

German court hears first lawsuit in breast implant scandal (Update)

November 13 2012

A German court on Tuesday began hearing the country's first lawsuit over a health scandal surrounding French-made breast implants found to leak silicone into women's bodies.

The regional court in the southwestern city of Karlsruhe opened the case brought by a 40-year-old mother of three who opted for the implants from French manufacturer Poly Implant Prothese or PIP in 2007.

"With her lawsuit, the plaintiff is seeking an award primarily for pain and suffering of 20,000-30,000 euros (\$25,000-38,000) from five defendants based on various legal aspects," the court said in a statement.

The plaintiff had paid 5,800 euros for implants before learning in 2010 after the scandal broke that they were filled with a sub-standard silicone gel.

The primary defendant is the woman's cosmetic surgeon, whom she accuses of failing to inform her sufficiently about the risks and of having promoted PIP implants in particular.

Other parties cited in the suit include PIP's insurer, German inspection authorities and the German federal government, which the plaintiff accuses of failing in its duties to properly oversee medical products.

Presiding judge Eberhard Lang indicated during the first hearing that the authorities could probably not be held responsible as the problems with

the PIP implants only came to light after she received them. He also noted that the insurer had no legal liability outside France.

Lang focused the remainder of the hearing on the cosmetic surgeon, who the plaintiff said told her the implants would "last a lifetime" and were strong enough to withstand a car running over them.

The doctor, whose name was not released, insisted he had informed his patient of the potential risks and presented a document to that effect that the plaintiff had signed.

An at least partial verdict is expected on November 30.

According to federal records, more than 5,200 women in Germany received PIP implants. By mid-2012, 1,015 women had had them removed. In more than one-quarter of the cases, a rupture of the implant had been detected.

In Spain, a woman filed a suit against her surgeon in February. A Madrid court ordered the doctor to pay the plaintiff nearly 7,500 euros for not having sufficiently warned her of the risks.

The first lawsuit in France is expected to be heard in April.

PIP was shut down and its products banned in April 2010 after it was revealed to have been using non-authorized silicone gel that caused abnormally high implant rupture rates.

However experts disagree on the potential health risks.

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