
French Supreme Court Ends Tainted Blood Saga

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APPROPRIATIONS

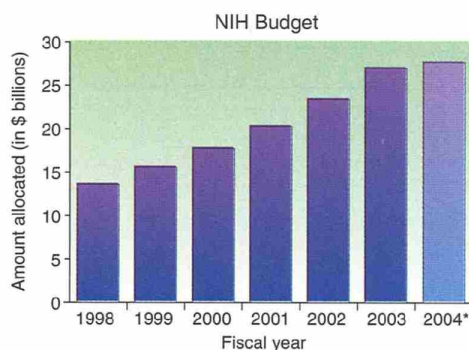
House Bill Signals the End of NIH's Double-Digit Growth

It may be crunch time for the National Institutes of Health (NIH), judging by Congress's first action on the 2004 biomedical budget. NIH has seen a series of double-digit increases over the past 5 years, but a House of Representatives appropriations subcommittee last week marked up a bill that would give NIH a rise of only 2.5%—to \$27.7 billion—signaling an abrupt halt to the expansion. Biomedical research advocates are hoping that the Senate, which begins work on its own bill this week, will scrape up more money.

Since 1999, NIH has enjoyed increases of roughly 15% each year, part of a campaign to double its budget. But the House often started with a low number; this year it has recommended a raise of only \$681 million, essentially mirroring President George W. Bush's budget request. In percentage terms, the House panel's proposal is the lowest in many years.

Both the House subcommittee and the White House argue that the impact on science might not be harsh,

however, because research would actually go up about 7%. To make this happen, the House panel would curtail \$1.04 billion in current spending on construction and other one-time expenses, freeing up money for research grants. Still, the growth would be narrowly channeled: Much of the increase is slated for bioterrorism research, allowing few grants beyond this year's number for other research, notes Steven Teitelbaum, president of the Fed-



eration of American Societies for Experimental Biology. This looks like "less than one new nonbiodefense grant per institute," says Teitelbaum. "It's very much a crash landing."

NIH supporters have said that the agency needs an increase of at least 8.5% to maintain gains from the doubling. If growth were cut to 2.5%, "it would be a disaster. ... It would leave us with all momentum lost and no opportunity to fund new grants," says former Illinois Representative John Porter (R), now at the law firm Hogan & Hartson in Washington, D.C. Porter spearheaded the doubling campaign when he chaired the House Appropriations Subcommittee on Labor, Health and Human Services, and Education in the late 1990s. He now worries that a retrenchment could send "a terrible message to young researchers." Some House Democrats also decried the meager increase.

The numbers could change as the bill advances, although the full appropriations committee and House generally follow the subcommittee's lead. The subcommittee had little room to maneuver because it was given a small total budget allocation. NIH supporters are hoping to do better when the Senate Labor-HHS-Education appropriations subcommittee marks up its bill, scheduled for this week. In past years, the Senate has given NIH a larger increase than the House, and the increase has often made it into law.

—JOCELYN KAISER

PUBLIC HEALTH

French Supreme Court Ends Tainted Blood Saga

PARIS—A legal odyssey involving the contamination of France's blood supply with the AIDS virus in the mid-1980s appears to have ground to a conclusion. Last week, the Supreme Court (Cour de Cassation) upheld a ruling that 30 health officials, doctors, and political aides cannot be held responsible for delays in blood screening that resulted in thousands of people becoming infected with HIV.

The decision is a huge relief for the defendants, including a prominent AIDS researcher, Jean-Baptiste Brunet—who colleagues felt had been charged unfairly with "complicity in poisoning"—and François Gros, a well-known cell biologist and former secretary of the Academy of Sciences who was the government's chief medical adviser when the scandal broke. More broadly, the decision could have major consequences for health litigation in France.

Most of the defendants had been involved in government decisions in early 1985 that, prosecutors alleged, were designed to keep an HIV-antibody test manufactured by the U.S. firm Abbott off the market while France's Diagnostics Pasteur readied its own test. (Brunet had been accused of sitting on data showing

that a small percentage of blood taken from Parisian blood donors was contaminated with HIV, a charge he vehemently denied.) In the months before France began screening blood systematically for the AIDS virus in October 1985, more than 4000 people are thought to have become infected—including about 2400 transfusion recipients and 1300 hemophiliacs—all of whom have received compensation from the state, says Jean-Philippe Duhamel, a Supreme Court attorney for the Hemophiliacs Association. The Supreme Court concluded that the defendants were not guilty of complicity to poison because there was no proof that they intended to harm people or that they even knew that the blood stocks were contaminated. The court added that delays over the introduction of the Abbott test did not prevent it from being used in some transfusion centers; it also noted that there were doubts about Abbott's capacity to supply the French market and about the test's reliability.

The ruling could affect another case in which several scientists at the Pasteur Institute and elsewhere are under criminal investigation for their roles in preparing human growth hormone apparently containing aber-

rant prion proteins implicated in the fatal brain-wasting condition, Creutzfeldt-Jakob disease. The tainted hormone stocks, derived from cadavers, were prescribed to children in 1984 and 1985, before France switched to safer recombinant growth hormone. But the Supreme Court decision suggests that case is tenuous, argues Duhamel: In the HIV case, "there is no doubt that the blood stocks were contaminated, whereas it is only probable in the growth hormone case."

Some observers complain that in spite of the intense publicity the HIV case has generated, France is still ill-prepared for the next hidden bloodborne infection. "The authorities have drawn no lessons from the case," asserts Luc Montagnier, leader of the Pasteur team that first isolated the HIV virus in the early 1980s. "The authorities never react until there is a catastrophe, so we could well have another blood scandal in the years ahead if no further action is taken." Montagnier, who now heads the Foundation for AIDS Research and Prevention, has called for much more aggressive screening of blood for a range of infectious agents.

—BARBARA CASASSUS

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