

NIH takes Stewart and Feder off the misconduct beat

Washington. The US National Institutes of Health (NIH) have reassigned two controversial scientists and told them to end a decade of work investigating scientific misconduct.

The scientists, Ned Feder and Walter Stewart, hope to overturn a decision by their bosses at the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) to abolish their two-man biophysical histology laboratory. But it is not clear how hard their supporters, including Representative John Dingell (Democrat, Michigan), who chairs the committee that oversees NIH, will fight to reinstate them. The men have survived previous attempts by NIH to constrain their activities, but their latest foray into allegations of plagiarism against historian Stephen Oates may have been the last straw.

Feder and Stewart became part of a growing debate during the 1980s on the nature and extent of scientific misconduct by analysing the involvement of co-authors on fraudulent papers written by John Darsee during three years at Emory and Harvard universities. The paper was published after a three-year odyssey through the scientific press (*Nature* 325, 207; 1987), and the scientists soon became a magnet for those with allegations of scientific impropriety. Their most controversial role was as consultants to a four-year investigation by Dingell's oversight and investigations subcommittee into the contents of a 1986 *Cell* paper, of which Nobel laureate David Baltimore was one of the co-authors. The government's final report on the case is pending and may be issued this summer.

On 9 April, the two men were told to turn over their misconduct files to the Office of Research Integrity (ORI), formed last summer as a successor to the Office of Scientific Integrity to investigate allegations of scientific misconduct by those with grants from NIH or its sister agencies within the US Public Health Service. Feder has been reassigned with effect from 10 May to a job reviewing funding proposals from outside scientists, and Stewart is to be transferred to a biophysical chemistry laboratory within the institute.

The reassignment is being made for three reasons, according to a press spokeswoman for the institute. "History is not part of our mission", says Elizabeth Singer of NIDDK. "The Oates affair takes them well beyond biomedical research." In addition, she says that the creation of ORI to investigate mis-

conduct "makes it unnecessary for anyone to go to Wally and Ned" with their complaints. Finally, NIDDK must lose 30 posts in the next year as its part of a government-wide slimming down by the Clinton administration, and the biophysical histology laboratory was deemed expendable.

Both men say that they will fight to retain their current positions and to continue their work on misconduct. "The problem isn't

IMAGE
UNAVAILABLE
FOR COPYRIGHT
REASONS

Stewart, left, and Feder at NIH.

Oates", says Feder. "It's scientists like Walter and me who want to take a hard look at misconduct. That's what NIH wants to stop." The men have long claimed that, as tenured NIH staff, their licence to investigate scientific misconduct stems from the same type of intellectual freedom enjoyed by their academic colleagues. In contrast, NIDDK officials seem to be drawing the line at work that falls outside the scope of the institute. NIH director Bernadine Healy was informed of the institute's decision but has no comment on the matter, according to Anne Thomas, an NIH spokeswoman.

Although the men are not at present working on any case for Dingell's Energy and Commerce committee, a committee source says that their reassignment "raises troubling questions that we would like to have answered". Those include the precise reasons for the move — the letter notifying them of their new positions does not mention the Oates case — and whether NIH intends to have someone else carry out their work on misconduct. "ORI's role is to investigate complaints and consider sanctions against those found guilty of misconduct", says the committee source. "We're interested in knowing if there will be anybody undertaking the type of scholarly research on misconduct that Stewart and Feder have been doing." **Jeffrey Mervis**

Promega extends fight with Roche over Taq enzyme

Washington. Promega Corporation of Madison, Wisconsin, is challenging the validity of a key patent held by Hoffmann-La Roche of Nutley, New Jersey, for the heat-stable enzyme *Taq* DNA polymerase — the enzyme that drives the polymerase chain reaction (PCR).

A victory by Promega, who filed papers last week in US district court in New Jersey, would loosen the grip that Roche and its exclusive licensee, Perkin-Elmer Corporation of Norwalk, Connecticut, now has on the sale and pricing of the enzyme when it is used in PCR. Promega and six other companies have licences from Roche to sell *Taq* polymerase for less commercially lucrative purposes such as DNA sequencing.

The patent for *Taq* polymerase was issued to scientists at Cetus Corporation of Emeryville, California, in 1989 and purchased by Roche in 1991 when Cetus sold its PCR business to Roche for \$300 million. It covers the purified enzyme *Taq* DNA polymerase either isolated from the bacterium *Thermus aquaticus* or derived from a genetically engineered organism containing a gene that codes for the production of the enzyme.

Last autumn, Roche sued Promega as part of its attempt to clamp down on those thought to be infringing on its patent rights. Roche claims that Promega is violating a 1990 licensing agreement between the two companies under which Promega is permitted to manufacture and sell *Taq* polymerase as a stand-alone enzyme for purposes other than PCR.

Promega has refused to discuss the basis for its challenge, but Randall Dimond, chief technology officer for Promega, says that his company has found evidence in the literature that *Taq* polymerase was purified from the bacterium *T. aquaticus* before Cetus became involved. In particular, he cites a paper by four Russian scientists published in *Biokhimiya* (45, 644–651; 1980) and reprinted that year in *Biochemistry* that was entitled "Isolation and properties of DNA polymerase from extremely thermophilic bacterium *Thermus aquaticus* YMT1".

Dimond believes that Roche sued his company because it is concerned that people are buying the enzyme from cheaper sources than Perkin-Elmer and using it in PCR. Promega is the second largest supplier of *Taq* polymerase worldwide (behind Perkin-Elmer) and its prices are 50 per cent lower than those of Perkin-Elmer. Christine Aylward, a spokeswoman for Roche Molecular Systems Inc., says that Promega is challenging Roche's *Taq* patent to divert attention from the first lawsuit.

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