

MEDIA ADVISORY - For Immediate Release – May 25, 2011

Settlement Approved in Canadian Fleet Phospho-Soda Class Action

LONDON, ONTARIO – A Settlement Agreement in the Canadian Fleet Phospho-soda class action litigation has now been approved by the Ontario Superior Court of Justice and the claims period has commenced. The claim deadline is September 22, 2011.

The class action was brought on behalf of Canadians who used the over-the-counter laxative Fleet Phospho-soda prior to March 5, 2009. The action alleged that the Defendants C. B. Fleet Company, Inc. and Johnson & Johnson – Merck Consumer Pharmaceuticals of Canada sold Fleet Phospho-soda without properly warning of increased risks of developing a rare but serious type of kidney disorder. This disorder, called “Acute Phosphate Nephropathy” or “Nephrocalcinosis”, is alleged to occur in some patients ingesting more than 45 mL of Fleet Phospho-soda in a 24 hour period, usually as part of bowel cleansing regimen in preparation for a colonoscopy.

The Defendants deny any wrongdoing or liability of any kind. The allegations have not been proven in court, and the court has not taken any position as to the truth or merits of the claims or defences asserted by either side. Canadians who ingested more than 45 mL of Fleet Phospho-soda in a 24 hour period and subsequently developed kidney disease should consult with their physician respecting the type of injury involved.

“We are very pleased with this result and look forward to moving ahead with the implementation of the compensation program,” says Mike Peerless, Class Counsel responsible for negotiating the settlement. “We would like to commend the Defendants for putting this compensation program in place for Canadians.” Matt Baer, another member of the Class Counsel team at Siskinds ^{LLP}, indicated that “formal notice of the settlement provides details of how claimants are able to submit a claim.”

The Plaintiffs and class members in this litigation are represented by a consortium of three Canadian law firms, namely Siskinds ^{LLP} in London, Ontario; Siskinds, Desmeules in Quebec City, Quebec; and Merchant Law Group ^{LLP} in Regina, Saskatchewan.

The Defendants are represented by the Toronto, Ontario law firms Borden Ladner Gervais ^{LLP} and Blake, Cassels & Graydon ^{LLP} as well as Borden Ladner Gervais ^{LLP} and Ogilvy Renault in Quebec City, Quebec.

For further information, please see www.classaction.ca or contact Matthew Baer (English enquiries) at (519) 660-7782, Mike Peerless (English enquiries) at (519) 660-7866, or Yves Bergeron (French enquiries) at (418) 694-2009.