

AACI Update-3
January 2013

Protecting people against vested interests in public policy

The purpose of this update is to provide specialised information on the issue of conflict of interest in food, health and nutrition sectors to the concerned people including members of AACI, public interest groups, people fighting corruption, interested policy makers and others.

WHA Resolution 65.6 passed on Conflict of Interest

WHA 65.6 calls on governments to establish 'adequate mechanisms' to deal with conflicts of interest. (apps.who.int/gb/ebwha/pdf_files/WHA65/A65_R6-en.pdf). The Resolution is especially important in relation to the new partnerships and "multi-stakeholder" arrangements, many of which are pushing fortified processed baby foods.

In spite of this resolution, UN's nutrition initiatives such as **Global Alliance for Improved Nutrition (GAIN)**, which works with over 600 companies, and **Scaling Up Nutrition (SUN)** have yet to formulate their own conflict of interest safeguards.

Special

- WHA Resolution on Conflict of Interest
- 12th Plan calls for preventing conflict of interest
- Immunisation schedule recommendations reek of conflict of interest
- Intellectual conflict of interest

Maternal, infant and young child nutrition (WHA 65.6)

The Sixty-fifth World Health Assembly,

PP1 Having considered the report on maternal, infant and young child nutrition: draft comprehensive implementation plan,

1. ENDORSES the comprehensive implementation on maternal, infant and young child nutrition;
2. URGES Member states² to put into practice, as appropriate, the comprehensive implementation plan on maternal, infant and young child nutrition, including:
3. establishing a dialogue with relevant national and international parties and forming alliances and partnerships to expand nutrition actions with the establishment of adequate mechanisms to safeguard against potential conflicts of interest;
3. REQUESTS the Director-General:

3. to develop risk assessment, disclosure and management tools to safeguard against possible conflicts of interest in policy development and implementation of nutrition programmes consistent with WHO's overall policy and practice;

12th Plan calls for preventing conflict of interest

The 12th Plan Document on Social Sectors recognizes the problem of conflict of interest in the health and nutrition sectors. (http://planningcommission.gov.in/plans/planrel/12thplan/pdf/vol_3.pdf)

In the context of implementation of the IMS Act, the document in point 23.256, calls for developing policy guidelines and mechanism to ensure **"that commercial influences and conflict of interest do not undermine optimal infant and young child feeding practices."**

In relation to medical practices and pharmaceuticals, the Plan document, in point 20.76, urges that **"to avoid medical conflicts of interest, legislation requiring drug companies to disclose payments made to doctors for research, consulting, lectures, travel and entertainment would also be considered."**

It further states in point 20.194, that the Dept. of Health Research would, on the lines of UK's National Institute of Clinical Excellence, develop expertise to assess therapies and technologies for cost effectiveness, and among other things, suggest inclusion of new drugs and vaccines in the public health system, formulate standard treatment guidelines and treatment protocols. According to the Plan, **"the justification for housing the proposed institute outside the Department of Health, but within the Ministry, is to provide it an element of objectivity and independence from practitioners, and to avoid conflict of interest."**



Could we at least acknowledge that the published data forms a classic bell curve when swept under the rug?

Former bureaucrat now lobbies for commercial fortified foods for infants and young children

Former Joint Secretary of the Ministry of Women and Child Development has now laid the onus of micronutrient malnutrition in India on the existence of the IMS Act, claiming that the law prevents the food industry from advertising fortified foods for children under two years of age. In an article to the *British Medical Journal*, ([BMJ 2012;345:e8131, doi:10.1136/bmj.e8131](https://doi.org/10.1136/bmj.e8131)), Rao states "At present the Indian market completely lacks affordable complementary foods for infants from poor families or for poor children during or recovering from illness. Just over half (55.8%) of children aged 6-9 months in India receive complementary foods. This is one of the main causes of acute under nutrition among children younger than 2 years, affecting their physical and cognitive development."

Experts are of the opinion that there was no evidence to show that commercially produced complementary food would reduce under nutrition in India, and that by neglecting to state that she is a member of the Advisory Board on the Britannia Nutrition Foundation, (BNF) (a non-profit trust) since 2009 which makes fortified foods for children under two, Rao's article shows clear conflict of interest.

Immunization schedule recommendations reek of conflict of interest

The immunization schedule recommended by the Indian Academy of Paediatrics (IAP) includes practically all the vaccines available. Behind the recommendations is the fact that almost the entire fund – Rs. 27.8 lakhs – with the IAP Committee of Immunization comes from vaccine manufacturers, including Sanofi, Pasteur, GSK, Merck, Pfizer and Serum Institute, who together contributed Rs. 26.8 lakhs, as stated in IAP's 2012 annual report. While IAP insists that there is no conflict of interest, as these recommendations are meant for paediatricians in "office practice", Dr. Sanjiv Lewein, of the Clinical Ethics and Medical Education, Dept. of Paediatrics, St. John's Medical College Hospital in Bangalore states that the "methods used to market vaccinations are sometimes controversial with aggressive practices to market vaccines of questionable public health significance." He points out that IAP has not declared any conflict of interest, and also that the huge profit margins associated with vaccines make this a lucrative exercise for paediatricians. According to him, no practising physician should be eligible to participate in any decision making body. The industry, he points out, is "an integral part of the system that affects every aspect related to vaccines."

AACI had developed a Statement of Concern on conflict of interest in IAP's position on vaccines, especially pneumococcal, pentavalent and rotavirus vaccines in September 2011, which was endorsed by several medical and health professionals. The Statement was widely circulated, besides being sent to the Ministry of Health for action.

New vaccines: Gates Foundation's philanthropy or business?

The Bill Melinda Gates Foundation (BMGF) is a founding partner of the GAVI Alliance. Its initial grant helped establish GAVI and it continues to support its work. Some of the pharmaceutical companies have affiliation with BMGF to manufacture the vaccine. For instance, BMGF has \$0.12 billion shares in Sanofi-Aventis, which owns Shantha Biotech, a pentavalent vaccine manufacturer in Hyderabad. BMGF also has links with Merck, another pentavalent vaccine manufacturer.

Dr. Gopal Dabade, *Deccan Herald*, 17th January 2013

"Intellectual" conflict of interest outweighs actual conflict in FDA

FDA's stand that "intellectual" conflict of interest is more serious than financial or other conflicts of interest is a warning note to all concerned with commercial influence in decision-making processes in health and nutrition. At stake in the battle are four of Bayer's birth control drugs – Yas, Yasmin, Beyaz and Safvral - that contain the hormone drospirenone, which increase the risk of fatal blood clots, deep vein thrombosis among other serious side effects.

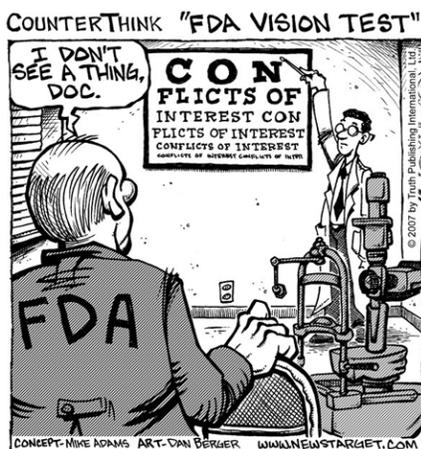
A January 2012 Wall Street Journal investigation of the FDA's panel to assess the evidence on these drugs revealed that five or six members had a financial relationship with Bayer, something that violates FDA's conflict of interest rules. Instead, Dr. Sidney Wolfe, a member of the panel and public health activist, who has been advocating against the drugs because of their side effects, was dropped because of "intellectual" conflict of interest. The final result was that the panelists with financial conflict of interest voted for the drugs, which were held safe by a vote of 15 to 11, making it very clear that these panelists played the role of "game changers".

FDA responded to a demand by consumer advocacy group Project on Government Oversight (POGO) to convene a new panel for reassessment, by stating that "this is not necessary." (<http://www.raps.org/focus-online/news/news-article-view/article/2524/consumer-advocacy-group-fires-back-at-fda-over-transparency-of-advisory-committ.aspx>)

POGO is re-engaging with FDA on this issue, arguing that "Even if the financial interests of advisory committee members are not disqualifying (in the opinion of FDA officials), there is a strong case for disclosing those interests publicly in order to help reassure the public about the objectivity of committee members."

Nestle AAP alliance a conflict of interest

Nestle has teamed up with the American Academy of Pediatrics to educate consumers about childhood obesity. The union is supposed to develop a series of nutrition aid messages over the next 18 months, to be tested in focus groups with English and Spanish-speaking parents of children younger than five years. But the initiative, bankrolled by the company that also sells Gerber Graduates Lil' Entrees, a toddlers' pasta dish that contains 550mg of sodium, compromises the academy's independence, and will make a difference in the Academy's ability to criticize Nestle...."



CONFLICT OF INTEREST: A Case for a Legislation

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We're on the Web!

See us at:

<http://www.aaci-india.org>

Call for Regulating Conflict of Interest

Corporations which cause grave harm to the health of human beings and of the environment often get away with impunity. This 2006 call for regulations, legislation by Corporate Accountability International to make decision-making processes free from business influence is even more relevant today.

POLITICS FOR PEOPLE, NOT PROFITS

- **Lobbying:** Corporations must fully and publicly disclose all lobbying activities around the world, including through trade associations and public relations campaigns.
- **Political Contributions:** Corporations must end financial contributions to political candidates, parties and referenda worldwide.
- **Political Access:** Corporations must not trade favors with or buy access to local, national or international public officials.

POLITICS FOR THE PUBLIC INTEREST

- **Safeguards:** Corporations must follow the precautionary principle and must not interfere in the development or implementation of global, national or local policies affecting human rights, health or the environment. Corporations must also require their subsidiaries and suppliers to abide by such policies.
- **Independent Oversight:** Corporations must respect the independent authority of and refrain from "partnering" with institutions that set standards affecting their business.
- **International Institutions and Agreements:** Corporations must accept policies that protect people, human rights and the environment and must not use trade agreements or governing institutions (such as the World Trade Organization) to preempt such policies or use them for private gain.
- **Local Control:** Corporations must honor local control over natural and financial resources.

Rajya Sabha MP, Dr. E.M.S. Natchiappan has introduced in Rajya Sabha, a private members Bill – THE PREVENTION AND MANAGEMENT OF CONFLICT OF INTEREST BILL, 2011.

<http://www.aaci-india.org/COI/conflict-E.pdf>

The Bill covers most of the points in the Call for Regulating Conflict of Interest.

We appeal to all Members of Parliament across all parties to support the Bill and pass it into law.

About AACI

The Alliance Against Conflict of Interest (AACI) is an alliance of organisations and individuals working in various sectors – doctors, lawyers, women's and children's health groups, activists and media. AACI works on issues conflict of interest and brings them to the notice of the parties involved, the government and media. AACI aims at having a legal protection from conflict of interest in all sectors in public policy and institutionalise ethics and transparency.