



## Know the truth: Augustine's latest email, "Bair Hugger Litigation Update" Misrepresents the December 2017 court ruling

- You may have seen a recent communication from a 3M competitor misleadingly titled "Court Accepts Research Showing Bair Hugger Contamination."
- The email quoted 3M competitor Scott Augustine, who pled guilty to Medicare fraud, has spent years disparaging the 3M™ Bair Hugger™ system and has worked closely with plaintiffs' attorneys to generate litigation against 3M. The email was sent by *Bair Hugger Litigation Update*, which shares a mailing address with Augustine's company, Augustine Temperature Management.
- The email contains a number of inaccuracies. Know the truth:
  - A federal court did not accept research showing "Bair Hugger contamination." In fact, there is no proof that the Bair Hugger system contaminates the surgical field or causes surgical site infections.
  - The federal court overseeing the litigation recently made a procedural ruling to allow both 3M and plaintiffs to present their scientific positions at trial. It did not rule that plaintiffs' positions were scientifically correct nor did it reject 3M's argument that the research is junk science.
  - 3M and its experts will be able to demonstrate at trial the numerous errors and biases in Dr. Augustine's anti-Bair Hugger system campaign.
  - Augustine quotes himself, accusing 3M of "well-documented recklessness and disregard for patient safety." Both a federal and state court have found just the opposite: the courts ruled that plaintiffs cannot seek punitive damages because they failed to provide any convincing evidence that 3M disregarded patient safety or acted recklessly.
- In its recent ruling, the federal court also allowed 3M's experts to present their science at trial. 3M's experts, who include scholars and practitioners from Yale University and the Cleveland Clinic, strongly criticize plaintiffs' theories and demonstrate that plaintiffs' "science" is the product of data manipulation and scientific fraud.
- Neither 3M nor Al Van Duren have ever stated that the Bair Hugger system should not be used in orthopedic surgeries, contaminates the sterile field or causes or increases the risk of infections. Scott Augustine's repeated and misleading references to snippets of testimony and documents taken out of context are simply his ongoing manipulation of the facts, and are contradicted by every respected, independent medical authority that has examined the issue and concluded that there is no evidence that the Bair Hugger system causes surgical site infections.



- In August 2017, the FDA sent a letter to healthcare providers stating that it continues to recommend the use of patient warming devices, including forced-air warming systems, for surgical procedures when clinically warranted. The FDA said it became aware that some providers and patients were not using forced-air warming as a result of the infection claims. The agency said that, after a thorough review of available data, it was unable to find a consistently reported association between forced-air warming and infections.
- 3M will continue to vigorously defend its products, customers and reputation against baseless claims. We stand behind the safety of the Bair Hugger system.

### KNOW THE TRUTH about the 3M™ Bair Hugger™ System

The Bair Hugger system has been safely used more than 200 million times in the past 30 years. There is no proof that the Bair Hugger warming system has ever caused an infection. A large number of studies continue to recommend patient warming, which has been shown to provide valuable benefits to surgical patients, including reducing the risk of surgical site infections, reduced mortality, fewer post-operative heart attacks, reduced blood loss and faster recovery times. A compendium of studies can be found [here](#).

Patient Safety is 3M's No. 1 priority and we stand behind our products, patients and customers. For more information, go to the following websites: [www.FAWfacts.com](http://www.FAWfacts.com), [www.TruthAboutBairHugger.com](http://www.TruthAboutBairHugger.com), and [www.BairHuggerfacts.com](http://www.BairHuggerfacts.com).