

completing our own work first . . . in Mike's view, the issue is not about regulation, but rather marketing." The minutes also portrayed the executives' overriding focus as concern about losing ground to other companies. A marketing official "stressed the absolute need to duplicate the sales of our competitors because we are in danger of losing a large portion of our market share to our competitors," according to the minutes.

The company dismissed Dr. Prince's results as preliminary, but two days after the executives met, the chief of one of their own labs wrote his staff, too, had found "infectious doses" of HIV in Factorate, the documents showed. Other documents revealed that, even after Armour improved its heating process in early 1987, it continued to sell what remained of the older medicine, much of it going to Canada.

Other documents obtained by Krever showed that between 1985 and 1987, up to fifteen shipments of blood plasma were smuggled out of the United States and sold in Europe to Armour, which made it into products. Armour said it was the victim of fraud, and there was no evidence in the documents in dispute that assertion. Armour said the material was purchased from what it thought was a reputable broker, who had assured the company that the plasma came from Canadian donors.

These latter documents were among the exhibits accompanying testimony by three experts in international plasma trading, including Dr. Barend G. Grobbelaar, who once ran plasma collection centers in the impoverished South African homeland of Transkei and in the kingdom of Lesotho. He acknowledged to Justice Krever that he sometimes sold plasma and plasma derivatives in Western Europe but was not asked whether the smuggled plasma, which had been deliberately mislabeled as human plasma, came from his centers.

Dr. Grobbelaar, who by the time of his testimony had moved to the Vancouver area, told Justice Krever that AIDS had "vastly and irrevocably changed what once was his firm belief in paid donors and international trading in plasma products. But the real problem, he asserted, was plasma from the United States, by far the world's largest commercial source. "I want to learn the lessons that the advent of AIDS has presented to us," he testified.

BACK IN THE United States, Duncan Barr, the San Francisco attorney for Bayer's Cutter Laboratories, signaled that his company might be ready to

begin. This was a company that had been unwilling to take a risk, but now, perhaps the most important, representing the company.

Shrager said Bayer's coattails were blowing, and the company was considering. If it was not a risk, Shrager said, it was not a risk.

The lawyers for Bayer were not going to appeal. There was no easy way to win a case. Judge Posner would proceed. The case would not be dismissed to be decided by their best lawyer.

Judge Grady was not going to appeal. The case was from the 1980s. Judge Posner was not going to accept for certification. The case was not a case of law. Judge Grady wanted to see the case ready for appeal.

Jonathan Wadell, community advocate, said the case was not a case of law, but they were not going to appeal. The case was not a case of law, but they were not going to appeal.