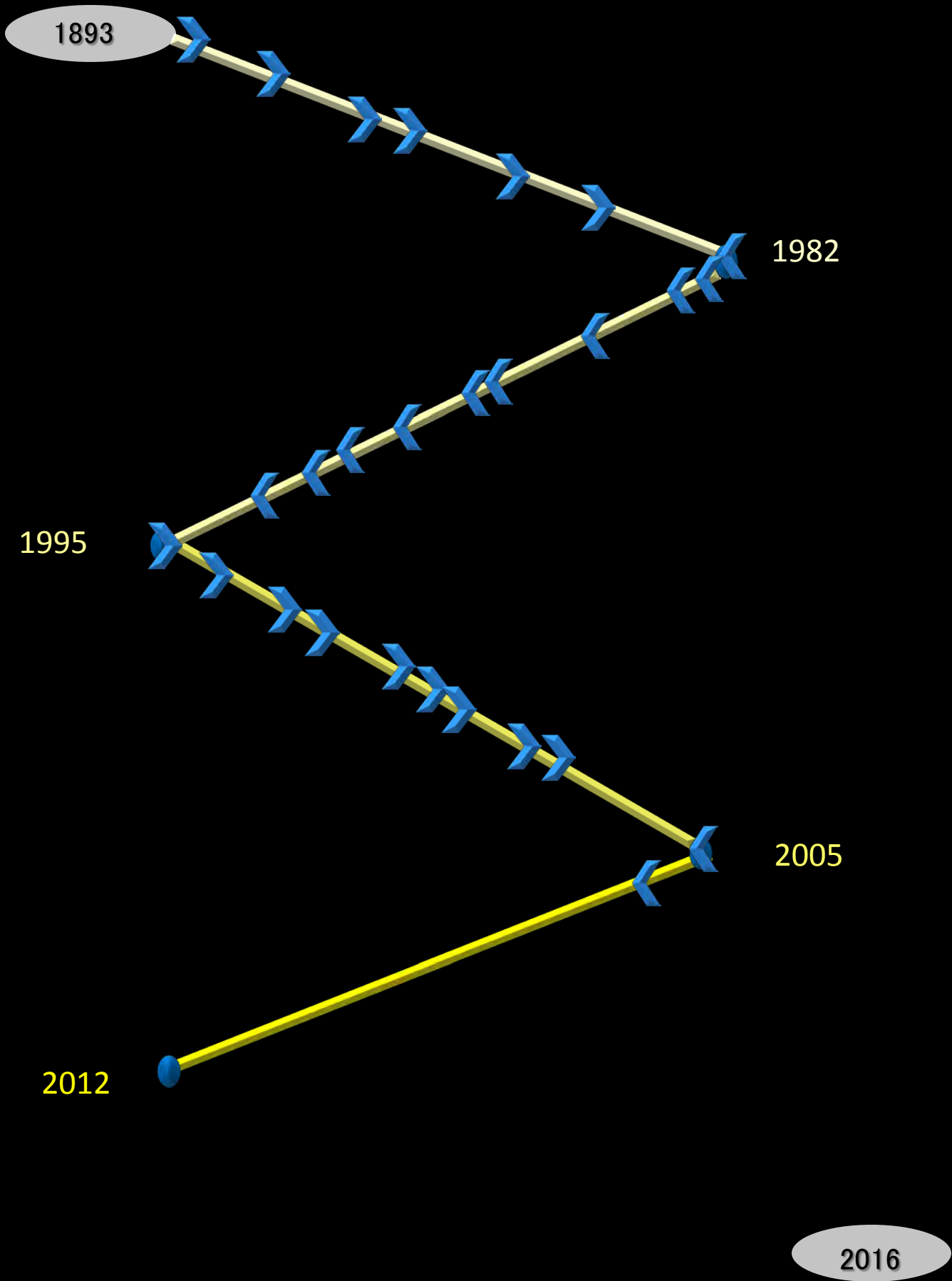
2005

2006 – Published the IARC report

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July 12, 2006 – Eric Turner (VP of Health, Safety & Environment at Luzenac) wrote to Mark Ellis (President of the Industrial Mineral Association, North America). Luzenac and J & J were withdrawing pledges to fund “Mossman Study” on talc and ovarian cancer. He said “horse has already left the barn.”

2016

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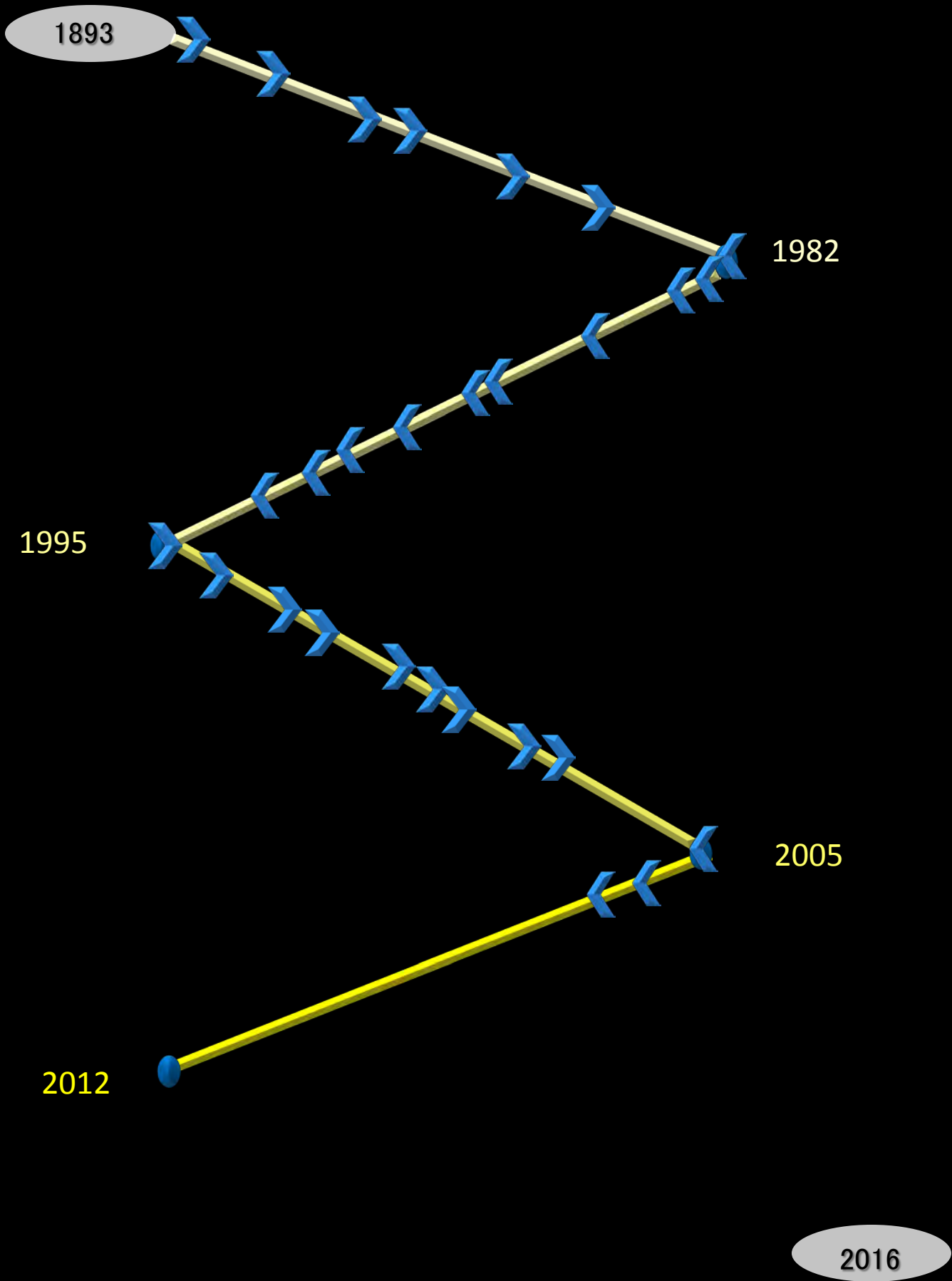
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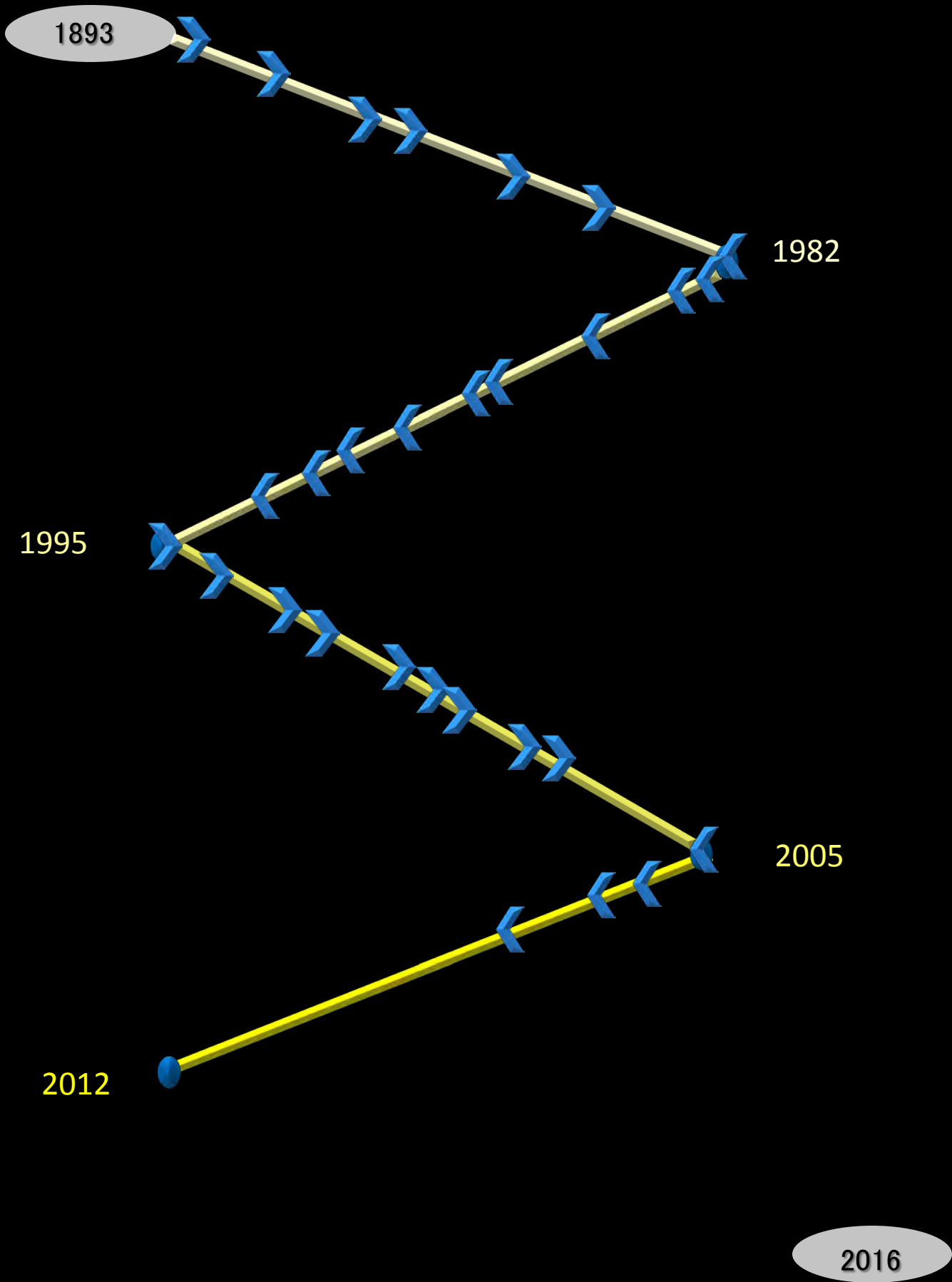
1995

September 2006 – During Luzenac Management briefing on “Global Regulatory Affairs,” Luzenac recognized product liability litigation was an issue of great impact due to EPI studies on talc and cancer over the past 20 years. Luzenac and J&J recognized and acknowledged that they could be liable as defendants since neither provided consumer with informational caution about the published studies, i.e., neither provided “the consumer with some informational caution (warning) about the published studies” which showed the risk of ovarian cancer associated with the use of Talc.

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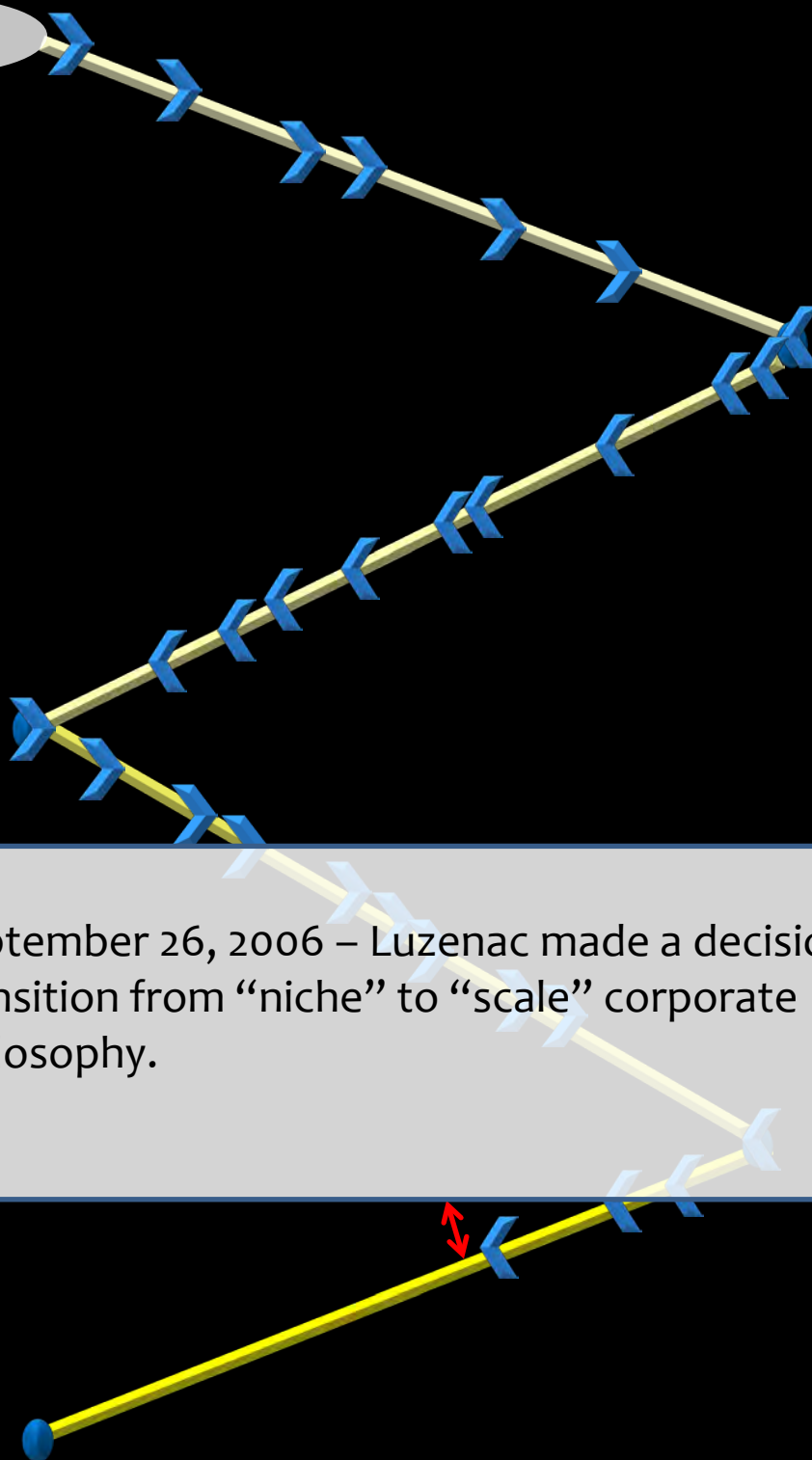
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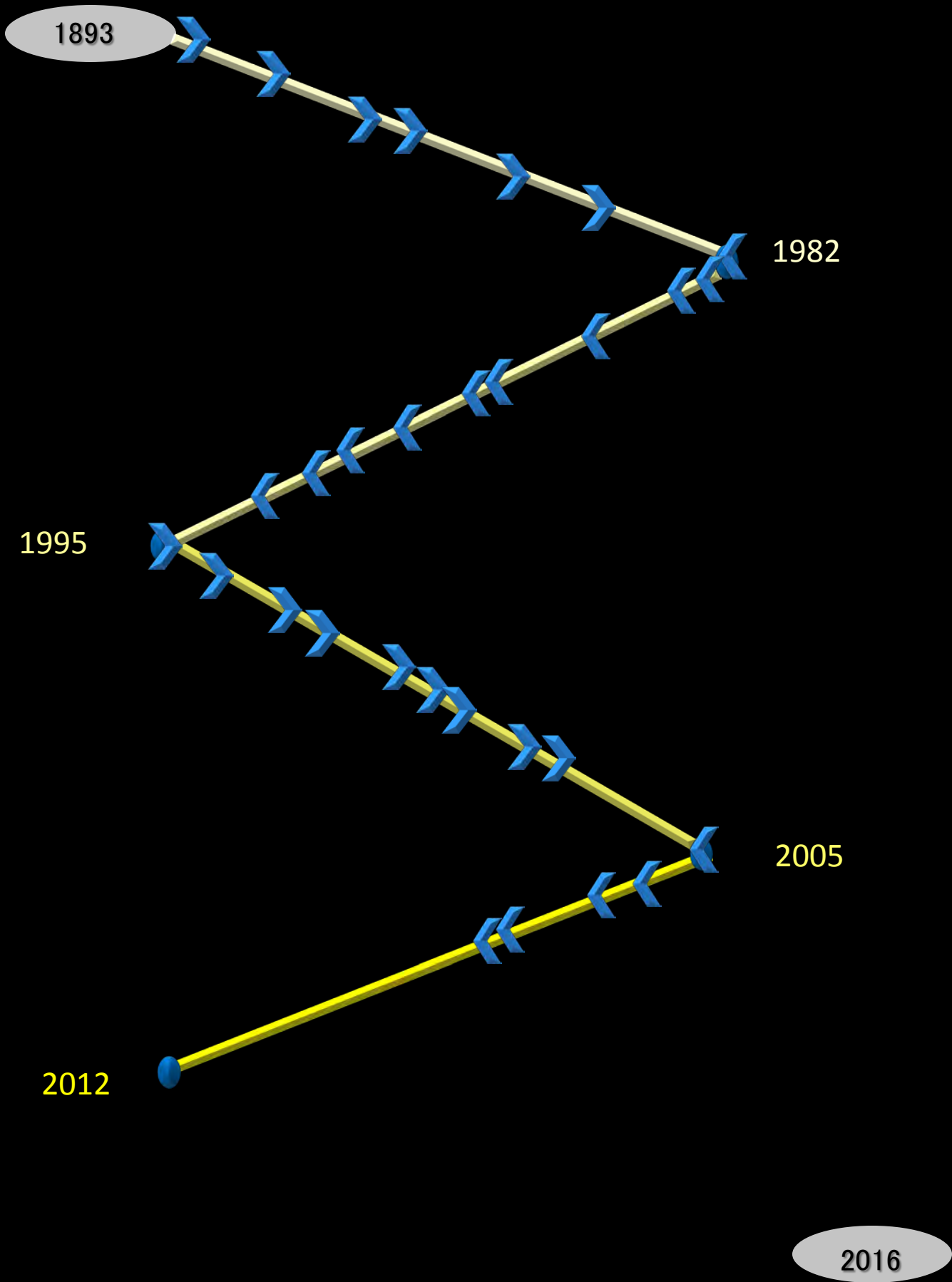
September 26, 2006 – Luzenac made a decision to transition from “niche” to “scale” corporate philosophy.

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1893

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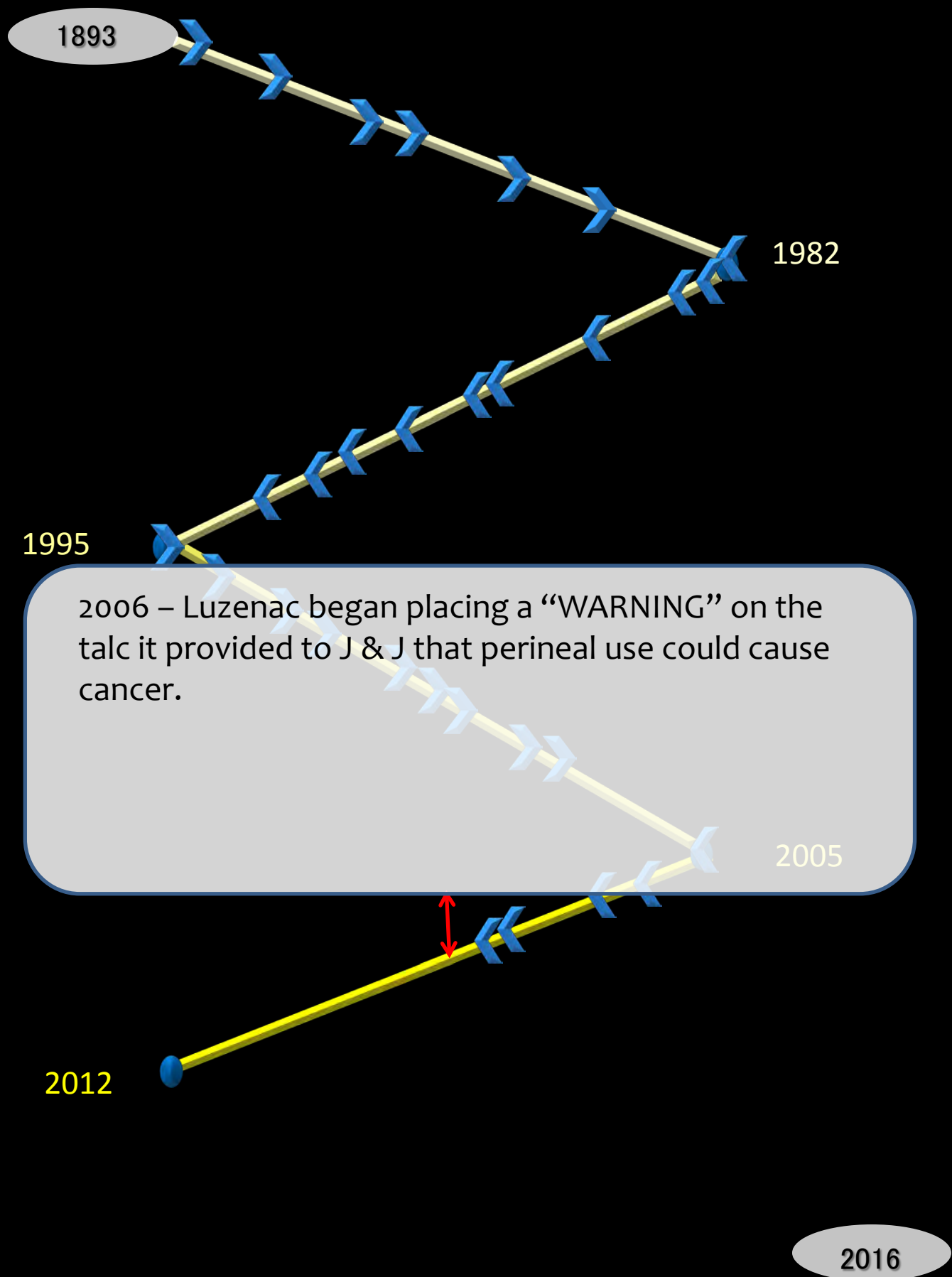
1995

2006 – Luzenac began placing a “WARNING” on the talc it provided to J & J that perineal use could cause cancer.

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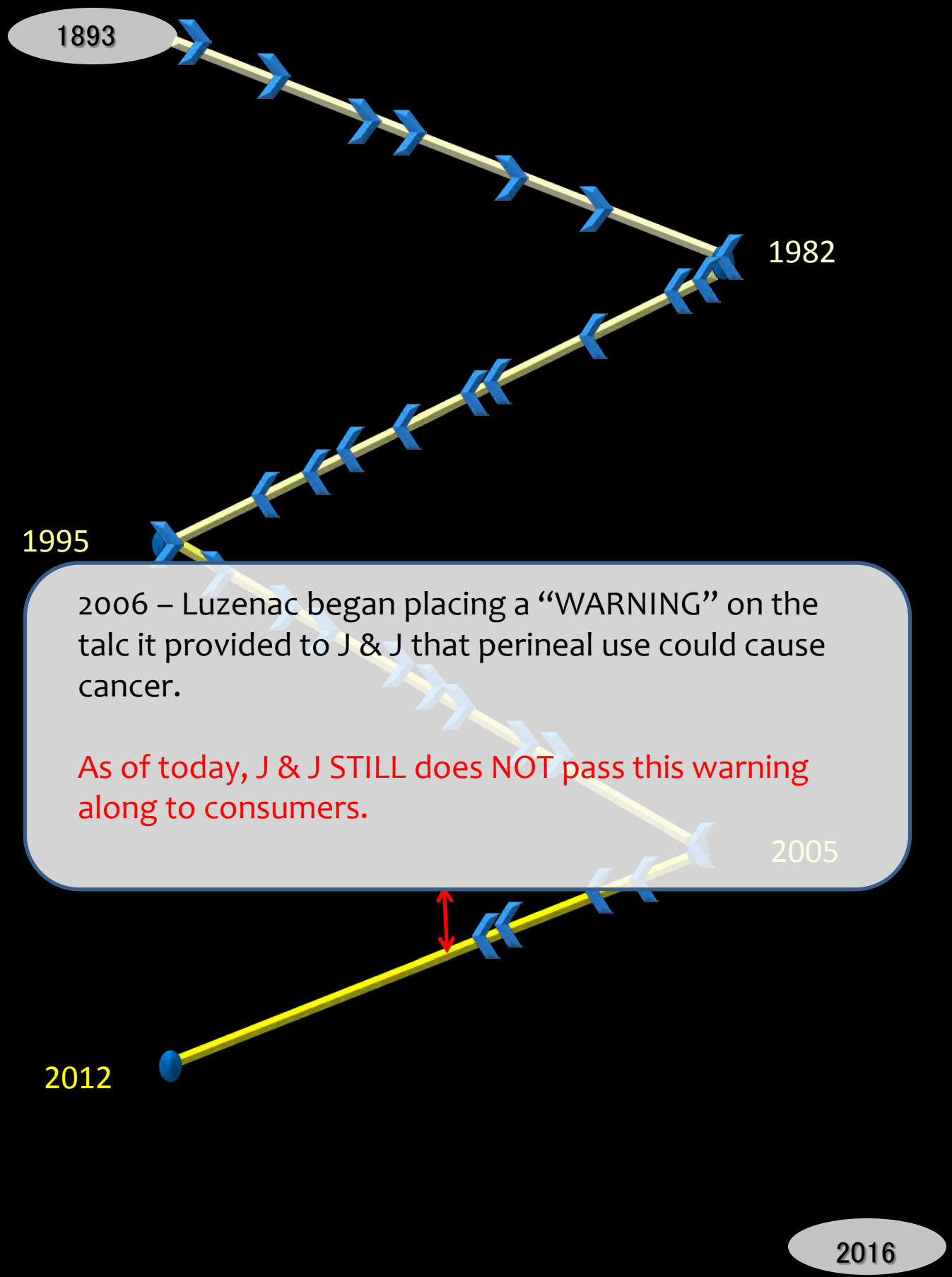
2006 – Luzenac began placing a “WARNING” on the talc it provided to J & J that perineal use could cause cancer.

As of today, J & J STILL does NOT pass this warning along to consumers.

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2006 – Luzenac began placing a “WARNING” on the talc it provided to J & J that perineal use could cause cancer.

As of today, J & J STILL does NOT pass this warning along to consumers.

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Luzenac jumped ranks – the bosses knew they had legal responsibility because of the failure to warn women about the risk of getting ovarian cancer. So, they cut their losses and left J & J holding the bag!!

2016

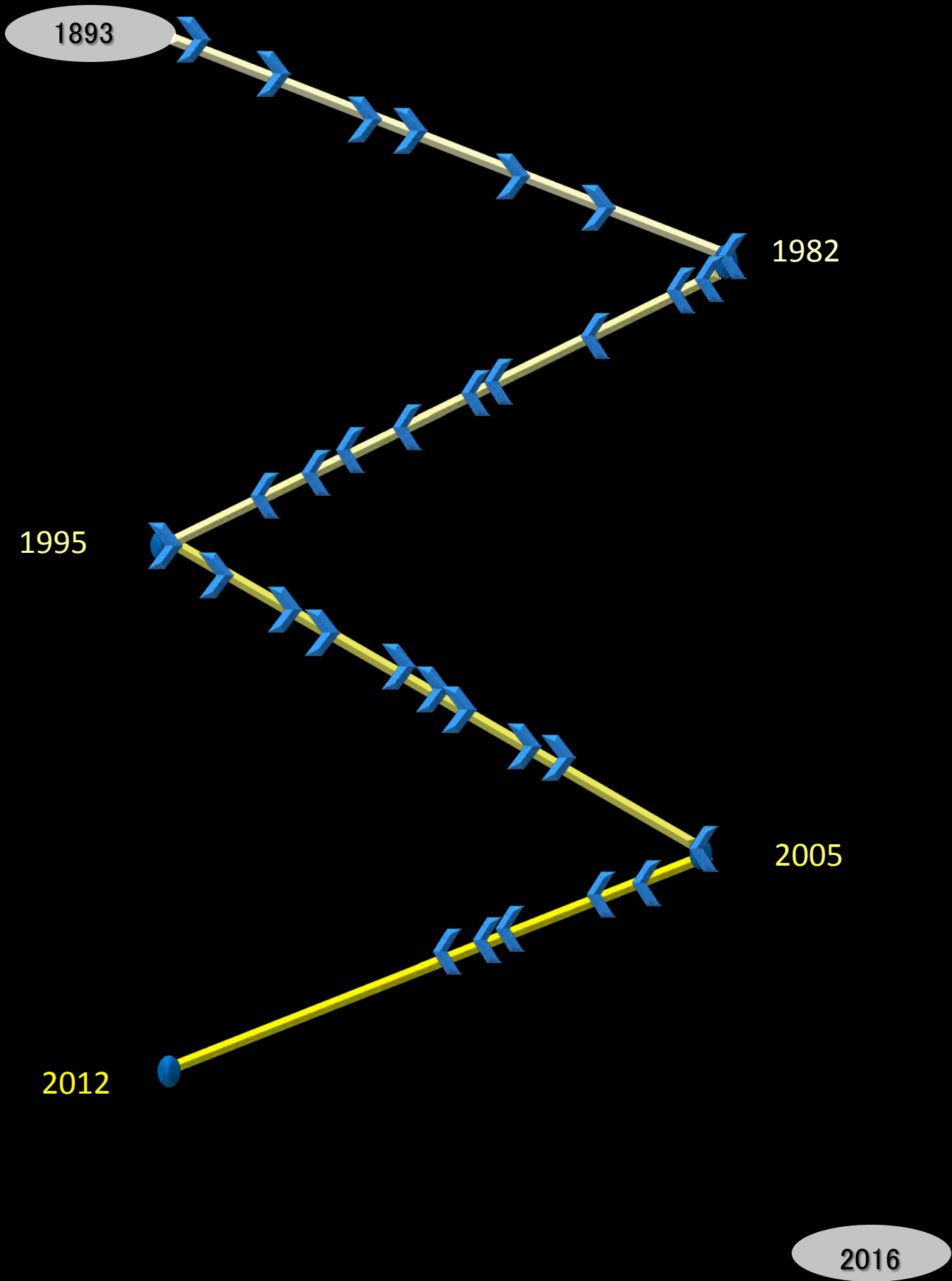
Johnson & Johnson requires that
Luzenac supply talc from certain
mines in China.



Luzenac was owned by Rio Tinto and is now known as Imerys Talc America.

If you hear any of these names during the course of this trial, we are referring to the same company.





1893

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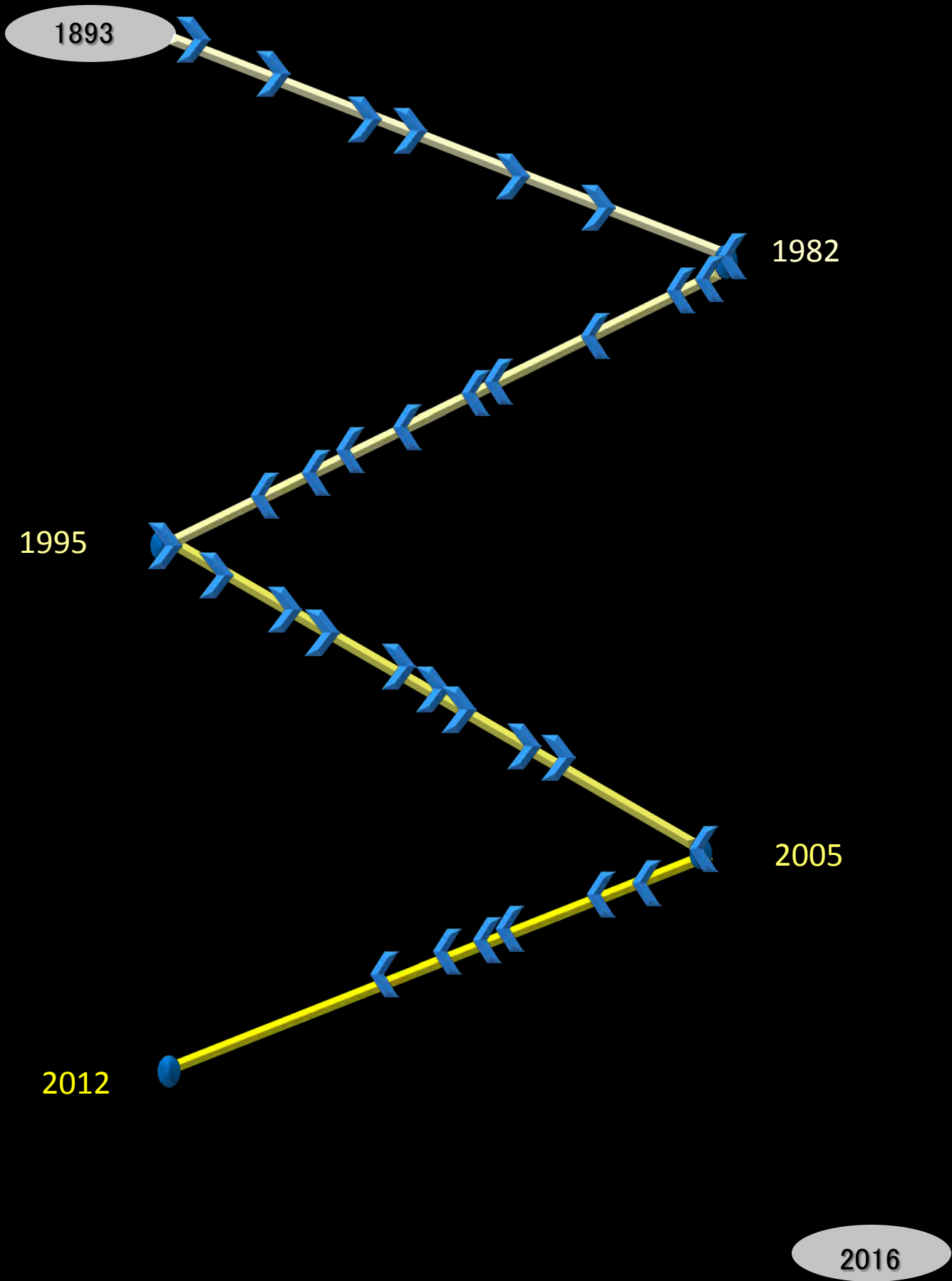
1995

2007 – CTFA changes its name to “Personal Care Products Council (PCPC).”

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1893

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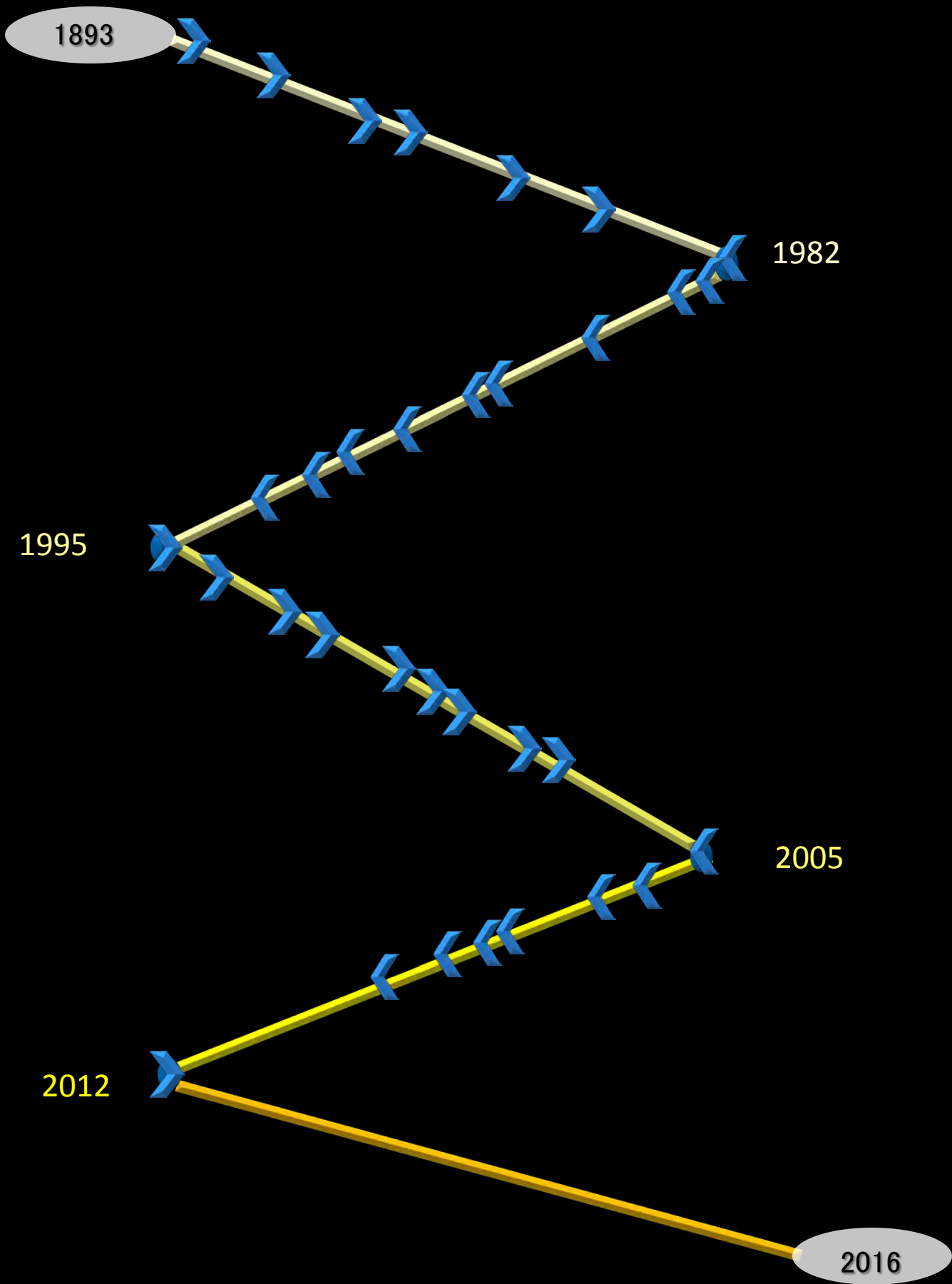


2012: J & J announced it would remove “harmful chemicals” from its baby products including Triclosan, an IARC 2B carcinogen. This was a response to a letter to J & J from a group of over 25 environmental and medical persons. –But J & J takes no action on Talc.

2005

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1893



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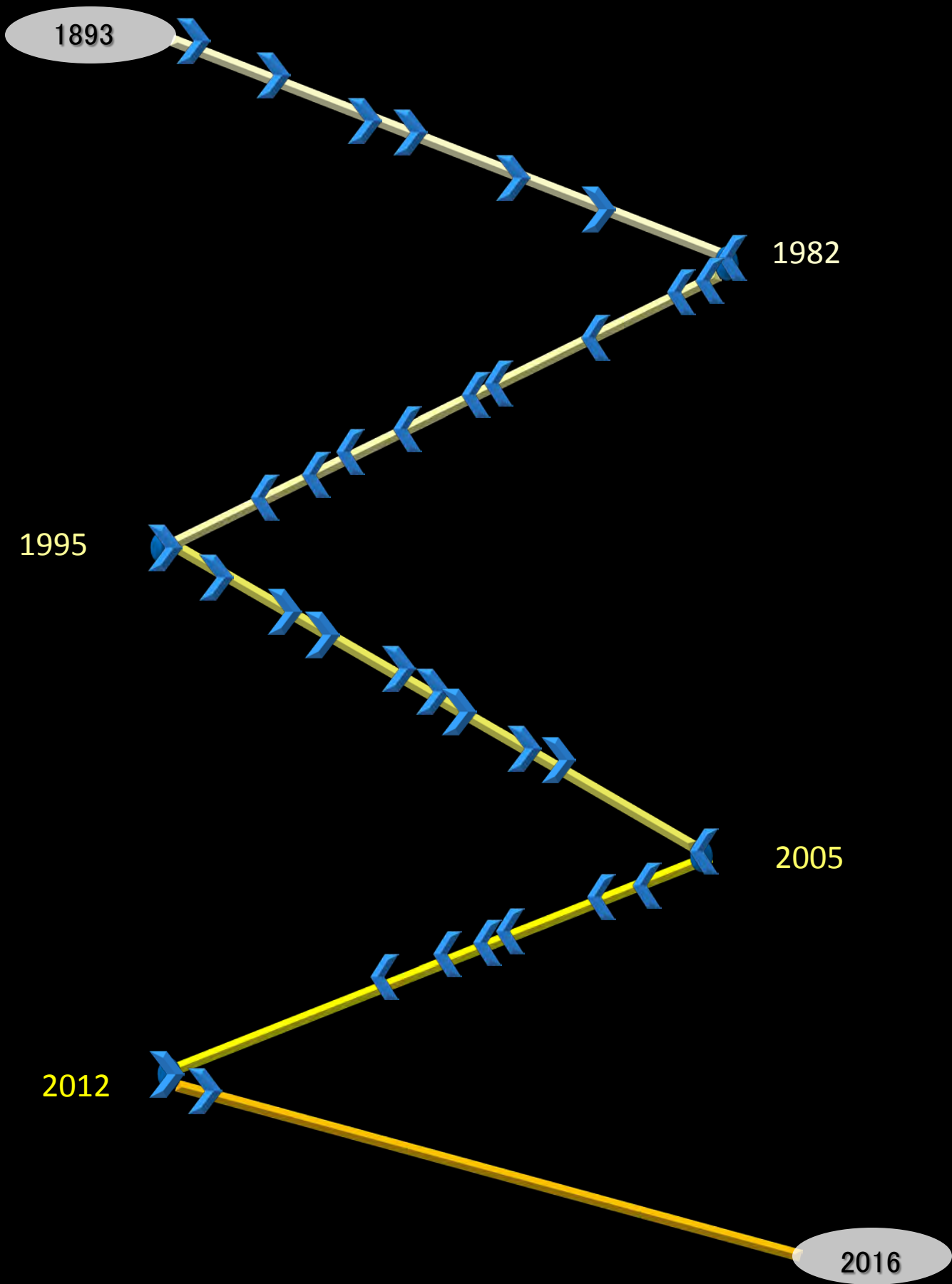
September 26, 2012: Luzenac admits ovarian cancer was a potential hazard associated with talc use.

Canada's National Hazard Communication standard entitled "Workplace Hazard Materials Information System (WHMIS)" classified talc as a "D2A" shown to be "carcinogenic, embryo toxic, teratogenic, mutagenic, reproductive toxic, sensitizer or chronic toxicity at low doses."

2005

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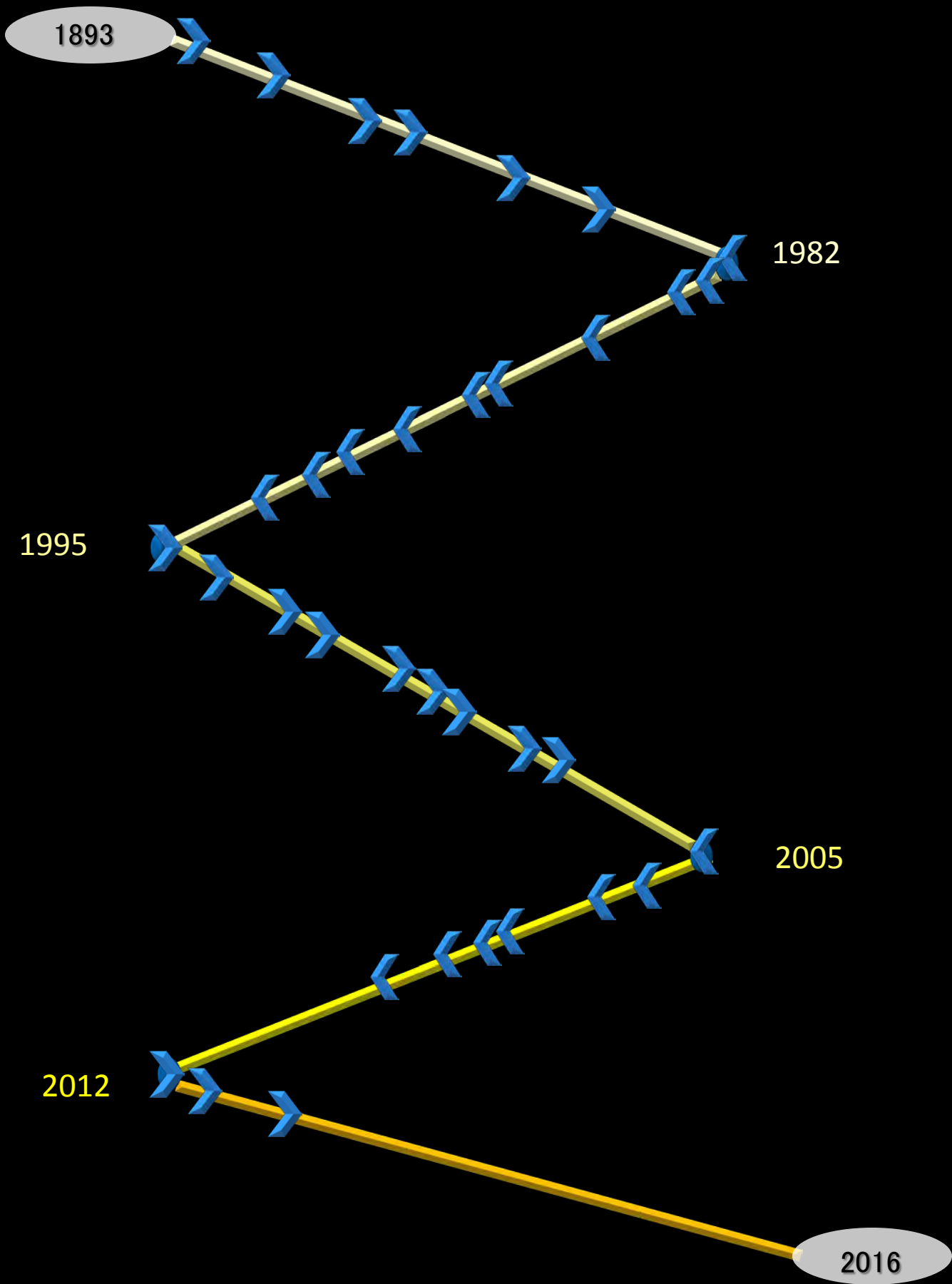


1995 March 2013 – Jackie Fox’s poodle “Dexter” had been acting strangely around her. She recalled a show on television where a pet saved its owners life and she felt like Dexter may be trying to tell her something. She discussed it with a friend and made a doctor’s appointment. The doctors found severe fluid buildup in both her lungs and her stomach. Her CA 125 (the marker that indicates possible cancer presence) levels were “substantially elevated” until even without further testing, it was presumed that she had late-stage ovarian cancer.

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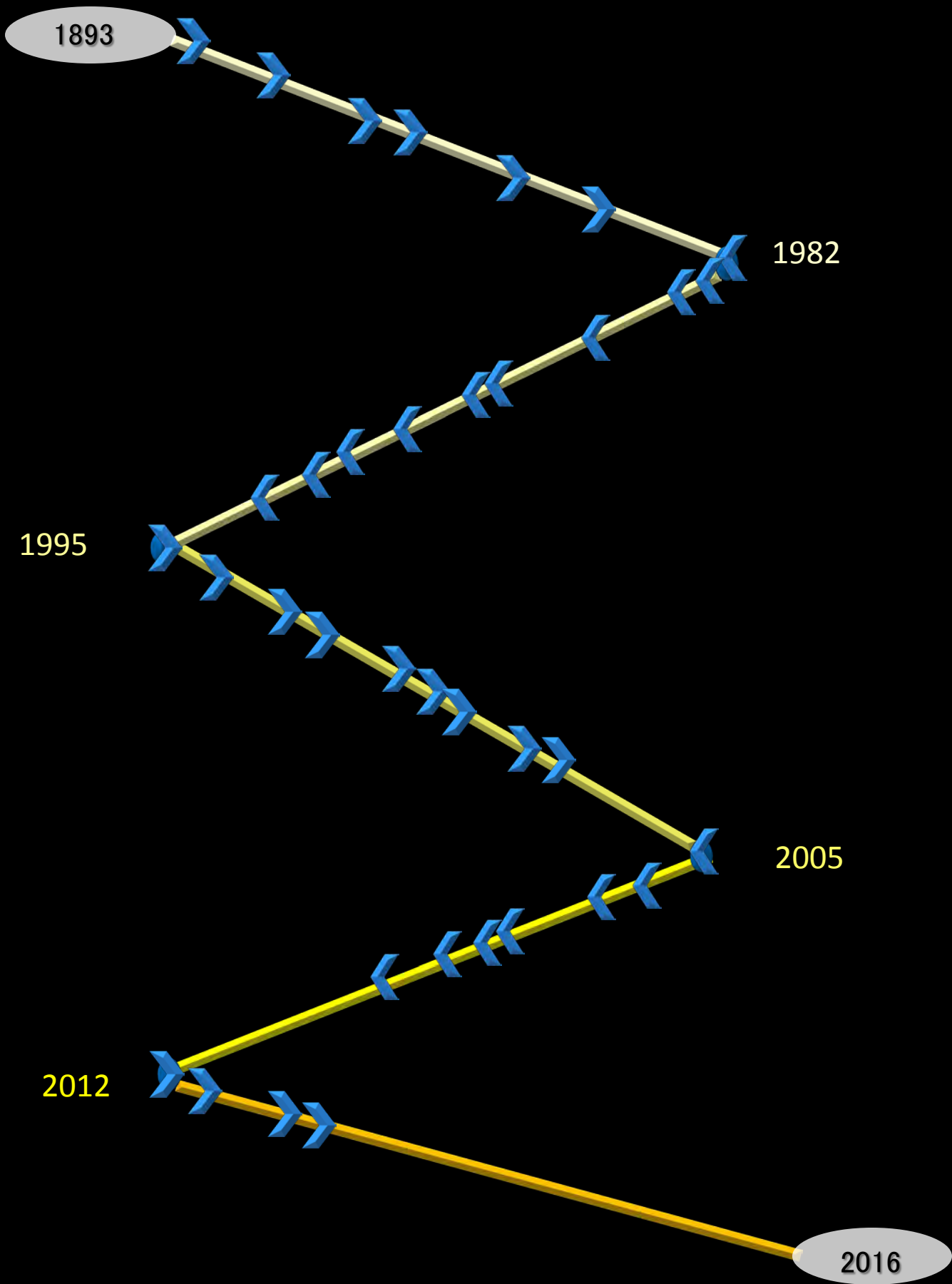


1995 April 2013 – Ms. Fox underwent a diagnostic laparoscopy and biopsies were taken. She was diagnosed with Stage 3C ovarian cancer. She was treated with four cycles of chemo before undergoing an invasive debulking procedure to remove large tumors not just limited to the ovaries, but which had spread to the transverse colon, spleen, and omentum. Her entire reproductive system was removed, along with part of her colon, the distal small intestine, and the omentum.

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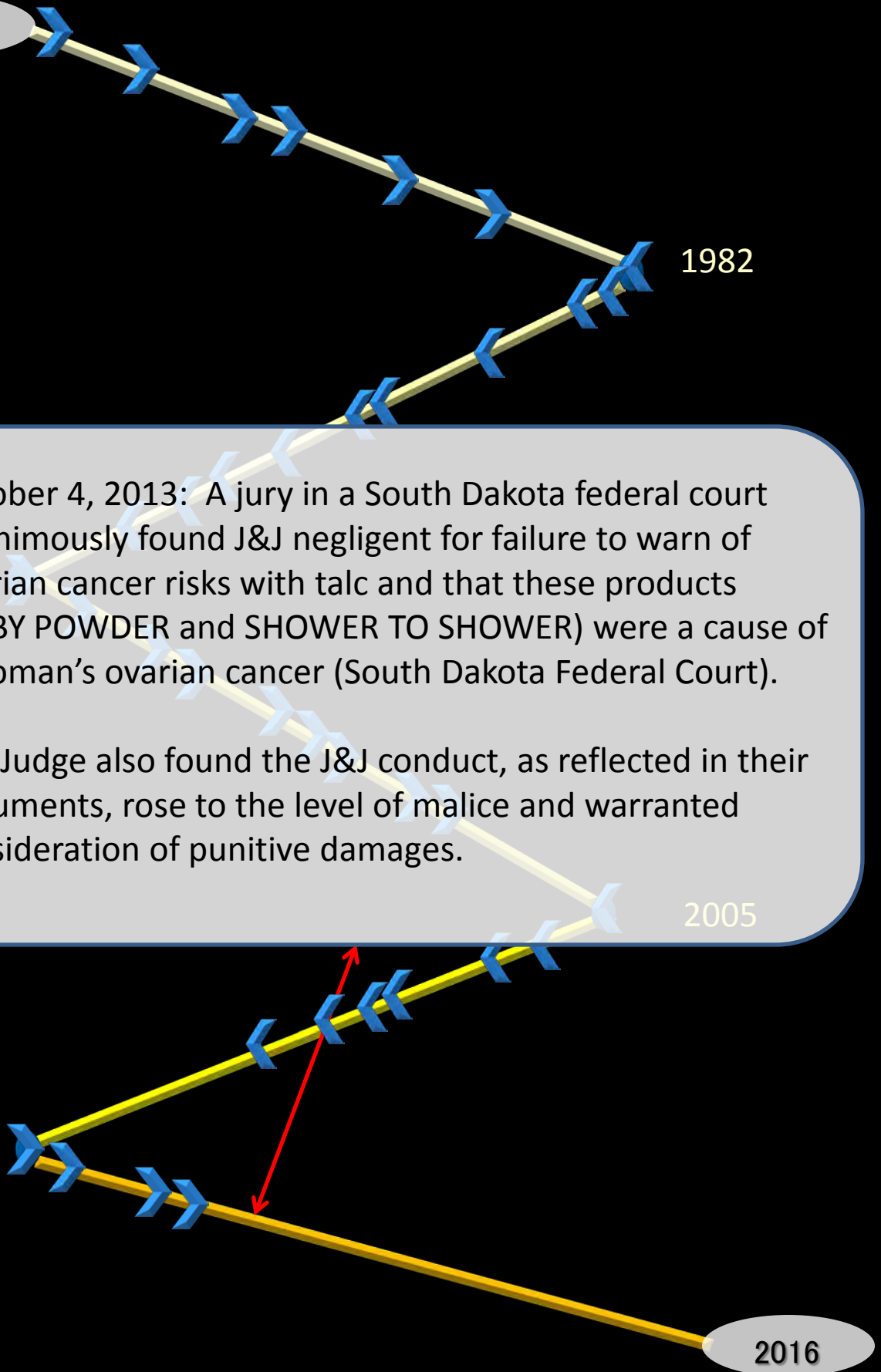
October 4, 2013: A jury in a South Dakota federal court unanimously found J&J negligent for failure to warn of ovarian cancer risks with talc and that these products (BABY POWDER and SHOWER TO SHOWER) were a cause of a woman's ovarian cancer (South Dakota Federal Court).

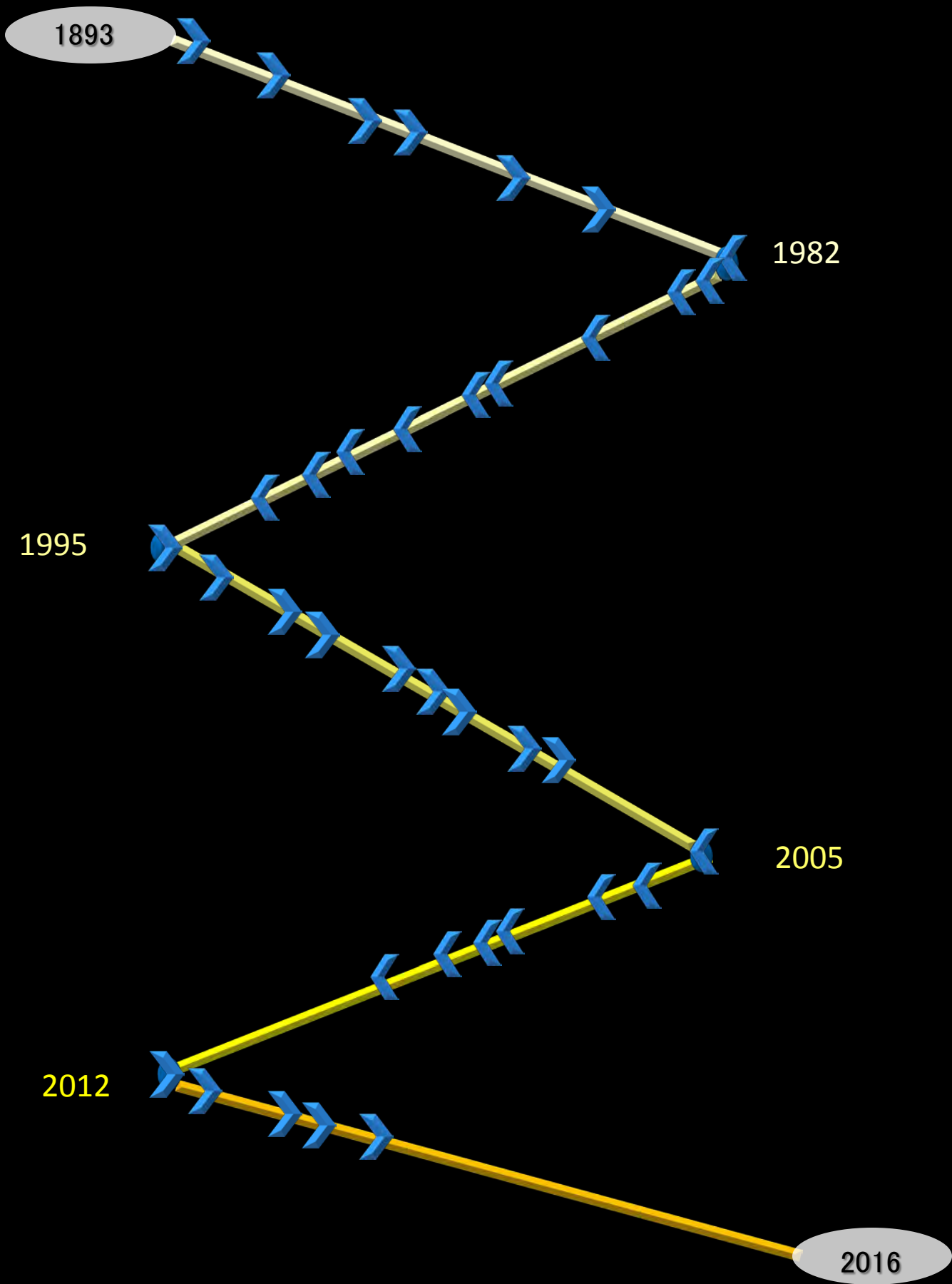
The Judge also found the J&J conduct, as reflected in their documents, rose to the level of malice and warranted consideration of punitive damages.

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December 2013 – Jackie Fox learns that talcum powder could be a cause of her ovarian cancer. She immediately stopped using the products.

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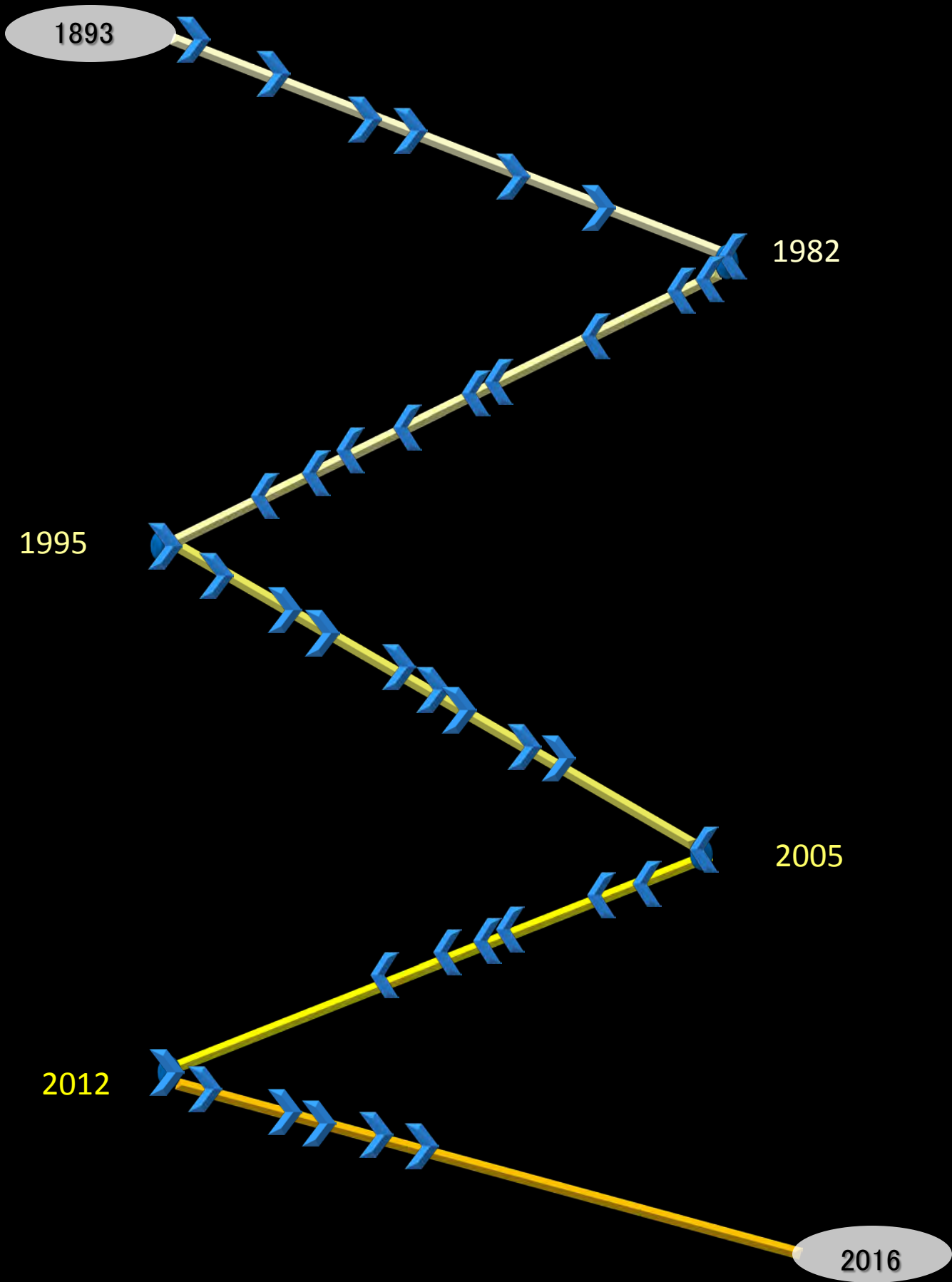
December 2013 – Jackie Fox learns that talcum powder could be a cause of her ovarian cancer. She immediately stopped using the products.

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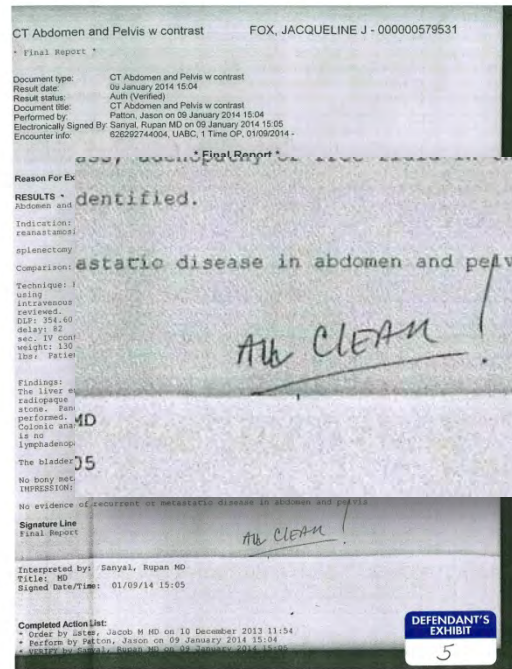
She did not learn about the danger from J & J but from a commercial she saw on television about others who had similar problems.

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Page 1 of 1

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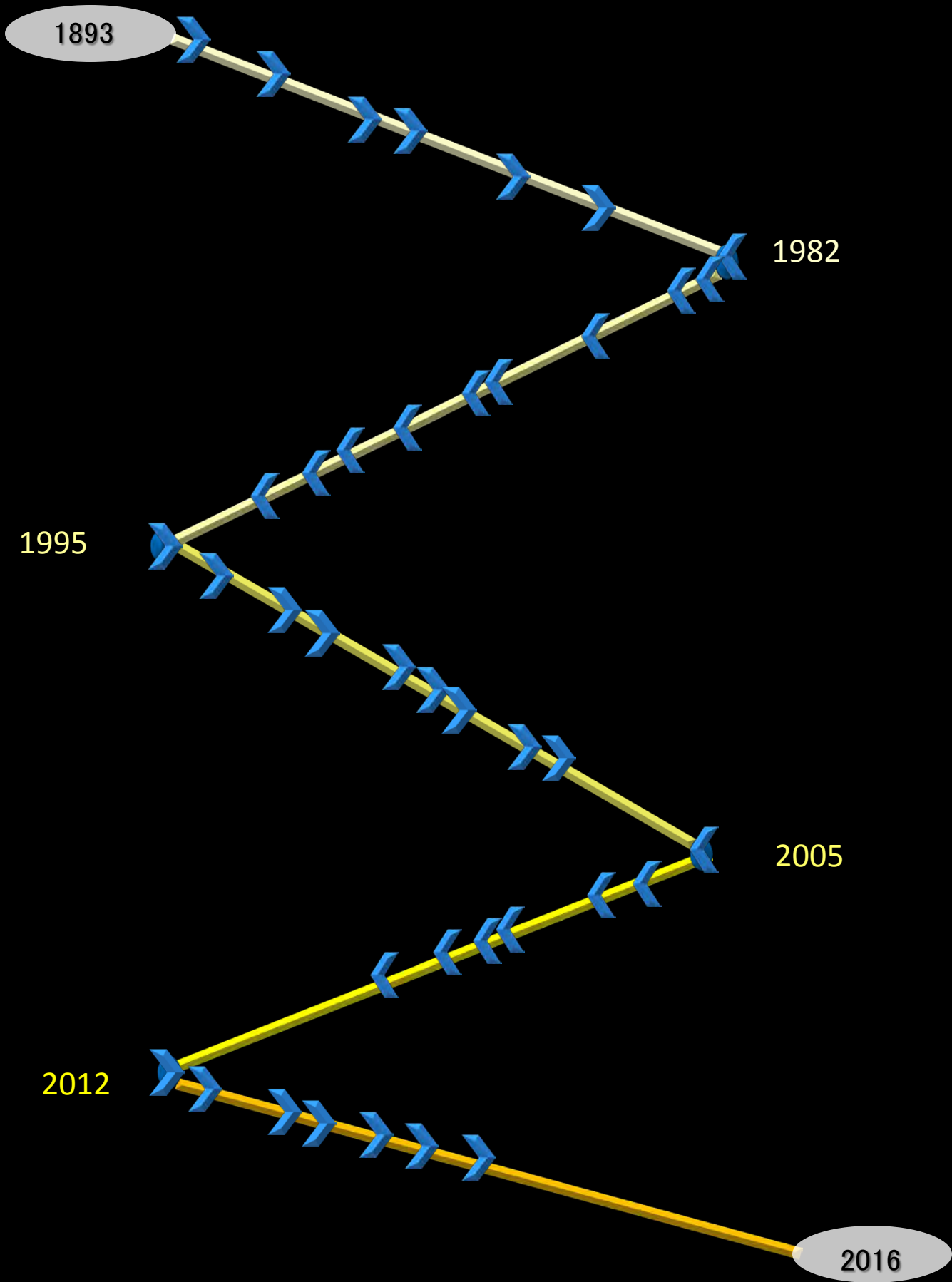
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January 2014 – Jackie Fox gets some great news. Her debulking procedure appeared to have gotten all of the cancer. Her subsequent treatments were working. On the CT report of her abdomen and pelvis, her doctor writes “ALL CLEAN” and Jackie considered herself cancer free. She was so happy about the report that she framed it, and hung it on her living room wall.

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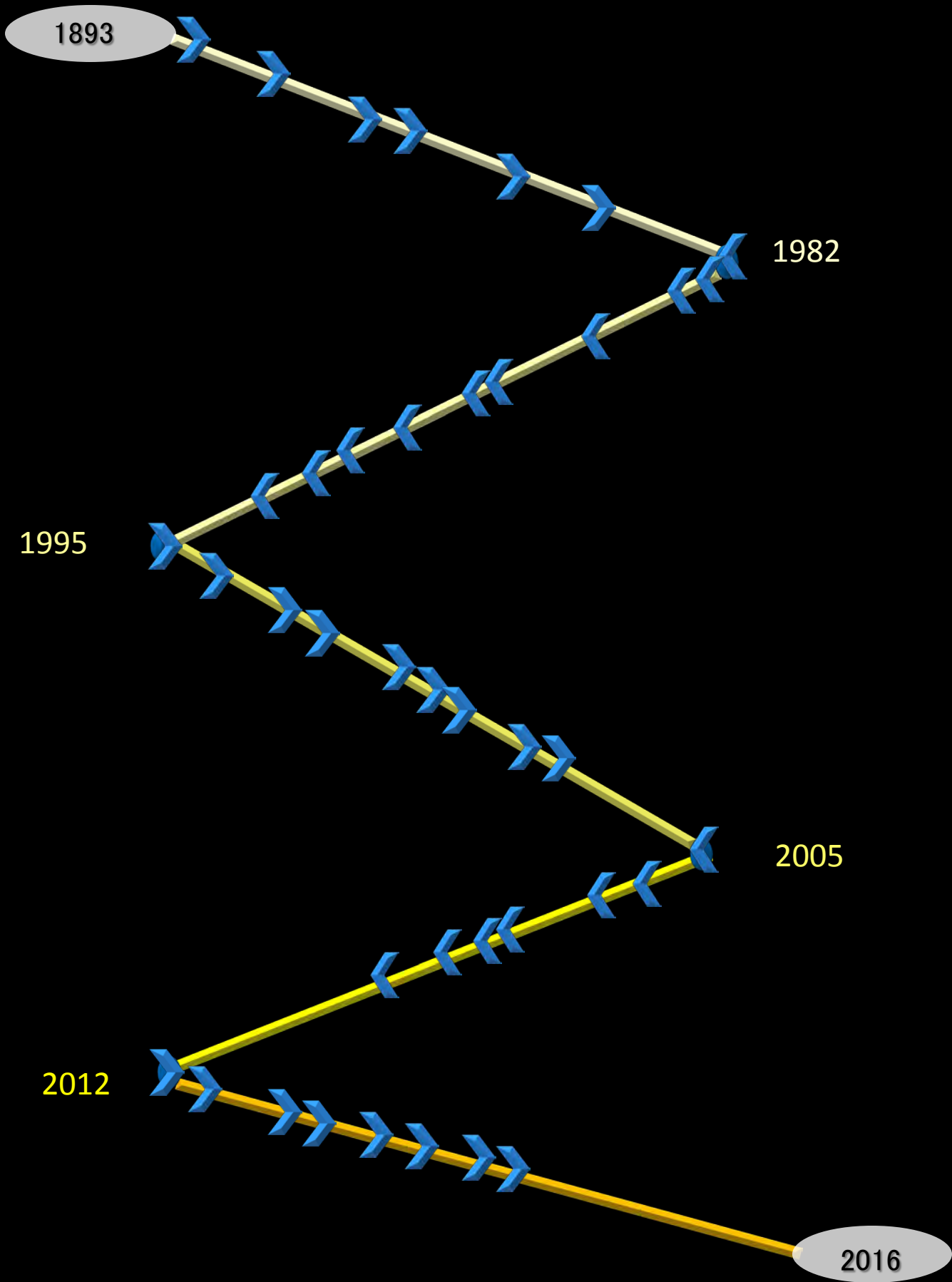
June 23, 2014— Jackie Fox filed a lawsuit against the corporate wrongdoers responsible for her having ovarian cancer.

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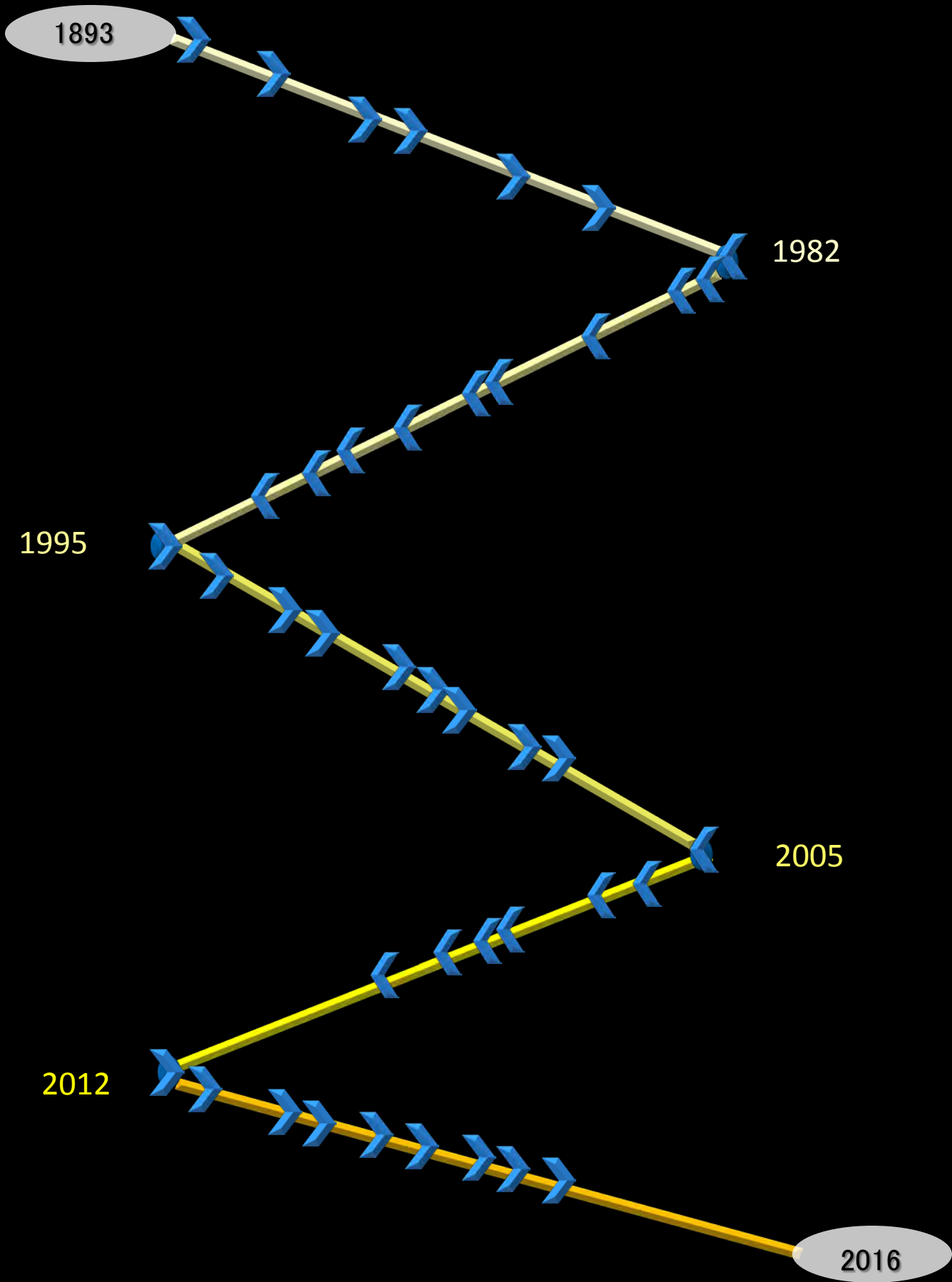
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August 2014 – In August 2014, Jackie's CA 125 levels had increased again – the cancer had returned. She had another 6 rounds of chemo, 14 in total, by January 2015. Again, she rallied and appeared to respond well to the treatment.

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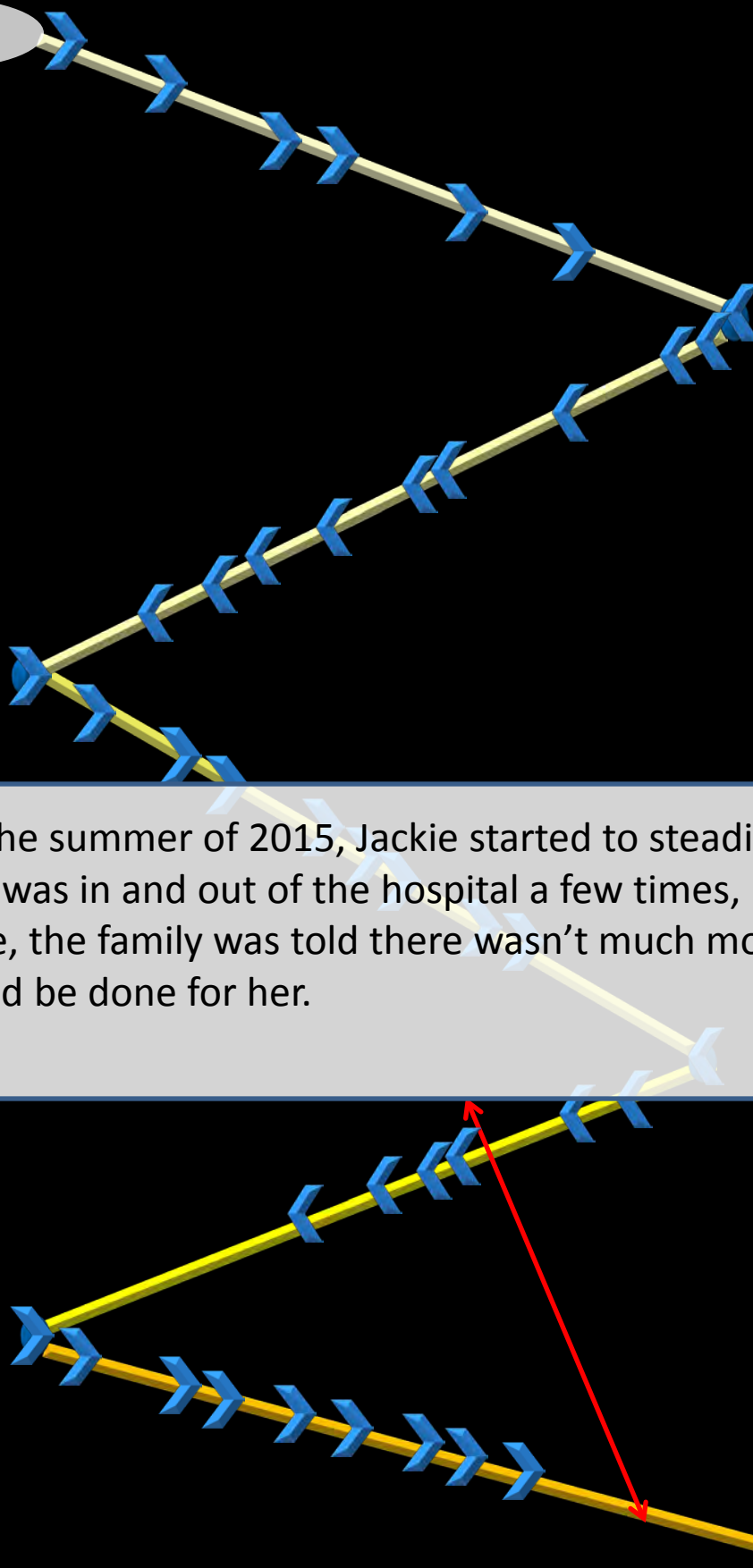
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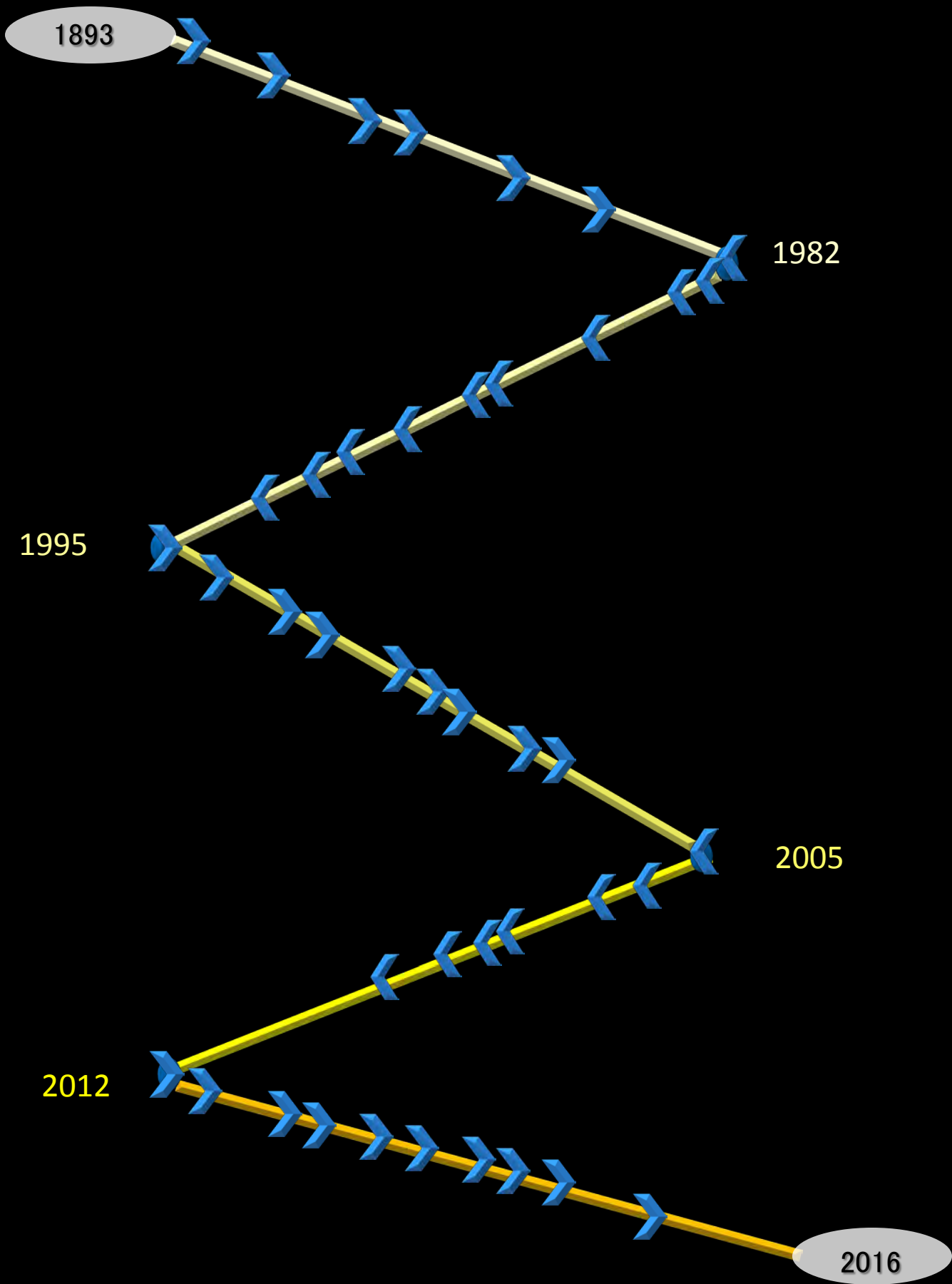
By the summer of 2015, Jackie started to steadily decline. She was in and out of the hospital a few times, but each time, the family was told there wasn't much more that could be done for her.

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On October 6, 2015 Jackie passed away in her home, holding the hand of her son Marvin.

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