



Press Release  
For Immediate Release  
February 23, 2011

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## Supreme Court Ruling Completely Shields Pharmaceutical Companies from Vaccine Safety Liability

### *SafeMinds Asks Congress to Revisit Vaccine Safety*

Yesterday, the Supreme Court ruled that 19 year-old Hannah Bruesewitz cannot pursue a lawsuit against the vaccine manufacturer whose vaccine injured her. Hannah developed a seizure disorder within 24 hours of her receipt of a DTP vaccine, when she was 6 months old, and she was subsequently diagnosed with developmental delays. Hannah had 100 seizures in the first month after her receipt of the vaccine. Her family had been unsuccessful in obtaining compensation for Hannah's injury in the Vaccine Injury Compensation Program (VICP) and had been trying to sue Lederle (now part of Wyeth) for a design defect in the vaccine, since a formulation for a safer DPT was available at the time.

The Vaccine Injury Compensation Program was established by Congress in 1986. It was intended to keep vaccine manufacturers in the business while giving injured individual's no-fault and generous financial compensation. It has been a dismal failure. Congress did not fully consider the problems of government lawyers using government-funded studies to defend a government program against the public. Nor did they consider the ramifications of effectively giving an industry complete immunity from product liability. Such immunity is unprecedented in the American judicial system.

The Bruesewitz family had lost their case at the state level and the Supreme Court agreed to rule on the "intent of Congress" when they passed the "Vaccine Injury Compensation Act" in 1986. In a 6-2 decision, with one abstention, the Court ruled against the family. Justice Sotomayor, in a dissenting opinion, had this to say, "Congress intended to leave the courthouse doors open for children who have suffered severe injuries from defectively designed vaccines. The majority's policy-driven decision to the contrary usurps Congress' role and deprives such vaccine-injured children of a key remedy that Congress intended them to have."

The take-away message from this ruling is that you are on your own if your child has a vaccine injury. "Parents need to be well-informed and choose carefully what vaccines they give their children. It is a known fact that some vaccines have a higher risk of severe adverse events, like seizures," states Lyn Redwood, RN., MSN, Executive Director SafeMinds. "Even the Supreme Court's decision acknowledges that vaccines are "unavoidably unsafe"."

Yesterday's ruling has the practical effect of indemnifying vaccine manufacturers from injuries and death due to their products. According to SafeMinds Committee Member, Mary Holland, Esq., "Vaccine law and policy in this country are deeply flawed and risk destroying public confidence in the safety of vaccines. The Vaccine Injury Compensation Program simply doesn't compensate victims – less than 20% of all claimants win." SafeMinds considers the VICP to be a failed program. It provides neither incentives for safer vaccines nor just compensation of injured children.

**SafeMinds calls for federal hearings to address the inadequacies of the VICP and ensure that it functions to protect the public - and not just vaccine manufacturers.**