Think-tank calls for an end to DNA deception

David Adam, London

Deceitfully obtaining and testing someone else's DNA would become a criminal offence under recommendations delivered to the British government by a high-powered commission.

The Human Genetics Commission says it is worried that no law currently prevents DNA samples of the rich and famous being obtained, analysed and published — or stops unscrupulous family members from taking material from children and secretly carrying out paternity tests.

The recommendation is one of several made in a report, *Inside Information*, that the commission was due to release on 21 May. The government has welcomed the report and says that it will consider the issues raised during the government's discussions on genetics, the results of which it expects to publish later this year.

"There must be systems in place that promote trust about the way that clinicians, researchers and ultimately the state handle genetic information," it says. "People need to feel confident that their information is safe from being used in the wrong way." To address these concerns, it calls for wider debate over ways to control the use of genetic information in police forensic science, clinical research projects and setting personal insurance premiums.

Civil-liberties groups in Britain are particularly worried by a recent case in which an HIV-positive prisoner volunteered a blood sample for a genetic study, only to see the sample taken by police and used successfully to prosecute the man for deliberately transmitting HIV to an ex-girlfriend.

Some researchers are worried that similar cases will ultimately deter prisoners and others from consenting to participate in medical trials or in projects such as the Medical Research Council's Biobank UK, which hopes to collect DNA samples from half a million people (see *Nature* 417, 9; 2002). The commission says that a law may be needed to bar police and other officials from access to genetic research databases.

"We've tried to identify the main principles which should govern the way our society deals with personal genetic information," says Alexander McCall Smith, a professor of law at the University of Edinburgh who specializes in medical and criminal law and is vice-chairman of the Human Genetics Commission. Many of the techniques and issues considered are only at very early stages, but it is important to establish a regulatory framework of legislation and guidelines before they develop further, he says.

The commission says that public concern may arise as growing knowledge of genetics

Concerns are growing about covert use of DNA samples (above) for forensic and insurance purposes.

allows aspects of a suspect to be built up from samples found at a crime scene — or even to predict elements of the suspect's behaviour or medical history. McCall Smith points out, for example, that the forensic-science service can already tell the police the chances of a suspect having ginger hair based on the analysis of just one gene, that encoding melanocortin receptor 1.

Paul Debenham, director of life sciences

at the Laboratory of the Government Chemist, based in London, which provides genetic-analysis services for the police and government, says he would welcome guidelines covering the forensic uses of DNA. Experts say, however, that legislation to prevent authorities obtaining medical information from DNA would be difficult to craft in such a way as to allow the collection of data related to suspects' appearances. ■

Biotech firm's accounts scrutinized

Erika Check, Washington

A Massachusetts biotechnology company that usually likes to keep a high profile received some unwanted publicity this week when government auditors raised questions about its financial viability.

Auditors from the health department were asked to trawl through the accounts of Advanced Cell Technology (ACT) of Worcester by Congressman Joe Pitts (Republican, Pennsylvania), who is strongly opposed to human cloning. He says that he wanted to find out whether the company had illegally used federal money

from the National Institutes of Health (NIH) when it created cloned human embryos in November last year (see *Nature* 414, 477; 2001).

The auditors say that they found "no evidence that NIH's funds supported ACT's embryo-cloning activities". But they did find that ACT's accounting system was inadequate, and that

the company had made "unallowable" equipment purchases with the grant money.

They also found what the published audit calls "concerns regarding ACT's financial viability". And the audit raises what it terms "concerns regarding the continuity of NIH-funded research" under two NIH grants totalling \$1.8 million, since the grants' principal investigators left the company this spring after one year of service with the company.

ACT says it had done nothing wrong, but has agreed to return the funds in question to the government, in line with the auditor's recommendations.

Michael West, president of ACT, accuses Pitts of making misleading statements about his company on the basis of the audit. "After weeks of looking at every scrap of paper in the company, they found no evidence that we misappropriated grant funds for human embryo research," he says. "So they tried to make it look like we were misappropriating grant money in other ways — and it's not true."

ACT is in no worse shape financially than many other similar companies, West says. "We're clearly a small, struggling biotechnology company," he says, "but we're doing better than most." ■

Joe Pitts called for ACT to be audited.

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