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Johnson & Johnson

New Brunswick, N.J.

June 17, 1972

Subject: Talc/Asbestos

Memo to File

To the best of my recollection, the following describes the events of June 16, 1972.

Following the appearance of an article in the New York Times today (attached), I was asked by Mr. Burke to inform the FDA of the article and the fact that actual data presented to the FDA proved our talc to be free of asbestos.

I called Dr. Schaffner, FDA, and read to him the pertinent portions of the article and pointed out that the findings by Dr. Pooley, McCrone Associates, Colorado School of Mines Research Institute, and Johnson & Johnson, which have been filed with him, prove conclusively the absence of asbestos in our powder, and I reminded him that Dr. Langer of Mt. Sinai Hospital had stated in the August 3 meeting with FDA that "you don't have to worry about Johnson & Johnson." I also read to him FDA's summary of the meeting, especially page 5, item 4 (see attached). Dr. Schaffner appreciated our informing him ahead of time.

I also participated in a conference call to Mr. Marshall, Environmental Protection Administration, N.Y. Mr. Smoyer and Mr. Foster asked Mr. Marshall to issue a correction in view of the data presented at the FDA conference last year. They pointed out that the article has caused a great deal of unwarranted concern among the mothers using our baby powder. Mr. Marshall said he will have to consult with his superiors.

I was next asked by Mr. Clare to contact Dr. Langer of Mt. Sinai. Dr. Langer told me that they were furious about the article since they have not been consulted before publication. He said he thought that the E.P.A., N.Y. should have better things to spend their time on than baby powders. I asked Dr. Langer for a quotable statement and he dictated the following: "The N.Y. Times article quoted our original report to E.P.A. which had very, very preliminary findings by means of light microscopy. These findings are meaningless since we found later that the fibers we thought to be asbestos were indeed talc."

EXHIBIT

47

June 17, 1972

I asked Dr. Langer if he can state that our baby powder is free of asbestos as a result of the conference and review of August 3, 1971 with the FDA. He said he still thinks that Johnson & Johnson's product contains minute traces of asbestos and he believes he can find asbestos fibers after breaking down the platelets by ultrasonic energy.

I asked him if Dr. Selikoff, who is quoted in the article, is willing to communicate their feelings to Mr. Kretchmer. He said, "Not likely, since Dr. Selikoff and Mr. Kretchmer have not been on speaking terms for the last 9 months." He mentioned that he had already talked to Mr. Marshall of E.P.A. and had read him the "riot act."

Also, Dr. Hildick-Smith was asked to contact Dr. Selikoff. Although Dr. Selikoff sympathized with our point of view, he felt that Dr. Langer's contact with Mr. Marshall was enough to bring their point of view to the attention of the E.P.A.

After reporting my conversation with Dr. Langer to Mr. Foster and Mr. Clare, I was asked to contact Mr. Romer, N. Y. Department of Air Resources. I told Mr. Romer that the story in the N. Y. Times has caused a great deal of consternation among the millions of users of baby powder and that on the basis of Dr. Langer's comment, the information given to the N. Y. Times is in error, and I asked him to take steps to correct the information. Mr. Romer said that he would have to consult with his Commissioner.

I pointed out to Mr. Romer that he attended the FDA meeting on August 3 and it was obvious at that time from both our findings and Dr. Langer's comment that Johnson & Johnson Baby Powder is free of asbestos. Mr. Romer said that he understands that our powder may still contain traces of asbestos and since Dr. Selikoff had previously said that the only safe level is zero, he still feels that we have not proven that our powder is completely safe. I pointed out also that Dr. Langer's contention that traces of asbestos fibers were seen was not confirmed by electron diffraction, since he did not have that piece of equipment, while McCrone Associates who did a thorough job - 10,000 grids (with electron diffraction) - found no asbestos. He commented that we had not submitted these reports to him.

I suggested to Mr. Romer that if he does not remember, as he pointed out, all the details of the August 3 meeting, it would be in order for him to call both Dr. Langer and the FDA to confirm the fact that our product is free of asbestos. He agreed to pursue this and call me back.

June 17, 1972

He requested that we give him full reports on the product which he wants to study and review with Dr. Selikoff. I told him this is OK with us; however, we need immediate action to correct the false report in the N. Y. Times. He promised to call back after consulting with his Commissioner.

I was later informed that Mr. Marshall told Mr. Foster that he intends to issue a correction which states that Johnson & Johnson Baby Powder contains trace amounts of asbestos (which is not acceptable to us). Mr. Foster intended to give to the N. Y. Times and E. P. A. the names and phone numbers of our consulting laboratories who reported on our talc. Accordingly, I contacted both Mr. Caner of Colorado School of Mines Research Institute and Mr. Ian Stewart of McCrone. Both expressed readiness to testify to the fact that our powder contained no asbestos. I passed this information on to Mr. Foster with the appropriate phone numbers.

I later called Dr. Schaffner of the FDA and brought him up to date on the conversations with Dr. Langer and the fact that the information is not reliable and is not supported by Dr. Langer. He volunteered that his office has been receiving various calls and that his answer has been what we discussed earlier today. He also pointed out that Dr. Lewin has been doing analyses for FDA on a contract basis. He has completed testing of 40 commercial products; only one had shown the presence of asbestos above 1%. He further stated that Dr. Lewin's report on our powder was "no detectable asbestos." I asked Dr. Schaffner if he is willing to call Mr. Marshall and/or Mr. Romer confirming this and he said he would and asked me for their phone numbers which I provided. I asked him if he is willing to give the same information to the N. Y. Times and he said "yes." I later checked with Mr. Foster who confirmed that the N. Y. Times had been in touch with Dr. Schaffner after this conversation.

Dr. Schaffner also asked that, after "the dust settles," we meet with him and review the whole talc plan for Johnson & Johnson. I agreed that we will do so.

W. Nashed

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Attach.