

Mr. R. L. Ziegfeld ✓

LEAD INDUSTRIES ASSOCIATION, INC.

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February 23, 1965

To All Members of the Health and Safety Committee:

Mr. John Ayers of the Evans Lead Division, National Lead Company in Charleston, West Virginia, has brought to our attention an interesting lawsuit which has just been decided and which, I believe, provides an informative comment on legal mores of our time.

I am sending along copies of two news clips from the Charleston Gazette which outline graphically the institution and termination of a lawsuit brought by a plaintiff claiming permanent injury resulting from the use of a towel containing particles of lead.

Very truly yours,

Don G. Fowler

Don G. Fowler, Secretary
Health and Safety Committee

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Enc.

THE CHARLESTON GAZETTE
September 7, 1963

Towel Suit Seeks \$50,000 Damages

A South Charleston man who bled in the skin of his hands claims permanent injury to his arms, causing burns and blisters as a result of using a blotter towel containing particles of lead. He can't go out into the sun without having his arms covered and he has suffered serious shock to the nervous system, Dickens contends.

Tracy Emmett Dickens is the plaintiff and the defendant is F. M. Means & Co. of Eureka, doing business locally as South Charleston Industrial Towel and Uniform Service.

According to Dickens, the defendant on April 12 of this year delivered to the South Charleston Garage where he worked "a towel or two" heavily contaminated with lead. The lead, he says, became im-

THE CHARLESTON GAZETTE
February 12, 1965

Skin Rash Suit Lost By Worker

Tracy Emmett Dickens of S. Albion, automobile mechanic, Thursday was denied damages by Federal Judge John A. Field Jr. in his suit for \$50,000 against F. M. Means & Co.

Dickens brought suit alleging he had developed a serious skin rash or dermatitis as a result of wiping his hands on a towel furnished by the defendant at the garage where he worked in South Charleston.

The incident took place April 12, 1963, and Dickens testified the towel contained metal particles that brought on his trouble.

Judge Field, before whom the case was tried recently without a jury, held Dickens had not sustained the burden of proof needed to justify a verdict against the company, which operates here as Industrial Towel and Uniform Service.