

JANE DOE v. XYZ, INC.

Toxic Shock Syndrome Can Still Kill

When doctors had done everything they could for 13-year-old Jane Doe, her mother and father were called to her bedside to say goodbye. Medical staff had brought the young woman back from the brink of death several times in the past few days. Despite prayers of family members and friends, it seemed that Jane was going to lose her battle with the disease called Toxic Shock Syndrome (TSS).

Little attention has been focused on TSS in the past two decades, but tampon-related TSS continues to occur, largely induced by industry advertising to utilize super-absorbency products with synthetic fiber components. Young teens, like Jane, are particularly susceptible to the potentially fatal bacterial infection. The technical language and inconspicuous warnings on tampon boxes go unnoticed by most young women, who focus, instead, on advertisements that stress protection from menstrual leakage with super-absorbency products.

As Jane's mom sat at her daughter's bedside during what she thought were her child's final moments, her anguish turned to anger. She tearfully scolded and yelled at her daughter, telling her that she was not allowed to die. To the astonishment of everyone in the

room, Jane responded to her mother's voice and her vital signs began to improve.

The fighting spirit in Jane and her mother that helped keep the teenager alive sustained them through a painful rehabilitation and difficult battle against a tampon manufacturer. Jane, now 16 years old, continues to make remarkable progress in overcoming the effects of the multiple organ system failures she suffered.

Jane's case was resolved at mediation, shortly before trial, for a confidential multi-million dollar settlement. She and her family were represented by Jack Scarola, referring attorney Kathleen Kozinski and associated counsel Tom Riley and Charles Brown of Idaho. ■