



**INJURED CT**

**Autism, ADHD, and
Acetaminophen
(Tylenol) in Connecticut**

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Autism, ADHD, and Tylenol Cases in Connecticut

Research by some of the top medical research organizations in the United States and across the world has shown a significant link between the use of Acetaminophen (brand name Tylenol) in pregnant women and the diagnosis of autism, ADHD, and other neurological disorders in their children. The research indicates that babies of women who use acetaminophen during pregnancy have a substantially increased risk of developing autism and ADHD. Important research into this link continue. However, since about 2019, research results have been so dramatic and convincing that many major medical facilities are changing the way they prescribe and direct the use of Tylenol to pregnant women.

In addition, the research is potentially crucial to understanding the historic prevalence of Autism Spectrum Disorder (ASD) and ADHD in children.

What are NSAIDs?

“Non-Steroidal Anti-Inflammatory Drugs”

The Class includes popular over-the-counter brands like:

- Ibuprofen (Advil , Motrin)
- Aspirin (Bayer, Excedrin)
- Naproxen (Aleve)

And prescription brands, like:

- Celecoxib (Celebrex)
- Ketorolac tromethamine (Toradol)

NSAIDs are commonly used to treat headaches, rheumatoid arthritis pain, back aches, muscle aches, dental pain, menstrual cramps.



Why Is Tylenol Prescribed to Pregnant Women?

Most women are directed not to take ibuprofen or other over-the-counter pain relievers during pregnancy. The use of pain relievers called NSAIDs (ibuprofen, aspirin, naproxen, and others) during pregnancy has long been considered to be dangerous to developing fetuses if taken during certain times in the gestation period. In fact, most experts recommended avoiding NSAIDs entirely after 30 weeks.

Then, in 2020, the Food and Drug Administration issued new warnings about the use of ibuprofen, the active ingredient in Advil, and other NSAIDs after 20 weeks of pregnancy. The FDA and other researchers warned of an increased risk of kidney damage to the fetuses of women who used ibuprofen and other NSAIDs after 20 weeks. Research has also shown an increase in other developmental disorders.

As a result of these warnings and previous warnings, it's routine for medical practitioners in Connecticut, such as doctors, nurse practitioners, and OB-GYNs, to prescribe over-the-counter Tylenol or generic forms of acetaminophen for pain relief. While low and irregular doses may remain safe for pregnant women, prolonged or frequent use for the relief of common pregnancy-related pain has been shown to have the same adverse effects on fetuses as those of other pain relievers.

“Given the widespread use of acetaminophen in pregnancy, the public health implications of previously reported relationships, if causal, are profound.”

The Growing Public Health Crisis of Autism And ADHD Tylenol

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7192766/>

In 2021, a groundbreaking report on the link between autism, ADHD, and other developmental disabilities and the use of acetaminophen was released in the medical journal Nature Reviews Endocrinology. The report, called a Consensus Statement, was the product of research by a 13-member team including researchers from the Yale School of Medicine in Connecticut who analyzed and compiled a body of research on the risk of prenatal exposure to acetaminophen.

OB-GYNs immediately pushed back. The American College of Obstetricians and Gynecologists released a response that indicated that the group would not recommend any change to the use of and prescription of acetaminophen to pregnant women.

However, the link between prenatal exposure to acetaminophen and developmental delays such as autism and ADHD has been supported by a study conducted by the National Institute of Health and Johns Hopkins University.

Another 2020 research study on the use of acetaminophen, the active ingredient in name brand Tylenol, published in the Medical Journal Paediatric and Perinatal Epidemiology, reported that nearly 62% of women studied reported the use of acetaminophen during pregnancy. According to the study, the most common reason why pregnant women used acetaminophen during pregnancy was for headaches. The study concluded:

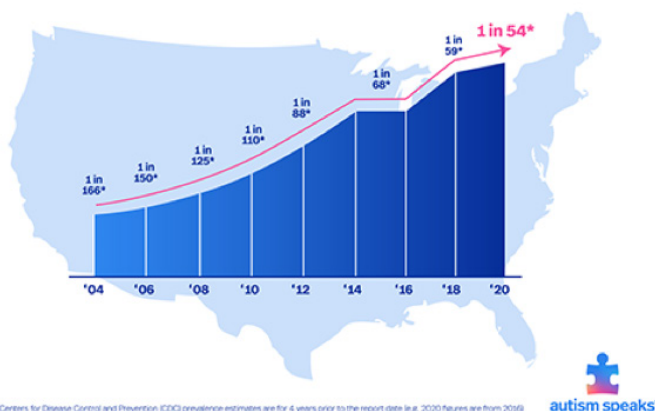
It may very likely be the case that autism spectrum disorder diagnoses in children have increased as a consequence of Tylenol and generic Tylenol increasingly becoming the go-to form of pain relief for pregnant women. In fact, the rate of diagnosis of autism and ADHD continue to increase in the United States across all populations.

It is reported that as of 2022, the rate of autism in the Connecticut population is between 3.0 to 3.9%. And, Autism Spectrum Disorder's prevalence is increasing in Connecticut and in the rest of the United States. In 2020, the Centers for Disease Control and Prevention released its biennial update on the prevalence of autism in the United States. According to the organization Autism Speaks, the CDC report confirmed that autism continues to become increasingly more prevalent in children in the United States. The CDC reported that in 2016 one in 54 children had a diagnosis of autism spectrum disorder, which reflected a 10% increase from 2014.

[Learn more about the research study here: Autism Speaks Report on CDC Study.](#)



Estimated Autism Prevalence 2020



What Is Autism and What Are the Signs Of Autism in Children?

“Autism” is referred to as the more general term of Autism Spectrum Disorder because autism presents itself along an “arc” of different combinations of behaviors, impairments, and skills. Not every child diagnosed with autism presents with the same behaviors and skills. Unlike other disorders, children with Autism Spectrum Disorder include a wide variety of signs and symptoms. Some people diagnosed with autism are high functioning. Others are severely disabled.

Unfortunately, medical practitioners in Connecticut and other states do not have a blood test or genetic test that can be done in utero to diagnose the likelihood that a baby will have autism. Instead, an autism spectrum disorder diagnosis is typically made when symptoms begin to appear over the first few years of life.

The National Alliance of Mental Illness of Connecticut reports that the signs and symptoms of autism include:

Of course, there is no definitive study to suggest that the use of Tylenol or other drugs containing acetaminophen is the only cause of Autism. Many parents elect to undergo genetic testing and other forms of testing when their children receive a diagnosis of autism in an attempt to discover a potential cause for autism. For example, the ingestion of other drugs and substances such as alcohol during pregnancy may also increase the risk of developmental delays.

- Repetitive behaviors, such as eating only the same food every day;
- Difficulty making eye contact;
- Play time that is spent lining up toys, instead of engaging in pretend play;
- Misinterpreting facial cues and expressions;
- Language developmental delays;
- Difficulty expressing emotions;
- Difficult social interactions.

<https://namict.org/blog/understanding-autism-spectrum-disorder/>

Since there is no definitive blood test that can confirm a diagnosis of autism spectrum disorder in Connecticut, the state of Connecticut publishes guidelines for the diagnosis of autism spectrum disorder. Although those with autism have it for life, early intervention, and diagnosis will allow for early treatment and therapies that can help those impacted by autism and parents to better manage it.

Over-The-Counter Acetaminophen and Tylenol

Over-the-counter pain relievers containing acetaminophen are often purchased at major retailers in Connecticut such as Wal-Mart, Target, Sam's Clubs, CVS, Walgreens, Rite-Aid, Stop & Shop, and many other Connecticut stores. Connecticut stores and pharmacies sell acetaminophen under the brand name "Tylenol" and under generic store-branded versions of Tylenol. Nearly every major retailer that operates in Connecticut has its own store-branded version of acetaminophen.

In addition, Tylenol is not the only name brand that contains acetaminophen. Other over-the-counter brands containing acetaminophen and sold in Connecticut and other states are NyQuil and DayQuil, Excedrin, Alka-Seltzer Plus, Mucinex, Robitussin, and Goody's. Some prescription drugs may also include acetaminophen. Some of these drugs are Vicodin, Percocet, and Ultracet.

Lawsuits Against Retailers Who Sell Tylenol and Store Brands

It appears that the science and research are becoming so convincing on the link between the use of acetaminophen and autism and ADHD that a significant number of lawsuits have been brought in federal courts throughout the United States. In fact, there have now been so many lawsuits, alleging a connection, that the United States federal courts have created a special docket for lawsuits against the retailers who sell these drugs and the manufacturers that make them. These lawsuits allege that the manufacturers like Johnson & Johnson and the retailers who sell Tylenol and other over-the-counter drugs containing acetaminophen, including Wal-Mart, Target, Sam's Clubs, Costco, CVS, and Walgreens, all of whom operate in Connecticut and other states, are liable for the injuries caused to children whose mothers took the drugs while pregnant. Other Connecticut retailers sell these drugs, too. These stores include Rite-Aid, Stop & Shop, Shop-Rite, Price Choppers, and others.

Generally, the lawsuits are brought by an attorney under an area of law called "Products Liability." In Connecticut, like most states, the law generally states that a seller, wholesaler, manufacturer, distributor, or

retailer that sells a defective product in Connecticut is liable for the injuries to an individual that are caused by that product. For example, if a retailer such as Target has a store in Connecticut, and a pregnant woman buys a box of Tylenol for symptoms related to her pregnancy from the Connecticut Target, uses the Tylenol and it is proven that the use of that Tylenol caused developmental delays to her child, then she, as a Connecticut resident, may consider hiring an attorney to sue Target under Connecticut law claiming the product was defective. This is basic products liability law and her claim would be a "product liability claim."

More specifically, Connecticut law defines a "Product Liability Claim" as:

"[A]ll claims or actions brought for personal injury, death or property damage caused by the manufacture, construction, design, formula, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging or labeling of any product."

In addition, a "'Product liability claim' shall include, but is not limited to, all actions based on the following theories: Strict liability in tort; negligence; breach of warranty, express or implied; breach of or failure to discharge a duty to warn or instruct, whether negligent or innocent; misrepresentation or nondisclosure, whether negligent or innocent."

Typically, Connecticut personal injury attorneys handle product liability lawsuits because they involve personal injuries. These personal injury attorneys, at least in Connecticut, will bring a lawsuit alleging a theory of products liability.

These lawsuits often end up in federal court, which is the system of courts that are run by the United States, as opposed to those operated by an individual state. For example, a Connecticut resident who sues Wal-Mart, an Arkansas corporation, may sue under Connecticut law in Connecticut Superior Court. But, under a concept called "Diversity Jurisdiction," Wal-Mart may elect to remove the Connecticut case from the Connecticut courts to a federal court. That federal court will likely still be located in Connecticut, however. Then, the case may be removed directly to the Southern District of New York, which is where the federal court that is hearing these consolidated cases on the multi-district litigation docket sits.

The Manufacturers of Tylenol Have Been Sued for Defective Products

Johnson & Johnson, an American multinational company, is the manufacturer of Tylenol. It is one of the most valuable companies to ever exist and has been in operation for nearly 150 years. It is also no stranger to mass tort claims by persons who claim to have been injured by its products. In fact, one of the largest jury verdicts in United States history was levied against Johnson & Johnson. In 2018, a Missouri jury awarded nearly \$4.69 billion to 22 plaintiffs. The verdict was reduced to \$2.11 billion dollars, still one of the largest jury verdicts for a defective product in history.

In that case, the plaintiffs alleged that Johnson & Johnson's talc powder product caused ovarian cancer in women. The plaintiffs further alleged that Johnson & Johnson knew that its product was dangerous.

At this time, there are no cases directly against Johnson & Johnson alleging it knew or should have known of the unreasonable risk of autism or ADHD in children whose mothers used Tylenol while pregnant.

There seems to be little doubt, however, that lawsuits against Johnson & Johnson will be filed.

Consolidated Lawsuits by Mothers With Children Diagnosed With Autism and ADHD Against Retailers of Tylenol

Nearly all pending lawsuits pending in federal court involving Tylenol and its alleged link to autism and ADHD have been "consolidated" onto something called the Multidistrict Litigation docket. This is a special federal district court docket that allows similar cases, with similar facts and issues, to be litigated together. Essentially, cases follow the same pleadings and discovery schedule, have the same judge, and are subject to the same court orders and rules, instead of multiple cases in multiple districts throughout the United States. The consolidated Tylenol/Autism cases have been grouped together and sent to the Southern District of

New York in Manhattan. Unlike a class action, a plaintiff alleging injuries caused by the use of acetaminophen does not “join” one case. Rather, each case is joined together. Instead of multiple plaintiffs in one case, there are multiple cases in one action.

So, let’s say you are now a Connecticut resident. While living in Connecticut, you were prescribed and used Tylenol or a store brand while pregnant and delivered a baby later diagnosed with Autism Spectrum Disorder, ADHD, or another developmental disorder tied to your use of acetaminophen. If you have a claim, then a Connecticut personal injury attorney would still bring your lawsuit in Connecticut. If your personal injury attorney filed in Connecticut state court in Hartford, then the out-of-state defendant, such as Wal-Mart, may remove the matter from Hartford Superior Court to the federal United States District Court for the District of Connecticut, also located in Hartford. At that point, it may be sent from the District of Connecticut to the multidistrict litigation docket in the Southern District of New York and join cases from all over the nation. Your Connecticut lawyer would still be involved. In a class action, however, you would simply opt into the already pending class action claim.

Either way, your case would still be considered under Connecticut law unless your personal injury attorney brought a claim under federal law. Usually, for product liability law, the state products liability statutes will apply. More than likely, your attorney would bring a claim under Connecticut’s statutes governing actions for products liability. This is true even if your case ends up in federal court in New York.

Things Your Personal Injury Attorney May Need to Bring a Products Liability Claim Against the Sellers of Tylenol

Personal injury attorneys bring many types of claims. These include motor vehicle accidents, medical malpractice, and slip and falls. These types of claims are called negligence claims and require your personal injury attorney prove duty, breach, causation, and damages.

Products liability claims are similar and are also brought by personal

injury attorneys. In a products liability claim, you also have to prove that the product was defective either in its manufacture or its design, or that the seller failed to warn of the unreasonable dangers of the product.

To help prove your case under Connecticut law, your attorney may ask for:

- Receipts showing that you purchased Tylenol or a similar product during your pregnancy.
- Medical records from your OB-GYN or other provider showing that you were prescribed acetaminophen for some pregnancy-related condition, like headaches or muscle aches. Also, these records may be helpful to show that some other substance, such as alcohol, or another drug, was not the likely cause of your child's diagnosis.
- Your child's pediatric medical records to confirm a diagnosis of Autism Spectrum Disorder or ADHD, and the degree to which your child suffers from those conditions.
- Records of other testing, such as genetic testing, that may have been done on your child after birth and which may rule out other causes.

Perhaps most importantly, however, is that your attorney may need to hire an expert to help a jury or judge understand the causal relationship between acetaminophen and your child's developmental disorder, such as autism or ADHD. Fortunately, studies have been and continue to be done by some of the world's leading institutions.

If you would like to discuss your child's diagnosis and a possible claim against the retailers and/or manufacturers of Tylenol and other products containing acetaminophen, then please call our personal injury attorneys at 855-CTLegal or contact us at injuredct.com.



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