fellow whistleblower. O'Toole said she heard Stewart commenting: "Oh, there's some of that vomit green stuff that's in Thereza's notebook." There was disbelief, then excitement at the defense table as Imanishi-Kari's lawyers recalled the ORI's claim that the only tapes Maplethorpe turned over at that time were ones from 1984 and 1985, when such green tapes allegedly did not exist.

"What Dr. O'Toole has just said is dramatically important," said Onek. "This lends credence to all the suspicions we have had." ORI attorney Marcus Christ angrily denied that there could be other tapes that may have been deliberately removed, and he ridiculed what he called the "grand government conspiracy" suggested by defense lawyers. "I am making no accusations against ORI or OSI," replied Onek. "Would I be willing to make accusations against the [Dingell] subcommittee? You bet!"

Despite the rhetoric, the exact role played by Dingell investigators will never be known, largely because no chain of custody for the evidence exists, and because the appeals panel has no legal authority to subpoena records or testimony from congressional aides. But one clear point has emerged in records released during prehearing discovery: Dingell's subcommittee played a key role in the development of all the major lines of evidence in this case. The subcommittee made several statistical and scientific analyses that ORI, without citation, now uses as evidence against Imanishi-Kari. Dingell aides also played a key role in telling the Secret Service which forensic findings to report, and which ones to ignore.

A ruling on Imanishi-Kari's appeal is not expected until at least March, but the appeals panel members betrayed clues as to their sympathies on the final day of the hearing, asking almost no questions of Imanishi-Kari, but showing open skepticism toward many of the claims of her chief accuser, ORI's John Dahlberg.

Imanishi-Kari is now at Tufts University awaiting a ruling, working on the science that she has often given short shrift this past decade. Although she technically lost her job in June, Tufts authorities have not thrown her out of her office and lab. Whether she will be allowed to resume her position will depend on whether the three members of the DHHS Departmental Appeal Board believe anything remains of ORI's case against her.

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FDA chews the fat over Olestra

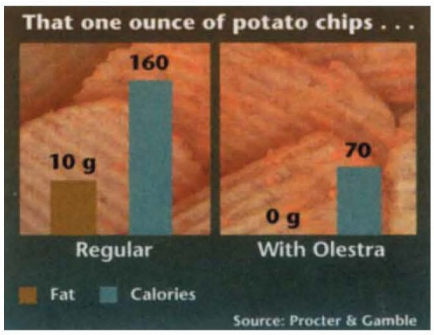
If a food additive causes diarrhea-like symptoms and other gastrointestinal problems, should it be regarded as safe? Or, put another way, what constitutes "harm"? This was the delicate question with which members of a US Food and Drug Administration (FDA) food advisory committee wrestled recently in trying to decide what to do about Olestra, a controversial and experimental new fat substitute.

The company that developed Olestra, Procter & Gamble, has asked the FDA to approve its use in salty snack foods, such as potato chips and crackers. The advisory panel was asked by the agency only to decide whether the substance posed "a reasonable certainty of no harm," the standard required by law for the approval of food additives. Ultimately, a divided panel took no formal vote but concluded that Olestra was safe for human consumption, a big step toward government approval. However, several members of the advisory committee expressed concerns about the product's side effects, which include diarrhea-like symptoms and possible depletion of important nutrients from the body. They urged that, if Olestra is approved, foods containing it be labeled to warn of potential problems. FDA is not bound by the advice of these committees, but takes their opinions very seriously.

The committee's discussions, which devoted considerable time and an almost embarrassing amount of detail on the laxative-type effects of the product, focused on the issue of harm. "To me, [harm] means an allergic reaction — something really bad," said Larry Johnson, retired chairman of the gastroenterology department of the Uniformed Services University of the Health Sciences in Bethesda, Maryland. "But a side effect like this is really a side effect of your willingness to eat the product," he said. "Some people have a drink at night and know they will have heartburn — but still wish to have that drink."

But committee member Dennis Hsieh, a professor of environmental toxicology at the University of California at Davis, was among several who strongly opposed the idea that Olestra was safe. "There is no such thing as a harmless chemical," he said. "It is the dose that determines whether a chemical is a remedy or a poison. It all depends on dose."

Although Olestra can cause loose stools and so-called anal leakage, medical evidence indicates that it does not result



in dehydration, potentially the most dangerous consequence of diarrhea. FDA Commissioner David A. Kessler, however, asked panelists to consider whether even the disruption of normal activities could be considered "harmful" under the statute. "If someone is running to the bathroom all day, that affects someone's life," he said. "One can argue that is harm." But some panel members said that consumers will stop buying it under those circumstances. They "will vote at the cash register," said Donna Richardson, of Howard University's Medlantic Research Institute.

The Center for Science in the Public Interest, a watchdog group in Washington, DC, that has in the past attacked fat-rich restaurant foods and popcorn, has been Olestra's most vocal critic. The group says the substance — in addition to its unpleasant gastrointestinal effects — also depletes the body of important carotenoids, such as beta-carotene, and vitamins A, D, E and K, believed to protect against certain cancers, stroke, heart disease and blindness in the elderly. The nutrients become attached to Olestra, which the body cannot absorb.

But P&G has insisted that the substance is safe, saying it has been researched in at least 100 animal studies and 98 human trials, involving a total of more than 16,000 people, including children. Nevertheless, the company plans to fortify Olestra-containing foods with extra vitamins A, D, E and K to offset any problem. On the digestive problems, P & G officials said its own studies showed that only about two percent of the people studied reported some kind of digestive effect, regardless of whether they ate Olestra snacks or not.

Although P & G is seeking approval of Olestra for limited uses at this time, some analysts say that if the product achieves widespread use, it could become another billion-dollar business for the company.

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