

BH

MEETING ON WRIT RE HIV INFECTION FROM FACTOR VIII - 6 JULY 1988, 2.00 PM

In attendance:-

Mr Nilsson	Dr R Moore
Mr R Powell SOL C3	Dr Rotblat
Mrs Armstrong	Dr Purves
Mr M Sturdy T/Sol	Miss Simkins
	Mr Gutowski

It was explained that this was a background briefing meeting for Treasury Solicitor and an opportunity to target any particular research that should be done pending the receipt of the Statement of Claim.

Dr Rotblat explained the background. She stressed that haemophilia was an extremely serious and incurable condition until the 1950s. It was then discovered that haemophiliacs could be treated with Factor VIII and various developments led to the present position where it can be self-administered, and enable sufferers to lead completely normal lives.

Because it is self-administered, the patient would be familiar with which product he was taking, but over a period of years he might use a series of different products. This was probably the case with the Plaintiff, and explained why he had not proceeded against the manufacturer. Despite new developments, it is unlikely that it could be established which product was responsible for the infection, although this would depend on timing. Both the patient and the Haemophilia Centre should keep records of what products he had used. In due course we would need access to the Plaintiff's medical records and his haemophilia centre(s) records, from 1975 to 1985.

A fundamental question was to check whether the Plaintiff got AIDS in 1985, or was found to be HIV positive. Most haemophiliacs were infected with HIV between 1979 and 1982, although cases were still arising. The incubation period is unknown but ranges from 2 years - ? (at least 8 probably more).

The first case of AIDS diagnosed was about 1978/79. The first published case in a haemophiliac was about 1983. Tests for antibodies were not available until 1984 and heat treatment for blood was introduced about October 1984, but only on a named patient basis. October/November 1984 Dr Duncan of the L/A wrote to companies asking for blood to be heat-treated. Companies applied to vary their licences to include heat treatment January/February 1985. Thus the interval between knowing of the possibility, and the commercial heat treatment of blood was very short.

BPL enjoys Crown Immunity both in England and in Scotland, but in England they provide only about 30% of Factor VIII for haemophilia centres. The demand is supplemented from commercial sources who often import plasma from the US. In the 70s, large numbers of homosexuals donated blood as part of a 'Good Citizen' campaign. Thus large amounts of blood were contaminated, at least by the late 70s/80s.

All products are now heat treated. Since heat treatment of blood, there have been virtually no cases of infection, with the exception of one product (Armour) which was withdrawn in 1986. Four patients infected by this might have a case against the company. The Plaintiff is not one of them.

Also, it should be noted that BPL began heat treatment a few months later than commercial companies.

There was a period when the L/A knew Factor VIII could transmit disease, but there was no solution other than denying Factor VIII to haemophiliacs, and the risk/benefit ratio was considered to be such that the products must continue to be licensed.

Action

1. Dr Moore to do literature search to find out the state of the art at the relevant times.
2. Dr Moore to provide graph with relevant dates on one side, and technological advances, papers and grant of licences on the other.
3. Dr Rotblat to provide background paper.
4. Miss Simkins (in conjunction with Dr Purves if necessary) to provide copies where possible of data sheets for all licensed products both before heat treatment, and after such variation, together with a note of when licences were granted and when varied.
5. Miss Simkins to arrange for a search of Yellow Cards for ADRs relating to Factor VIII.

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