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NEWS RELEASE

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WARNING LABELS SAVE LIVES

NEW YORK — Lawsuits brought by injured consumers have saved millions of lives and prevented innumerable injuries by forcing manufacturers to place critical warning labels on products, according to the Center for Justice & Democracy (CJ&D) report, *Lifesavers: CJ&D's Guide to Lawsuits that Protect Us All*. According to CJ&D Executive Director Joanne Doroshow, "Warning labels save lives. At a time when the American public is particularly sensitive about the need for safety and protection, this is no time to joke about one of the most effective ways we have to protect the public safety."

Said Doroshow, "Corporate lobbyists and front-groups are swarming Congress and state legislatures around the country, asking lawmakers to block injured consumers' access to court by claiming personal injury lawsuits are 'frivolous' or that warning labels that are a consequence of litigation are 'wacky.' *Lifesavers* stands as irrefutable evidence that far from being 'frivolous,' lawsuits save lives, and we as a society would suffer tremendously if our civil justice system were weakened in any significant respect."

Among the cases cited in *Lifesavers* and in its supplement, many of which concern children who were injured or killed, are:

- On June 24, 1993, five-year-old Valerie Lakey, playing in a recreation club's wading pool became lodged in a drain cover opening. The suction pulled out almost 80 percent of her small intestine and about 70 percent of her large intestine. The pool equipment manufacturer knew of at least 13 similar injuries but failed to put warnings on its covers until mid-1987. After the case was filed, the company changed its warnings and instructions regarding the safe use of its drain covers. The case later caused an industry-wide recall of pool drain covers.

- In 1985, 80-year-old Mae Roberts was legally blinded in her left eye when a twist-off aluminum cap blew off a plastic two-liter Diet 7-Up bottle and struck her in the eye. Lawsuit documents revealed that the company knew of the problem of exploding bottle caps and of numerous resulting eye injuries yet failed to act. As a result of lawsuits, the

company converted over to the plastic pre-formed caps that greatly reduced the likelihood of caps blowing off and added a specific warning on the bottles.

- In December 1998, 31-year-old Todd Weger, a career soldier and Gulf War veteran, collapsed on a treadmill at a local health club in Texas and suffered a massive stroke after periodically using a dietary supplement called Ultimate Orange. He had a substantial portion of his brain removed, leaving him permanently disabled. As part of the lawsuit settlement, the company agreed to change the label and promotional materials to reflect an appropriate warning of the potential dangers of heart attack and stroke.

- Four hundred lawsuits were brought against tool manufacturers by workers suffering from hand-arm vibration syndrome (HAVS) after use of chainsaws, jack-hammers and sanding and scraping tools, which caused neurological and vascular damage to the users' hands. During discovery, evidence surfaced that the manufacturers had discouraged the use of warnings on their tools for nearly a decade. After the lawsuits, the American industry began putting warnings on their machines and one company developed a rubber shock absorber for the handle of some tools.

- When Antonio Benedi entered the hospital on February 10, 1993, he was in a coma, near death, and required an emergency liver transplant after having taken Extra-Strength Tylenol to treat flu symptoms. He normally drank several glasses of wine with dinner. When Benedi sued the manufacturer, McNeil, P.P.C., Inc., he discovered that since the late 1970s the company knew of the link between acetaminophen, alcohol and liver damage. Before the jury verdict, the FDA decided that all over-the-counter pain relievers containing acetaminophen would carry a warning about the risks of alcohol. The FDA announced the plan right after the verdict.

- James Saupitty, a 22-year-old civilian employee of the United States at Fort Sill, Oklahoma, suffered an arm injury and finger amputation after being thrown from a lawn mower while cutting the grass on the Fort Sill grounds. The gears had locked. Evidence at trial showed that Yazoo knew of prior injuries but refused to retrofit, repair or warn about the mower's dangerous design. After the verdict, the company recalled and retrofitted the mowers.

- On April 2, 1983, Betty O'Gilvie died from toxic shock syndrome after using Playtex super-absorbent tampons. Although the package warning complied with the minimum FDA standard, experts testified that mere compliance was inadequate under the circumstances. Following the verdict, Playtex took the product off the market and modified the TSS warning statement on its tampon packaging.

- Six-year-old Mary Ann Incollingo died from aplastic anemia after taking Chloromycetin over a one-year period to treat the various illnesses she suffered. The manufacturers' warnings to doctors were inadequate. Since this case, chloramphenicol has carried on its label the warning that it should be the drug of choice only for such virulent but rare diseases as typhoid and Rocky Mountain spotted fever.

- On May 14, 1980, Georgia Huchingson underwent surgery at a hospital in Little Rock, Arkansas. An Airco ventilator, which was set up incorrectly to assist her breathing, led to

lung and brain damage. After the verdict was upheld on appeal, Airco issued an FDA-sponsored medical device alert, warning doctors and hospitals nationwide of the potential for product misuse.

- In the 1980s, Cynthia Littlejohn suffered third degree burns over 25 percent of her body when her Bic lighter ignited in her left-front shirt pocket. After her lawsuit, Bic recalled 12 million defective lighters and changed the lighter's design. After the findings of a Consumer Product Safety Commission study were released, Bic said it would put warning labels on every new lighter until it designed one that was childproof.

- In the late 1960s, the above-ground pool industry received numerous reports of life-threatening injuries resulting from dives into its swimming pools. On June 3, 1978, 27-year-old Joe Corbin became quadriplegic after diving into and hitting his head on the bottom of an above-ground Coleco swimming pool. Following this and other cases, much more stringent warning signs were placed around such pools along with distribution of detailed consumer information about this hazard.

- In November 1972, Clyne Robinson, his wife, Edna Faye, and their two young children died from carbon monoxide poisoning caused by burning of charcoal briquettes indoors. After this and other lawsuits following deaths and injuries, charcoal briquette manufacturers placed prominent warnings on the charcoal bags about the deadly hazards of using charcoal without ventilation.

- On August 19, 1970, two-year-old Susan Bowen sustained severe burns to her esophagus, necessitating over 240 surgical procedures, after she ingested some drops of Liquid Plum'r. The Bowen case, together with over 20 similar lawsuits filed on behalf of young children, caused the Clorox Company to change Liquid Plum'r's formula and redesign its container, and led government agencies to improve child restraint closure and labeling standards.

- On December 8, 1969, four-year-old Lee Ann Gryc was severely burned when her cotton flannelette pajama top ignited as she leaned over an electric stove. Evidence showed that the flannelette manufacturer knew as early as 1956 that the fabric was flammable and posed a serious threat. At trial, the company argued that it could not warn consumers about the material's flammability because such a warning would "stigmatize" its product and hurt sales. After this case, the product was removed from the market.

- In November 1959, a 14-month old baby died from ingesting Old English Red Oil Furniture Polish. At trial, the child's mother testified that the label, which said that the product might be harmful to children, was placed eight lines under the directions, in brown ink and measured only 1/32 of an inch in height. Moreover, experts testified that the warning was misleading because it did not indicate that ingestion would cause death. After trial, the product's warning label was changed to read: "DANGER. HARMFUL OR FATAL IF SWALLOWED. COMBUSTIBLE. KEEP OUT OF REACH OF CHILDREN. SAFETY CAP."