

attorneys awaited a verdict, the jury was far from unanimous about any of the three counts in question. The first votes tabulated by Leroy Skodinski, the lumber salesman who had been elected jury foreman, were about evenly divided for the plaintiff and defendant. Members of the jury talked, argued and voted fourteen times during the next four hours without approaching unity, except, informally, on the fact that many of them really didn't know whether Enovid had or had not caused Mrs. Black's death. Skodinski was even moved to remark at one point, "Wouldn't this be interesting if twelve doctors were on this jury?"

Several expressed opinions seemed to correspond with Skodinski's contention. "The company was giving some warning to the doctors," he said, "but four years ago—when this woman died—most of the doctors weren't warning the people at all." As three or four jurors nodded in agreement with this statement, one woman interjected: "I don't think any of those things are safe, but—this one is about as safe as any of 'em. Trouble is, they didn't give enough specific facts in those little books."

By 5:45 p.m., suppertime for most people in the area, eight jurors favored absolving Searle of Mrs. Black's death while four others, not necessarily because they wanted to uphold Black's accusation of negligence, argued that they would not accept any verdict that didn't compel Searle explicitly to warn women—and not just physicians—about the Pill's hazards. After most of the jurors either agreed or offered no objection, Skodinski passed out paper for everyone to write his own secret decision. The time for discussion was over.

At 6:05 p.m., after the judge and participants had returned to the courtroom, Skodinski nervously rose and read from a piece of paper: "We the jury . . . find for the defendant G. D. Searle on Count I (negligence) . . . on Count II (breach of implied warranty) . . . on Count III (strict liability)." But as attorneys instinctively turned to indicate that the case had ended, they were surprised to hear Skodinski continue to read:

"Further, it is the recommendation of this jury that, effective immediately, G. D. Searle & Company, in instruction literature both to doctors and patients, advise the dangers of the possibility of phlebitis, thrombotic and embolic phenomena."

Staring sternly, the white-haired judge told the jury of a legality they evidently had not known: Their stipulation that Searle warn users of the Pill about its risks could not be enforced.

The jury legally exonerated Searle of all liability for Betty Jo Black's death but, by attaching a rider to its verdict, demonstrated that it was clearly dubious about the Pill's purported safeness. More important, the jury's decision was theoretically based only upon facts that were known in 1965. Although inadmissible as evidence, the disclosure during the trial that pharmacological companies concede that the Pill can cause fatal blood clots proves that an increasingly stronger case is developing against the Pill. Therefore the jury, in general, must still be considered "out" on all brands of the Pill.

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THE BETTER WAY—WHY THERE IS GROWING CONCERN ABOUT THE SAFETY OF "THE PILL"

Of the various contraceptive techniques available, the Pill is considered the most effective. It is also the most controversial in terms of health. Since oral contraceptives came on the market in 1960, the response by American women has been overwhelming. Today, an estimated 8.5 million take some form of birth control pill. There is no debating the efficiency of these pills; obstetricians and gynecologists maintain that, when taken according to directions, they are virtually 100 percent reliable in preventing pregnancy.

For some women, however, a regimen of birth control pills may be dangerous. Medical researchers have, in recent years, shown a correlation between these pills and a higher incidence of thromboembolism, a blood-clotting disorder. (See *Controversy Over "the Pill,"* page 64.) Reports here and abroad have appeared to demonstrate the Pill's link with a variety of other diseases, including eye disorders, migraine headache, diabetes and cancer. As a result of