

News Digest

Johnson & Johnson to stop selling capsules

NEW BRUNSWICK, N.J. — Johnson & Johnson on Monday announced that it will no longer sell any capsule products directly to the public because it cannot control tampering blamed for the cyanide-poisoning deaths of one woman this month and seven people in 1982.

The announcement was made at a news conference by company chairman Jim Burke, who said Johnson & Johnson has "no plans to re-enter this business for the foreseeable future."

He urged users of Tylenol capsules to instead switch to coated oval-shaped tablets known as "caplets," and said that Johnson & Johnson

would replace free any capsules now in the hands of consumers or stores.

The decision to remove capsules from the market was made to "protect the public," Burke said. He said the company was confident that consumers would accept the tablet forms and keep Tylenol "the most preferred" brand of painkiller in the country.

He said that Tylenol came back after the 1982 cyanide scare and pledged, "We will do it again this time."

Consumers were urged to return unused portions of their Tylenol capsule products to

"Tylenol Capsule Exchange, P.O. Box 2000, Maple Plain, Minn., 55348." In exchange, consumers will receive a coupon good for the purchase of the same size bottle.

The replacement program will cost the company \$150 million, Burke said.

Earlier, federal officers said that a ban on sales of over-the-counter drugs in capsule form is premature.

The ban was suggested Sunday by Andrew P. O'Rourke, elected executive of Westchester County, the New York suburban area where

Diane Elstroth, 23, died last week. Investigation also turned up a second bottle containing tainted Tylenol in the same town where the bottle containing the fatal dose was purchased.

O'Rourke suggested the federal government control production and sale of all drugs in capsules, but federal Food and Drug Administration spokesman William Grigg said the government is not advocating such a ban.

Grigg said he expected representatives of the over-the-counter drug industry to discuss the issue during a meeting of the Proprietary Association in Washington this week.

Court to rule if 'proof was in pudding'

LINCOLN — Did Robert Michael Rich of Lincoln pull a chocolate pudding caper, or did convenience store owner Kay E. Masonbrink let her imagination get the best of her?

Those questions will be presented to the Nebraska Supreme Court during oral arguments March 3 on Rich's appeal of his 1985 misdemeanor theft conviction.

Rich was found guilty by then-Lincoln Municipal Judge Jack Linder, and the conviction was upheld by Lancaster County District Judge William Blue.

Rich's lawyer argued that the judges erred because the evidence was insufficient to convict his client.

Rich was charged in a March 1985 incident at the One-Shop Inc. in which he allegedly eyeballed a box of Dream Whip to check the price, picked up a box of chocolate pudding, wiped his brow with his handkerchief, paid for some pop and left.

Masonbrink testified that the pudding was wrapped in the handkerchief when Rich returned it to his pocket.

Masonbrink didn't confront Rich with her suspicions, but called police before he left the store. However, Rich was gone by the time an officer arrived, and when he later was located and searched by police at a bus stop, no chocolate pudding — or any other kind of pudding — was found.

Rich was charged, and, at his trial, Masonbrink said he had acted suspiciously during previous visits to her store by slowly wandering through it, often buying only one item.

Because of such behavior, she said, she was watching him from her darkened office when the pudding pilferage allegedly took place.

She also testified that there was a box missing from the Jell-O display

after Rich had been there, but she later acknowledged on cross-examination that "it may have been sold . . . the night before," Moore says in his brief.

Masonbrink also testified that Rich had a bulge in his pocket "like the size of a box of pudding."

"The truth of the matter is that she never saw Mr. Rich take anything, but instead was the victim of her own imagination," Moore argues.

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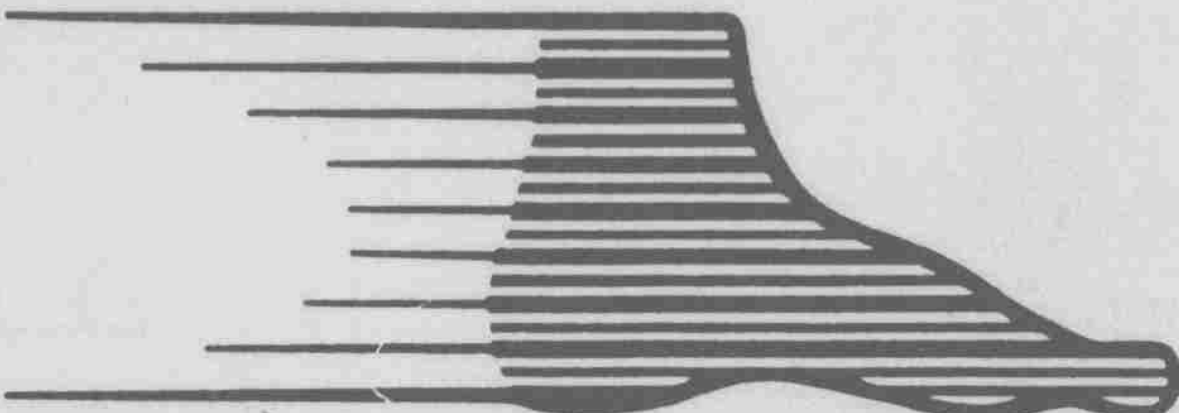
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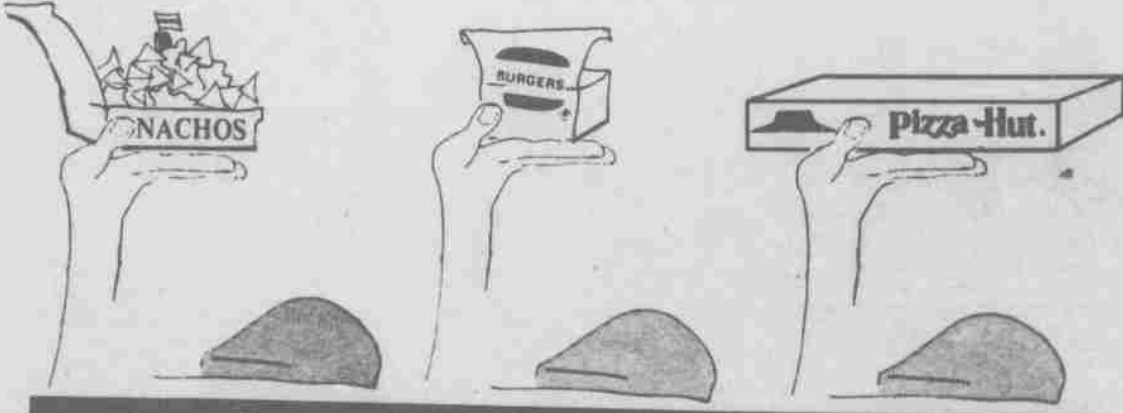


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