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## \$117 Million In Damages Sends Message That Johnson's Baby Powder Isn't As Pure As You think

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On April 5<sup>th</sup> a New Jersey state court jury found Johnson & Johnson (J&J) and its talc supplier, Imerys Talc America, liable for claims that a man developed mesothelioma after using defendants' talcum powder products over several decades. The \$37 million compensatory damage award was followed on Wednesday, April 11<sup>th</sup> with an \$80 million punitive damage award after finding that defendants acted with reckless indifference in selling talcum powder products containing asbestos. Plaintiffs asserted during the trial that defendants knew the products contained asbestos, but hid the fact from consumers and regulators by using tests it knew would not detect the contaminant.

On the first full day of deliberations, the jury found that defendants' talcum powder products contained asbestos and that Plaintiff Stephen Lanzo was exposed to asbestos from using Johnson's Baby Powder and/or Shower to Shower products. The jury determined that defendants' products lacked adequate warnings and the product was defectively designed.

The verdict is the first against J&J related to claims that its products contain asbestos and can cause mesothelioma. Over the past two years J&J has also faced multiple plaintiffs' verdicts linking its talcum powder products to ovarian cancer. Currently there are more than 5,000 lawsuits by women who claim they developed ovarian cancer from using J&J talc products. This recent decision linking J&J talcum powder products to asbestos and mesothelioma not only lends support to the pending ovarian cancer claims, but also opens up an embattled J&J to attacks on a new front.

### Attorney

- Lynne M. Kizis