

France's blood scandal draws blood

The trial in France of four government officials for complicity in the use of contaminated blood may have ended with the verdicts announced last Friday, but the recriminations will continue.

NOR often are scientists in the public service sent to jail, but that is what may happen as a consequence of last week's verdicts by a Paris court (see page 764). At issue is the criminal case against four former government officials, two from the French Central Blood Transfusion Service (CNTS). The charges stem from the delay, between March and October 1985, in the use of heat-shock treatment of transfusion blood to rid it of contamination by the virus now known as HIV. One result is that hundreds of people, notably haemophiliacs dependent on Factor VIII, were infected with AIDS. Some of them have died. And France has been up in arms since it became plain, earlier this year, that the delay was a scandal of public administration.

Sadly, the court's long judgement (nearly 100 pages of it) throws little light on the reasons for what went wrong. One drawback is the nature of the charges on which last week's sentences are based. Technically, the convictions are for fraud in the sense in which it applies in the field of consumer protection; those convicted are held to have "sold, or allowed to be sold", products that were not what their eventual consumers had a right to expect. If it had been otherwise, the sentences could well have been more severe; four years, the sentence meted out to Dr Michel Garretta, the previous director of the CNTS, is the maximum allowed.

So are French haemophiliacs and their relatives right in their complaint that criminals have now escaped lightly? At this remove, it is not easy to reconstruct the circumstances of early 1985. At the beginning of the year, the feasibility of a blood test for HIV had been demonstrated just seven months earlier. A number of companies in the United States had immediately embarked on the development of a test, which came into use later in 1984, but whose limitations were still being defined in the early months of 1985. Manufacturers elsewhere, in France included, were further behind. Yet the incidence of AIDS among haemophiliac patients had already been recognized; the inevitable inference was that they had been given Factor VIII from contaminated blood. From that point (the end of 1984), it was indefensible that untested untreated blood should be given to anybody.

That is what the French court has decided. The most damaging evidence is that those concerned knew what the risks were, but nevertheless persisted with the use of untreated blood "while stocks lasted". Why? Or rather, why on Earth? There are two explanations: the cost of throwing away a huge stock of transfusion blood would have been considerable, while Garretta was persuaded of what the

court calls the "industrial logic" of waiting until the required processes and materials were available in France. It is not a creditable story. France is rightly angry.

Whether the sentences are just is another matter. Although CNTS is a government dependency, its policies and practices must be approved by its sponsoring ministry in the light of the usual advice from advisory committees. The court last week pinned chief responsibility on Garretta, saying that he did nothing to alert his superiors to the dangers. But should not others have pointed out the risks? As it happens, they did so. Professor Jacques Roux, director general of health in 1985, who had been warned, was given a suspended sentence of four years for having failed to challenge Garretta's policy and for having failed to warn his political masters with sufficient urgency of the dangers. Professor Jean-Pierre Allain, now a professor at the University of Cambridge but then a subordinate of Garretta, produced in his defence a letter written to his chief in January 1985 demanding a decision by the end of the month on a planned contract to build a heat-treatment plant. In the court's view, Allain's fault is to have kept quiet after his demand had been refused, and in particular to have failed to warn l'Association Française des Hémophiles, at a meeting in May, of what was afoot. Allain is sentenced to four years in jail, with two suspended.

There is a disconcerting element of populism in these decisions. Nobody denies that the continued use of contaminated blood for the best part of 1985 was a scandal. Those unwittingly infected with HIV are proof that the consequences of bureaucratic bungling can be tragic as well as costly. But the key decisions were bureaucratic decisions. The officials prosecuted on an inappropriate charge appear to have been selected at random. And nothing has been learned of whether technical decisions were compromised by political considerations. The best course now would be that the government should set up a formal judicial enquiry to discover how this disastrous decision came to be made. Meanwhile, public servants everywhere will have been given a fright. □

Tainted academics

Eastern Germany is making needless heavy weather over the status of academics.

THE two great symbolic events in recent European history are the construction of the Berlin Wall in 1961, which