

(in which neither she nor any of her five children suffered apparent injuries or required medical treatment). "I am going to ask you to assume that a twenty-nine-year-old woman was a passenger in an automobile," Dr. Charles Proudfit, a gynecologist from South Bend was told, "when that car was struck from the rear . . . that approximately four hundred dollars worth of damage was done to the . . . bumpers, lights . . . trunk . . . and grill. Assume that this same woman died on September eighteenth [two months later] . . . there was found a thrombus or blood clot in the right ovarian vein . . . I'm going to ask you . . . whether the thrombus could have been caused by the accident?"

"I couldn't state that that thrombus was caused by the accident," Dr. Proudfit said. "I think there might be a slight possibility."

When asked by Searle's attorney if Enovid was connected with Mrs. Black's blood clot, Dr. Proudfit replied: "I don't feel that you could say Enovid caused that lady's death when you had the other contributing factors that we know may cause an embolism."

Told by Black's attorney that, "You cannot say that . . . Enovid medication did *not* cause this hypothetical woman's death," Proudfit answered: "No, I can't say that and I can't say that it did."

Testifying for Black, Drs. Haley, Hillabrand and Ratner felt that they could emphatically say that the accident did not cause the clot. As Hillabrand volunteered while pointing to his pelvis: "The veins in there adjacent to the uterus are the best protected machinery there is in the human body. You are surrounded by thus huge, strong pelvic girdle of bones here, and in order to damage something [there], you would have to have a crushing blow to the pelvis to do that. The automobile accident had nothing to do with it."

The Pill also had nothing to do with Betty Jo's blood clot, Searle's attorneys concluded, because few if any drugs have ever been so thoroughly and continuously tested for possible hazards, including blood clots. After a large box said to contain duplicate records of Searle's investigations was set before the jury, Dr. Irwin Winter, Searle's supervisor of medical affairs, described tests that were required to obtain the FDA's permission to sell Enovid, recited favorable articles about the Pill or its research (which Black's attorneys called "selective opinion"), and emphasized how his department held an inquest on the death of anyone using Enovid. "We sent an investigative team, one of whom was myself, to the area," he said. "We had to go to hospital admissions, to private surveys on how many people went to see a doctor for what reason. . . . There was nothing to indicate the Enovid had anything to do with these [deaths]."

After reiterating that Searle's team voluntarily investigated every such death that is reported, Dr. Winter was asked: "Isn't it true that the first knowledge your company had of the death of Elizabeth Black . . . [was] only after this lawsuit was filed?"

"I can't answer that," he said, "it could be."

A complicated medical question that physicians couldn't resolve after seven days of testimony was left to twelve people who, though they initially seemed piqued at being summoned as prospective jurors, were not disinterested in the Pill. Earlier, there had been such strong opinions about the Pill that selection of the jury was delayed when Judge Grant asked if anyone who experienced or knew about any "unanticipated results from the Pill" would raise a hand and follow him into a conference room. He then dismissed one woman who said that she "fainted once a month while on the Pill and my doctor advised me to stop taking it"; another young woman who maintained that her sister "lost her baby because of it"; a man who revealed that "both my sister and wife's best friend in college had quite a bit of trouble with the Pill"; and a woman who claimed that her cousin "got real heavy and violently ill and dizzy" after taking the Pill. But there turned out to be enough people professing no opinion or pharmacological knowledge about the Pill for the judge ultimately to approve, as jurors: a female department-store clerk; wives of a janitor, house painter and farmer; plus a salesman, plumber, insurance agent, press operator; and employees in an auto body shop, computer plant, real estate company and an airmen's club. By law, verdicts in cases like this one must be rendered by jurors previously unacquainted with the rudiments of the issue.

The jurors' difficulty in interpreting the conflicting medical testimony soon became evident once they began discussing it. During the time Black and the