

Kiwis paid out for bad implants

By Ruth Hill,
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<http://www.stuff.co.nz/stuff/3958399a12855.html>

A New Zealand breast cancer survivor, who suffered years of pain from a ruptured silicone implant, has finally received her payout from a multibillion-dollar compensation fund - a paltry \$600.

The woman, who did not want to be named, said she was "surprised to get anything at all", after a decade of legal wrangling. "Frankly, I had stopped hoping and just put it behind me."

In 1999, a United States judge approved a \$US6.4 billion (\$NZ9.3 billion) settlement deal for worldwide compensation claims (including 1200 New Zealanders) against the American manufacturer Dow Corning. But overseas claimants, including the New Zealanders, were offered only 60% of the amount offered to Americans because they were unable to sue in the US. They appealed, but lost the case in 2002.

Now 564 claims by New Zealand women of between \$NZ872 and \$17,442 have been settled. It is not known how many claims are still outstanding because some individuals had more than one claim.

In November, the United States Food and Drug Administration (FDA) allowed silicone breast implants to be sold again, 13 years after they were removed from the market because of safety concerns.

While silicone breast implants have remained available in New Zealand, the Ministry of Health does not endorse their use and women must be warned of the risks before consenting to the operation.

The New Zealand woman was persuaded by her doctor to have silicone implants after a double mastectomy in 1984. She was told they would last "forever".

But within seven years, one implant had ruptured, causing toxic silicone to seep into the surrounding tissue, disfiguring the breast and slowly poisoning her.

"Where the silicone was leaking, hard tissue formed around it, so I had lumps under my arms and all over the place," she said.

She suffered crippling fatigue, insomnia, night sweats, colitis, numbness in her hands and feet, and her hair started falling out.

Yet it was three years before she could persuade her GP or the surgeon that anything was wrong. Her implants were removed in 1994 - 10 years after they were inserted.

She was unable to work. She could not lift her arms over her head because of the pain. When she joined the class action in 1994, a rheumatologist diagnosed her with atypical connective

tissue disease, which he blamed on the implants.

She received an \$872 payout reduced to \$600 after legal bills.

The former co-ordinator of the now defunct Women's Implant Information Network, Tanya Brennan-Hodgson, said she was "horrified" the FDA had approved silicone implants.

She said many New Zealand women were still waiting for compensation.

"Frankly, the compensation is a bit of a farce. Foreign claimants are only entitled to a pittance compared with what US women have received, and nothing can ever compensate you for the loss of your health."