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Lisa Romanko

[Lromank3@its.jnj.com](mailto:Lromank3@its.jnj.com)**Federal Judge Excludes Certain Plaintiff Expert Testimony from Talc Ovarian Cancer Trials, Deeming Them Not Scientifically Sound**

*Company is pleased with the limitations in plaintiff expert testimony and will continue to defend as decades of clinical evidence supports the safety of Johnson's Baby Powder*

**NEW BRUNSWICK, NJ – April 27, 2020:** Johnson & Johnson (“the Company”) (NYSE: JNJ) today announced that U.S. District Judge Freda L. Wolfson, chief judge of the District of New Jersey, who is presiding over the federal multidistrict litigation (MDL) involving claims that Johnson’s Baby Powder causes ovarian cancer, decided that certain plaintiff expert witnesses did not present scientifically sound evidence to support aspects of their opinions and therefore cannot present these theories before a jury.

The Company is pleased the decision did not limit the testimony of any of the Company’s expert witnesses despite efforts by plaintiffs’ lawyers to do so. Further, the Company is pleased that plaintiffs will have significant restrictions on what theories its experts can present before the jury. Importantly, Judge Wolfson limited the testimony of plaintiffs’ asbestos testing expert, Dr. William Longo, and held that another expert, Dr. Ghassen Saed, cannot testify that his experiments showed that talc can cause ovarian cancer.

The *Daubert* decision is not a determination by the court on the validity of the plaintiff’s allegations. Johnson & Johnson will continue to defend these lawsuits at trial, and plaintiffs must meet their burden of proof, including both general and specific causation, at any trial that may be scheduled. The Company is prepared to shine a light on the flaws in plaintiff experts’ opinions in front of juries, just as it has in state court cases.

**SPECIFICS OF DAUBERT RULING**

Among other findings, the opinion states that:

- According to Judge Wolfson, plaintiffs’ key biology expert Dr. Ghassen Saed’s opinion that “the use of talc causes ovarian cancer” is “unsupported by the findings of his study” and is an “unreliable” conclusion.

- Plaintiffs' asbestos testing expert, Dr. William Longo, cannot testify about the results of his polarized light microscopy (PLM) due to "real reliability and reproducibility issues plaguing Dr. Longo's PLM testing."
- Dr. Longo cannot testify that women who used talcum powder were exposed to "significant" amounts of asbestos because he "fails to offer any scientific support for his opinion that the use of Defendants' talc products causes exposure, let alone significant exposure, to asbestos."
- Plaintiffs cannot put before a jury their theory that inhalation of talc can cause ovarian cancer, due to the "scant" or "very little support" offered by plaintiffs' experts for that theory.

### **ADDITIONAL INFORMATION**

All verdicts against the Company that have been through the appeals process have been overturned. In addition, the most recent [published cohort study](#), published in the *Journal of the American Medical Association*, pooled a number of high-level epidemiological studies and found no statistically significant increased risk of ovarian cancer with talc use.

Johnson & Johnson understands the talc litigation has caused confusion and concern about the safety of Johnson's Baby Powder and is committed to ensuring the facts about talc are understood. Johnson's Baby Powder has been a trusted product for more than 100 years, and decades of independent scientific evaluations have repeatedly confirmed that Johnson's Baby Powder does not cause cancer. Not a single professional organization or regulator has concluded that there is scientific evidence supporting the plaintiff claim of causation between talc and ovarian cancer.

We invite you to learn more about the science and safety of our talc at: <https://www.factsabouttalc.com>.

### **About Johnson & Johnson**

At Johnson & Johnson, we believe good health is the foundation of vibrant lives, thriving communities and forward progress. That's why for more than 130 years, we have aimed to keep people well at every age and every stage of life. Today, as the world's largest and most broadly-based healthcare company, we are committed to using our reach and size for good. We strive to improve access and affordability, create healthier communities, and put a healthy mind, body and environment within reach of everyone, everywhere. We are blending our heart, science and ingenuity to profoundly change the trajectory of health for humanity. Learn more at [www.jnj.com](http://www.jnj.com). Follow us at [@jnjglobalhealth](https://twitter.com/jnjglobalhealth).

## **Cautions Concerning Forward-Looking Statements**

This press release contains "forward-looking statements" as defined in the Private Securities Litigation Reform Act of 1995 regarding the Daubert decision. The reader is cautioned not to rely on these forward-looking statements. The information contained in this press release is for informational purposes only and should not be construed as a commitment by the Company to engage in any specific strategy or course of action. Although the Company plans to vigorously defend itself against allegations raised in the federal multidistrict litigation, due to the inherent uncertainty of litigation, the Company cannot predict the timing, ultimate outcome or financial impact of this matter, or any other ongoing or future litigation. The forward-looking statements in this press release are based on current expectations of future events. If underlying assumptions prove inaccurate or known or unknown risks or uncertainties materialize, actual results could vary materially from the expectations and projections of the Johnson & Johnson Consumer Inc. and/or Johnson & Johnson. Risks and uncertainties include, but are not limited to: significant adverse litigation or government action, including related to product liability claims; risks related to the impact of the COVID-19 global pandemic; economic factors, such as interest rate and currency exchange rate fluctuations; competition, including technological advances, new products and patents attained by competitors; challenges inherent in new product research and development, including uncertainty of clinical success and obtaining regulatory approvals; uncertainty of commercial success for new and existing products; challenges to patents; the impact of patent expirations; the ability of the company to successfully execute strategic plans; the impact of business combinations and divestitures; manufacturing difficulties or delays, internally or within the supply chain; product efficacy or safety concerns resulting in product recalls or regulatory action; changes to applicable laws and regulations, including tax laws and global health care reforms; trends toward health care cost containment; changes in behavior and spending patterns of purchasers of health care products and services; financial instability of international economies and legal systems and sovereign risk; increased scrutiny of the health care industry by government agencies. A further list and descriptions of these risks, uncertainties and other factors can be found in Johnson & Johnson's Annual Report on Form 10-K for the fiscal year ended December 29, 2019, including in the sections

captioned "Cautionary Note Regarding Forward-Looking Statements" and "Item 1A. Risk Factors," in the company's most recently filed Quarterly Report on Form 10-Q and in the company's subsequent filings with the Securities and Exchange Commission. Copies of these filings are available online at [www.sec.gov](http://www.sec.gov), [www.jnj.com](http://www.jnj.com) or on request from Johnson & Johnson. Any forward-looking statement made in this release speaks only as of the date of this release. Neither the Johnson & Johnson Consumer Inc. nor Johnson & Johnson undertakes to update any forward-looking statement as a result of new information or future events or developments. The Company expressly disclaims all liability in respect to actions taken or not taken based on any or all the contents of this press release.

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