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NEWS RELEASE

Precedent-Setting Fluoride Personal Injury Case Filed

Dental Fluorosis Complaint Is First In an Expected Flood of Public & Private Sector Claims

Ellijay, GA – Dental industry representatives have long fretted in their professional journals that fluoride providers could one day face legal actions for harm caused by ingested fluorides.

The fear was that the citizens with a permanent staining and disfigurement of teeth called “dental fluorosis” would bring legal actions upon learning that fluorides they had swallowed had caused the damage to their teeth.

Now, after this year’s admission by federal officials that fluorides are causing increasing amounts of fluorosis, an era of fluoride personal injury and toxic tort litigation appears poised to begin with the recent filing of a precedent-setting case in the Federal District Court in Maryland.

The legal action was filed against corporate giants Nestle USA Inc., Nestle Waters North America, Inc., and Gerber Products Company on behalf of a teenage girl with multiple permanent teeth disfigured by dental fluorosis.

The complaint notes that as a baby and young child, around 90% of the water the girl consumed was fluoridated bottled water sold by the Nestle defendants. The girl’s parents had purchased the water based on its advertised dental benefit for children.

According to the lead attorney on the case, Washington D.C.-based Chris Nidel, the young woman’s family now faces significant costs for damage-covering dental veneers.

The financial impact of the teen’s fluorosis is even greater over the long term. The veneers will need to be replaced four or five times, resulting in a lifetime potential cost of more than \$100,000 in dental expenses.

Attorney Nidel points to a photo of his client’s teeth. “In this case, a photo really is worth a thousand words,” he states. “The water providers had a responsibility to warn their customers about fluorosis, but they did not.”

He says the girl’s mother told him, “I thought I was doing the right thing for my daughter when she was a child, by giving her bottled water that contained fluoride. Her teeth have now been permanently damaged by fluorosis. She is extremely self-conscious about her smile. Her friends ask her about her teeth. And now we’re faced with extensive cosmetic restorations. It’s not simple, and it’s expensive.”

Seeking compensation for the teen’s teeth damage and its impacts, the complaint lists counts of strict liability, negligence, breach of implied warranty, fraud, and negligent infliction of emotional distress.

Public health professional Daniel G. Stockin of The Lillie Center Inc., a firm working to end water fluoridation, says, “I believe water utilities will note that the bottled waters that are the focus of this complaint contained around 0.8 parts per million of fluoride, which is right near the amount that public utilities add to their water. We know that millions of people have dental fluorosis, and that minority populations are disproportionately harmed by it. People are not being openly told what fluorosis really is or how it can impact their lives. I think it will be very interesting to see the revelations that come out now, as fluoride product sellers and fluoridated water endorsers begin to be placed under oath in all sorts of fluoride-related legal actions.”

Stockin adds, “There were also warnings in dental and other publications that fluorides could potentially cause bone disorders, kidney harm, and thyroid impairment. I believe we’ll quickly see fluoride lawsuits grow way beyond fluorosis cases.”

Attorney Nidel says, “We’re at the beginning of what looks to be an absolutely enormous wave of new fluoride litigation. There are so many harmed teenagers with fluorosis. We have the government’s own data to prove that. Potentially millions with fluorosis will want to talk to an attorney, and believe me, plaintiff attorneys and the plaintiffs’ bar are beginning to educate themselves about all this.”

“The National Research Council’s 2006 fluoride report raised concerns about possible harm that goes well beyond dental fluorosis,” he continues. “It appears that millions of kidney patients and diabetics were not told about their increased susceptibility to harm from fluorides by their water providers or healthcare professionals,” he says.

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Reference Links / Sources:

- * **Full text of filed complaint and client teeth photo: see two links at:** <http://www.nidellaw.com/blog/?p=66>
- * Example of dental journal discussing potential litigation related to fluorosis: “It is only a matter of time until a case is brought that gets public attention. The risk is that noticeable fluorosis will be perceived by the public as a toxic consequence of fluoride ingestion – which, arguably, it is (57) – and there will be a reaction against all uses of fluoride...” Riordan, PJ: Fluoride supplements for young children: an analysis of the literature focusing on benefits and risks. Community Dent Oral Epidemiol 1999; 27: p.81.
- * Other photos of dental fluorosis: www.SpotsOnMyTeeth.com ; www.fluoridealert.org
- * CDC’s data showing minorities with disproportionate amounts of dental fluorosis (see table 23): <http://www.cdc.gov/mmwr/pdf/ss/ss5403.pdf>
- * National Research Council report on fluorides: see “Susceptible Subpopulations section” pp. 350-51: http://books.nap.edu/openbook.php?record_id=11571&page=350 & “sensitive populations” info, p. 30: http://www.nap.edu/openbook.php?record_id=11571&page=30
- * EPA and HHS press release on lowered fluoride level in water in response to increase in dental fluorosis: <http://www.hhs.gov/news/press/2011pres/01/20110107a.html>

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