

Olivieri to testify against Apotex in Europe

Almost five years after it began, Nancy Olivieri's dispute with the Canadian drug manufacturer Apotex over the effects of its drug for thalassemia (deferiprone), and with the University of Toronto (UT) for its role in the affair, shows no signs of abating.

Olivieri, Brenda Gallie, John Dick, Peter Durie and Hellen Chan are filing grievances against the University for harassment and infringement on their academic freedom. In addition, Olivieri has filed suit against Apotex president Barry Sherman for saying she was "nuts" in an interview aired last year in the television show *60 Minutes*. Apotex has countered the suit by saying that Olivieri has defamed their drug product through the academic and lay press. Brenda Gallie recently left HSC to accept a post at another Toronto hospital. Olivieri's lab was closed down in 1998 and the administration has not provided her with new space.

The UT grievance process has been complicated by the fact that the Hospital for Sick Children (HSC), where the Olivieri-Apotex saga unfolded, has refused to allow the grievance panel to access relevant documents. Olivieri *et al.* call this a "stalling tactic" by the hospital. However, HSC spokesperson Cyndy DeGiusti says that the hospital is within its constitutional rights and has gone to the Court of Ontario to prove it. "We have asked the court whether

the grievance panel has any jurisdiction to ask for the documents," says DeGiusti.

The issue dates back to 1996, when Olivieri published findings that deferiprone, which she was testing in collaboration with Apotex, might be ineffective and even toxic to some patients (*Nature Med.* 4, 1095; 1998). The situation worsened when HSC faculty member Gideon Koren sent Durie anonymous hateful mail because of his allegiance to Olivieri (*Nature Med.* 6, 609; 2000). Part of the grievance against UT is that the administration failed to deal with Koren's misconduct appropriately.

The University of Toronto Faculty Association (UTFA) has joined the researchers in filing grievances against the administration for UT's failure to uphold the academic freedom of faculty members. In an open letter, UTFA president Rhonda Love wrote, "UTFA alleges that the University failed utterly in its duty to act to protect Dr. Olivieri, her academic freedom, the academic freedom of all of us and the fundamental rights of the public which we in the University have the duty to uphold."

UTFA has raised the more serious allegation that UT did not support Olivieri because of ongoing efforts to raise funds from the drug company.

Deferiprone was approved for limited use in Europe, a decision that has been challenged by Olivieri. The European Court of Justice has agreed that she has a right as principal investigator to be heard in the case and to defend the public health interest.

According to Olivieri this is a legal first for a scientist.

Meanwhile, Olivieri was selected last month as a recipient of the 2001 award by the Civil Justice Foundation (CJF) in Washington. Olivieri was commended in writing by CJF president, Theodore Schwartz: "The legal assaults that you have endured in your battle against the drug company, and in your battle against the medical establishment appear to have been fought with the type of uncommon bravery that is rarely seen. It is for this reason that our trustees have unanimously chosen to recognize you for this most prestigious award."

Laura Bonetta, Bethesda



Renee Lucas

Proposed Bush budget favors NIH

A big boost in National Institutes of Health (NIH) funding in the face of budget freezes and cutbacks at other American research agencies has some scientists and politicians crying foul over President George Bush's 2002 budget proposal. The plan calls for a 13% increase for NIH and cuts or freezes for nearly every other non-defense R&D program.

Since 1998, the NIH budget has doubled while annual budgets for non-clinical science programs have seen far smaller increases, according to the American Association for the Advancement of Science (AAAS). "I would not necessarily say that NIH is getting too much, but I do think that the government needs to maintain a balance," says J. David Litster, the Dean for Research at the Massachusetts Institute of Technology.

The debate over R&D spending priorities has been bubbling up in Washington for

several years. But until this year, funding for programs like the National Science Foundation—while not keeping pace with NIH—continued to rise. The parallel rise kept scientists from breaking ranks, but Bush's first budget actually calls for cuts to NSF funding, and non-life scientists are starting to complain.

At a hearing of the House Appropriations Subcommittee last month, critics of the plan charged that politics, not policy, is driving the government's R&D spending priorities. Reportedly, politicians find that support for medical-research funding wins more favor with voters than funding for physics for example. But as Litster points out, cuts in other areas of R&D might limit medical advances. For example, he says, the sequencing of the human genome would have been impossible without innovative computer technology.

"The biomedical lobby is very powerful

and it has interests behind it that are better connected to the political process," says Al Teich, AAAS director of science policy. "They certainly do know how to work the system. But the community will soon face competition in the form of the new Alliance for Science and Technology Research in America. The slowly growing industry/academic advocacy group plans to seek more funding not just for NSF but also for other agency R&D budgets, including the Department of Energy and the Environmental Protection Agency.

The discussion over which if any area of science should suffer while the NIH benefits is expected to intensify as the final budget as it is hashed out over the next few months. Details of the plans for NIH expenditure can be seen at <http://www4.od.nih.gov/officeofbudget/pres2002.pdf>

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