



# Current Legal Topics of Cosmetic Talc-Containing Personal Care Products

**CLM**

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# Legal Topics



- Toxic tort litigation involving the genital (ie perineal) application of talcum powder in women and risk of ovarian cancer
  - **Several lawsuits resulted in verdicts for the Plaintiffs; though there are also verdicts in favor of defendants**
  - **Corporate conduct a central argument in cases**
- Asbestos contamination in current/historical personal care products containing cosmetic talc
  - **Manufacturers/distributors of historical cosmetic talc-containing personal care products involved in asbestos-related litigation**
  - **Several personal care products containing cosmetic talc in current use have reportedly found to have detectable asbestos content, which has led to possible regulatory action**

# Allegations of the Opposition



Talc Mine in Dove Spring, CA

Cosmetic Grade Talc is sourced from mines within or near asbestos deposits

# The Actualities for the Defense



Asbestos Deposit in Cyprus

Defendant companies made efforts to avoid mining for asbestos where there were known veins of asbestos

# Allegations of the Opposition



Defendants had an obligation to insure that Cosmetic Grade Talc was free from **ANY** contamination

# The Actualities for the Defense



Defendants **DID** make efforts to separate impurities from any mined talc

# Allegations of the Opposition

- Defendants failed to employ appropriate mechanisms for testing for contamination
- CTFA exerted undue influence over the EPA and other Federal Agencies with respect to testing mechanisms



# The Actualities for the Defense

Not only were defendants proactive in establishing appropriate testing methods, (J4-1 X-Ray Diffraction), but they also disposed of entire lots of product if even some of the sample tested positive for asbestos





# Allegations of the Opposition

Information was available to defendants that talc was dangerous and they did not warn the public nor did they utilize reasonable alternatives such as corn starch



# The Actualities for the Defense

Minute traces do not pose a threat to an individual's health and therefore the EPA, NIOSH, and other Federal Agencies do not require warnings

