

Number of Talc-Based Exposure Cases Claiming Link To Ovarian Cancer Continues To Grow

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On the heels of two recent plaintiff verdicts, plaintiffs' attorneys continue to put pressure on the manufacturers of talc-based powder products. The Missouri Judicial Circuit Court for St. Louis City continues to be ground zero for these cases and that court's docket continues to grow. At the same time, the number of cases pending as part of the New Jersey talc powder multicounty litigation has grown to 175, and more cases continue to be filed in state and federal courts throughout the country.

Talc is a common product that can be found in a variety of products such as paint, wallboard, roofing materials and rubber. Its absorbent and astringent qualities made talc an important ingredient in body powders and cosmetics. However, plaintiffs across the country contend that products containing talc can cause ovarian cancer when regularly used by women in the genital area. Johnson & Johnson (J&J), the primary defendant in most of the pending talc-based powder exposure cases, has previously marketed its Shower to Shower talc for feminine hygiene with the catchy ad slogan "just a sprinkle a day keeps the odor away."

J&J has argued that the safety of cosmetic talc is supported by established scientific evidence. However, some plaintiffs have alleged that as early as 1994, J&J knew that studies evaluating talcum powder use showed conclusively that the frequent use of talcum powder in the genital area poses a serious health risk of ovarian cancer. Evidence put forward in the St. Louis City trials, including the company's own internal documents, have twice led juries to award punitive damages in excess of \$50 million. Punitive damages are a form of compensation in excess of actual damages, awarded as a form of punishment in instances of malicious and willful conduct.

As far back as the 1970s, J&J was using cornstarch in some of its products—an indication that a safer alternative may have existed. Existence of this safer alternative may be one of the main reasons juries have chosen to punish J&J for its actions related to its talc-based products, not only finding in favor of plaintiffs, but opting to simultaneously "punish" J&J for its actions.

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