Karl Illmensee

NIH withdraws research grant

Washington

PROFESSOR Karl Illmensee, the embryologist at the University of Geneva accused of falsifying his nuclear manipulation experiments in mice, has now lost his research grant from the National Institutes of Health (NIH). The NIH action follows the finding by an international commission of inquiry in January that errors and discrepancies in Illmensee's records had thrown "grave doubt" upon the validity of the experiments. The commission was unable to substantiate or to dismiss the charges of deliberate fabrication.

Earlier this year, Illmensee's research grant from the Swiss National Fund was revoked. Illmensee has, however, resumed his duties at the University of Geneva.

Illmensee was supported by a $218,000 NIH grant from May 1980 to April 1983. The grant had already been approved for renewal last year when the accusations of data falsification surfaced. On 18 May 1983, Illmensee, at the urging of colleagues who also obtained a now-disputed "confession" from him, wrote to NIH to withdraw a sentence in the grant application that he said had been included by mistake. NIH, concerned about the allegations of fraud and that the withdrawn sentence represented a "major element" of the research proposal, suspended the grant renewal.

After reviewing the commission's findings, NIH decided to terminate the grant application. The decision was taken by NIH director James Wyngaarden on 29 May of this year, but only made public last week after Illmensee had been informed. Wyngaarden also ordered NIH not to award further grants to Illmensee for the same work until he can validate the disputed results. In addition, the commission's findings are to be provided to any NIH review group considering a future grant application from Illmensee.

The NIH officials who studied the commission's report and other available evidence said they could not decide whether the withdrawn sentence in the application had contained "an element of invention", as the commission suggested was possible. But in recommending the actions that Wyngaarden approved, they said that because of "documented deficiencies", the grant should not be made. "In addition, the application was written two years ago and can no longer be considered an up-to-date, state-of-the-art proposal", the NIH officials concluded. The officials also said that no further investigation of the matter by NIH was necessary.

In the withdrawn sentence, Illmensee claimed that a chimaeric mouse had been produced by injecting nuclei from one cell line into mouse eggs of different parentage. Illmensee at first said that the sentence was the result of a typographical mistake made in the haste to complete the application. After being pressed by the commission for an explanation of the actual origin of the chimaeric mouse, Illmensee attributed it to injection experiments involving another cell line; he also sent this revised explanation to NIH. But at the last meeting of the commission, in January, Illmensee said he was no longer certain of that explanation either.

The commission said "it is surprising that Professor Illmensee had to look through his protocols to discover which animal he was referring to in his original NIH application", and concluded that it was impossible to know which "if any" mouse was the chimaera referred to. Illmensee claims that the problem was one of two he has identified.

Neither the commission nor the NIH officials was able to draw any firm conclusions from the accusations of fabrication made by Illmensee's colleagues at Geneva.

Stephen Budiansky

Australian IVF

Orphan embryos

Canberra

LAWYERS in the State of Victoria are at sixes and sevens for lack of legal precedents for dealing with frozen embryos. The issue has arisen because Mrs Elsa Rios and her husband, the parents of two frozen embryos, died in an airplane crash last year, leaving a grown son and an estate estimated at more than $1 million.

Using in vitro fertilization techniques involving donor sperm, an unsuccessful attempt was made by Professor Carl Wood and his colleagues at the Queen Victoria Medical Centre in Melbourne, in June 1981, to implant an embryo in Mrs Rios' womb. She then returned to the United States and the two remaining embryos have been kept frozen ever since. At present, under the common law, an embryo has no rights until it is born, and the State of Victoria will not enact a medically up-to-date legal prescription for questions of custody and inheritance from freeze-thaw embryos until the report of the Waller Committee on the whole subject appears in August.

The Right to Life Association has urged the state's attorney general, Mr Kennan, to appoint a legal guardian to protect the embryos so that they may develop to maturity. Meanwhile, in Los Angeles, twenty-five year old Mr Michael Rios, the son of Mr and Mrs Rios, is reported to have filed for guardianship.

Professor Wood says that the embryos are unlikely to survive because the techniques used at the time they were frozen were not as good as they are now, but no decision will be made about their disposal until after the Waller Committee reports and after correspondence with the executors of the Rios' estate.

Jeffrey Sellar

Childhood vaccine

US plans federal compensation

Washington

IF doctors, pharmaceutical companies and the families of the victims have their way, it will become the job of the US Government to compensate children who suffer damaging reactions to immunization. With the recent announcement by Wyeth Laboratories that it will no longer produce pertussis (whooping cough) vaccine because of the increasing liability burden, pressure has intensified for congressional action to assure that manufacturers will still be willing to produce the vaccines needed and that victims are adequately compensated. Pertussis, polio and measles–mumps–rubella vaccines are all now produced in the United States by single manufacturers.

Lawsuits against the companies are now common. About 60 of the 18 million children immunized each year with the combined diphtheria–pertussis–tetanus vaccine suffer serious long-term brain damage. The usual legal argument of the victims is that the manufacturer or the physician was negligent in failing to inform them of the risks of the vaccine. In some jurisdictions the manufacturer is responsible even when not demonstrably negligent. The companies have refused to discuss publicly the cost of settling these suits.

Under a legislative proposal drafted by the American Academy of Pediatrics and filed by Senator Paula Hawkins (Republican, Florida) and Representative Henry Waxman (Democrat, California), a compensation fund would be created out of surcharges applied to the vaccines. Victims would have the option of suing in the conventional way or of applying to the government for compensation through an administrative procedure. Both the pharmaceutical companies and the Reagan Administration would prefer a bill that prevents victims from suing.

Most of the childhood immunization vaccines used in the United States are purchased in bulk by the Centers for Disease Control (CDC) for distribution to state health authorities. The manufacturers portray their production of the vaccines as a public service, and claim they cannot raise prices to cover the burden of liability without engendering public disfavour. The compensation bill, which would cover all childhood immunizations, is in effect a legally-mandated price increase.

It has been suggested that behind many of the manufacturers' complaints about liability is a dislike of the low profitability of the vaccine business as compared with patentable drugs.

Vaccinations are mandatory before children enter school in the United States. CDC estimate that the pertussis immunization programme prevents 400 deaths per year.

Stephen Budiansky