

Baby Powders and the Precautionary Principle

On May 19, 2020, Johnson & Johnson (J&J) announced that it would discontinue the sale of talc-based Baby Powder in the United States. The announcement pointed to decline in demand because of “misinformation around the safety of the product and a constant barrage of litigation advertising” (<https://bit.ly/2YcWh7s>). While J&J would continue selling talc-based powder in Europe, North Americans would now only be sold a product based on cornstarch.

For many decades, cornstarch or talc have been the prime ingredient in this signature product.^{1,2} But, in recent years, their talc-based powders have been the subject of lawsuits alleging that women and children who had been exposed to talc either as infants or while powdering after showers have developed mesotheliomas and ovarian cancers decades later. The lawsuits allege that their disease was caused by talc contaminated by asbestos, often in trace amounts.

These lawsuits have resulted in multimillion-dollar awards and in one (in which one of the authors testified on behalf of the plaintiffs), a jury awarded 22 women \$4.69 billion (<https://nyti.ms/2UZ2cuZ>). On appeal, the award was reduced to \$2 billion.

In significant ways, these cases rested on historical evidence from which plaintiffs’ lawyers argued that J&J had known of the possible dangers of asbestos-contaminated talc for decades and that, despite this knowledge, they placed their corporate profits over the possibility of long-term harm. By contrast, J&J has “remained steadfastly confident in the safety of talc-based Johnson’s Baby Powder. Decades of scientific studies by medical experts around the world support the safety of our products” (<https://bit.ly/2Na4Cmf>).

While in its recent announcement of the suspension of sales, J&J maintains its product is and has been “safe,” J&J does not say that its talc is free of asbestos.

As researchers have documented, asbestos has been known to be a threat to human health for more than a century. By the mid-1950s, it was linked to lung cancer and, by the early 1960s, to mesothelioma, until that time an extremely rare cancer of the lining of the lung. Since the early decades of the 20th century, it has been known that the talc extracted from many, not necessarily all, of the mines contained asbestos, which could and did find its way into cosmetic talcum powder, sometimes in large amounts but often as trace contaminants.

These trace amounts became an issue for J&J as well as for other cosmetic talc manufacturers in 1971 following a 1968 study by Cralley et al. of the Public Health Service, which raised questions about the potential contamination of commercially available talcum products.³ The problem was, as George W. Wright, who consulted for the asbestos industry, wrote, “it is difficult to conceive of a better way of having [asbestos] fibers inhaled than the use of cosmetic talcum powders.”⁴(p477)

In response to these concerns, in September 1973, the Food and Drug Administration (FDA) proposed methods for testing talc that they argued would virtually eliminate up to 99.99% of possible asbestos contamination.⁵ As we document in “Nondetected,” our *AJPH* piece of July 2019, the industry was able to forestall the FDA regulation of talc.⁶ Instead, the industry adopted language that assured consumers that their product was “safe,” avoiding the question of whether it might

contain low levels of asbestos. Today we see the same vague language of safety is used in the J&J announcement.

How can we understand the decision to remove talc from their baby powders? As the editor-in-chief of *AJPH* once asked, is discrediting “independent scientific assessment for the sake of corporate interests . . . really in corporations’ interests?”⁷

The prospect of more litigation has led J&J to remove talc from its Baby Powder. This is a grudging application, at least for future generations, of the longstanding principle of public health: that when in doubt about danger, we should err on the side of precaution. J&J has had cornstarch as an alternative to talc for decades. Yet, for reasons they have not fully explained, the company chose not to adopt the principle until now, putting thousands of women in danger by imperiling their health and even their lives by possibly exposing them to a known carcinogen. **AJPH**

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CONFLICTS OF INTEREST

The authors have both testified for plaintiffs in asbestos and talc litigation as state-of-the-art witnesses.

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