May 31, 1984

Preparedness Statements re Bad Axe PCB Verdict

Background

The 36-day PCB silo case in Bad Axe, Michigan has gone to the jury. A verdict could come anytime but could possibly take a week or so.

Following are draft press statements based on the three possible scenarios: 1) A verdict for Monsanto; 2) A "limited" (less than $400,000) verdict for the plaintiffs, and 3) A substantial plaintiff's verdict.

Scenario #1: A Verdict for Monsanto

Obviously Monsanto is pleased with the verdict. We feel it confirms our long-standing belief that PCBs are not a serious human health threat. At the same time, we sympathize with this farmer and his family. They have, indeed, been victimized, not by PCBs, but rather by needless and unwarranted fear stemming directly from the distorted, widely held public/news media misconceptions of these compounds.

PCB-ARCH0745333

Scenario #2: A Limited Plaintiff's Verdict

Naturally, we're disappointed with the verdict. But frankly, in view of the distorted, widely held misconceptions about the toxic effects of PCBs, we feel the dollar amount involved here, compared with the outrageous amount sought by the plaintiffs, clearly shows that the jury did not believe that PCBs caused any physical harm to this farm family.

There's always a good deal of emotional impact involved in a trial like this, and it's easy to understand how a peer jury could sympathize with the plaintiffs. Indeed, we can sympathize too -- not because our PCBs caused any real health problems (they clearly did not), but rather because this farm family has suffered needless and unwarranted fear and emotional distress associated with the misguided belief that these compounds are harmful.

We are reviewing the entire matter and have not yet made a decision regarding a possible appeal.

Scenario #3: A Substantial Plaintiff's Verdict

Monsanto is shocked and outraged, not so much that the jury found against us, it's understandable that their sympathies would be with this farm family.

However, the size of the award is totally out of line with the evidence presented during the trial. Obviously, the verdict was not based on the scientific evidence. Monsanto is carefully reviewing the record and intends to appeal the verdict.

-oOo-