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MYTHBUSTER!

LAWSUITS SAVE WOMEN'S LIVES

Women across the country have suffered tremendously as a result of defective and dangerous products and practices. History shows that many defective products that have caused some of the most serious injuries and death have been marketed specifically for women. As the following examples show, many of these products or practices were made safer only after women and their families filed lawsuits against those responsible. As a result of such lawsuits, the lives of countless other women have been saved. Laws that make it more difficult to sue (so-called "tort reform") would be devastating for our nation's women.

- The Dalkon Shield IUD, a female contraceptive, caused infections, septic abortions, infertility and death in many women. After numerous lawsuits, the company finally agreed to urge doctors and women to remove the Dalkon Shield and offered to pay for the removal.¹
- A 20-year-old underwent a hysterectomy and had part of her lung removed after a pregnancy test produced false positives for cancer. After the case, the manufacturer sent out warning letters to doctors and laboratories about the test's propensity to give false-positives.²
- A woman died from toxic shock syndrome (TSS) after using Playtex super-absorbent tampons that lacked adequate warnings. Following the verdict, Playtex took the product off the market and modified the TSS warning statement on its tampon packaging.³
- Carnival ship officers failed to act after a 27-year-old employee reported she'd been sodomized by a ship's engineer. As a result of this case, Carnival decided to carry rape treatment kits aboard its ships, and the cruise industry trade association adopted a regulation requiring that all serious crimes committed aboard passenger ships be reported to the FBI.⁴
- A woman was blinded in both eyes when a can of household cleaner exploded before she had a chance to open it. After the punitive damages verdict, the manufacturer redesigned the can with a flip-top lid that would release before pressure built up in the can.⁵

- The Copper-7 IUD, a female contraceptive, caused serious injuries and infertility in countless numbers of women. After numerous lawsuits, the manufacturer pulled the device from the U.S. market.⁶
- A thirty-seven-year-old was abducted at gunpoint from a Wal-Mart parking lot, raped and forced into the trunk of her car where she suffocated. This case led to significant safety changes in area shopping malls and other retail centers.⁷
- A woman suffered life-threatening injuries after taking the oral contraceptive Ortho-Novum 1/80. As a result of this case, the manufacturer lowered estrogen levels in the contraceptive.⁸

NOTES

¹ See, e.g., *Tetuan v. A.H. Robins Company*, 738 P.2d 1210 (Kan. 1987); *Palmer v. A.H. Robins Co., Inc.*, 684 P.2d 187 (Colo. 1984).

² *Rufer v. Abbott Laboratories*, No. 99-2-27090-8 (King County Super. Ct., Wash., verdict June 29, 2001).

³ *O'Gilvie v. International Playtex, Inc.*, 609 F.Supp. 817 (D. Kan. 1985), *rev'd in part and remanded*, 821 F.2d 1438 (10th Cir. 1987), *cert. denied*, 108 S.Ct. 2014 (1988).

⁴ Korten, Tristiam, "Assail on the Fun Ship; Carnival doesn't just neglect passengers who claim to be victims of sexual assault. It attempts to shut them up," *New Times Broward-Palm Beach*, February 3, 2000; Clarke, Jay, "A raft of incidents stirs questions about safety aboard cruise liners," *Miami Herald*, October 18, 1999.

⁵ *Moore v. Jewel Tea Co.*, 253 N.E.2d 636 (Illinois 1969), *aff'd*, 263 N.E.2d 103 (Illinois 1970).

⁶ *Kociemba v. G.D. Searle & Co.*, No. 3-85-1599 (U.S. Dist. Ct., Minn., verdict September 9, 1988).

⁷ *McClung v. Delta Square Limited Partnership*, 937 S.W.2d 891 (1996).

⁸ *Wooderson v. Ortho Pharmaceutical Corporation*, 235 Kan. 387 (1984).