
4 January 2017

To the Broadcasting Authority of Ireland (BAI)

False and defamatory statements on Irish national TV (RTÉ) about the Nordic Cochrane Centre in documentary about HPV vaccines

I write to the Compliance Committee of the BAI because the RTÉ has refused my request for a Right of Reply and I am dissatisfied with the reasons provided.

On 14 November, I was interviewed by Rita O'Reilly from the RTÉ for more than an hour for a documentary about the HPV vaccines. The documentary was broadcast on 22 November:
<http://www.rte.ie/player/dk/show/prime-time-extras-30003379/10654255/>

Starting at 14m32s, O'Reilly said: "Last month Nordic Cochrane was forced to apologize when it admitted it got it wrong on allegations that the review [the European Medicines Agency's review of the safety of the HPV vaccines that we had criticised] was compromised by conflicts of interest. In one claim it got the wrong person; in another it was simply wrong. It's doubled down in a follow-up complaint to the EU's ombudsman, Emily O'Reilly, chiefly about transparency. It accuses Dr Alteri of having worked for the HPV vaccine manufacturer, Merck, until 2012. Wrong again."

Next, Enerica Alteri, an EMA employee, appeared in the documentary: "Merck KGaA is a German company that has absolutely no relationship at all with Merck & Co, which is their American, what is called the American Merck. The two companies parted a hundred years ago or something like that."

1. It is outright false that I and my four colleagues who wrote the complaints have accused Enerica Alteri, an EMA employee, of having worked for the HPV vaccine manufacturer, Merck, until 2012. We did not say this, neither in our complaint to the EMA, nor in our complaint to the ombudsman (see <http://nordic.cochrane.org/research-highlights>) where we said: "we found out that Enrica Alteri from the EMA, who had no restrictions on her participation, nonetheless had conflicts of interest declared on the EMA's website. She was employed by Merck-Serono till June 2012 and her husband has a consulting contract with Merck-Serono for 2016." This is entirely correct, according to Alteri's public declarations on the EMA's website, most recently updated 24 July 2016:
http://www.ema.europa.eu/docs/en_GB/document_library/Other/2012/07/WC500129303.pdf.

2. It is outright false when Rita O'Reilly from the RTÉ says in the documentary: "Last month Nordic Cochrane was forced to apologize when it admitted it got it wrong on allegations that the review was compromised by conflicts of interest." We did not get it "wrong on allegations that the review was compromised by conflicts of interest." The review WAS compromised by conflicts of interest and we mentioned several such conflicts of interest, also in our complaint to the ombudsman. During the interview with O'Reilly, I discussed such conflicts at length in relation to Andrew Pollard, the chair of the EMA's scientific committee, and in relation to Guido Rasi, the EMA's executive director, who had not declared that he is inventor of patents. It is therefore wrong of O'Reilly to say otherwise, and

since she knew that her statement was false, I believe it is a falsehood. The ombudsman wrote to us on 8 November that she would address our complaint about “the alleged conflict of interest involving a senior EMA staff member.”

On 1 December, I sent the explanations above to David McKenna, Head of Broadcast Compliance RTÉ, and to Rita O'Reilly (letter attached). I furthermore explained: “Research has shown that conflicts of interest in relation to the drug industry are important, whether or not they are directly related to the product that is being evaluated.”

Given the indisputable falsehoods, I required in my letter that:

1. O'Reilly apologizes to me and thereby also to my four colleagues who wrote the complaints to the EMA and the European ombudsman that she propagated false statements on Irish national TV (RTÉ).
2. Irish national TV (RTÉ) publishes my letter on its website and links to it on the page where the documentary is announced, in a way that is equally conspicuous as the title of the programme “Prime Time Extras: HPV Vaccine” and next to that title. The headline could be: “The RTÉ propagated false statements about the Nordic Cochrane Centre in relation to the HPV vaccines and apologizes for this,” or a similar headline to be agreed between RTÉ and me.

As I considered the matter serious, I asked for a reply as soon as possible and no later than 7 December. However, in an e-mail from 1 December, from Kate Fitzsimons, the RTÉ's Broadcast Compliance Administrator, I was told that, in line with the RTÉ Complaints Process, which is approved by the Broadcasting Authority of Ireland in the context of section 47(3) of the Broadcasting Act 2009, I would receive “a reply within twenty working days of receipt of your complaint, that is by 03.01.17.”

Despite the seriousness of the matter, I did not receive a reply before the deadline ran out, on 3 January 2017, from Donogh Diamond, Editor, Prime Time (e-mail attached).

In his reply, Donogh Diamond did not comment in a meaningful way on the objective falsehoods in the programme I had documented and he showed no intentions of apologizing for these clear transgressions of good journalistic practice. In fact, rather than admitting the RTÉ's wrongdoing, he continued to violate good journalistic practice. He did this by quoting misleadingly what I had written in my complaint to the RTÉ. He writes:

With regard to your specific complaints, you state that: “It is outright false when O'Reilly says in the documentary: “Last month Nordic Cochrane was forced to apologize when it admitted it got it wrong on allegations that the review was compromised by conflicts of interest.” We did not “get it wrong on allegations that the review was compromised by conflicts of interest.”

It is hard to see how the Nordic Cochrane Centre can claim not to have got it wrong in relation to conflicts of interest when it has have [sic] apologised for doing so.

There are several grave errors and falsehoods in Diamond's reasoning and arguments:

1. As we stated in our complaint to the RTÉ, we did not “get it wrong on allegations that the review was compromised by conflicts of interest.” We explained in our complaint to the RTÉ that “The

review WAS compromised by conflicts of interest and we mentioned several such conflicts of interest, also in our complaint to the ombudsman. During the interview with O'Reilly, I discussed such conflicts at length in relation to Andrew Pollard, the chair of the EMA's scientific committee, and in relation to Guido Rasi, the EMA's executive director, who had not declared that he is inventor of patents." Furthermore, we mentioned several other conflicts of interest in our complaint to the ombudsman and even documented that some of these conflicts of interest had compromised the EMA's review.

2. Diamond writes: "The Nordic Cochrane Centre alleged that Dr. Enrica Alteri had a conflict of interest with regard to the HPV vaccine review. It is clear that she had no such conflict of interest." This is a false accusation, which was also made by O'Reilly in her programme. We explained in our letter from 1 December that "It is outright false that I and my four colleagues who wrote the complaints have accused Enerica Alteri, an EMA employee, of having worked for the HPV vaccine manufacturer, Merck, until 2012. We did not say this, neither in our complaint to the EMA, nor in our complaint to the ombudsman (see <http://nordic.cochrane.org/research-highlights>) where we said: 'we found out that Enrica Alteri from the EMA, who had no restrictions on her participation, nonetheless had conflicts of interest declared on the EMA's website. She was employed by Merck-Serono till June 2012.'"

3. Diamond writes: "The rules are clear. Neither Nordic Cochrane nor any other organisation can, after the fact, devise its own set of rules and then claim that they have been broken." We have not devised our own rules. According to the rules, it is a conflict of interest to work for a drug company, whether or not that company sells the product that is under investigation. And there is a good reason for this, which we explained in our letter from 1 December: "Research has shown that conflicts of interest in relation to the drug industry are important, whether or not they are directly related to the product that is being evaluated."

4. Whether the EMA's Executive Director, Guido Rasi, should have declared - in the public interest - that he is the inventor for several patents is not up to the RTÉ to decide upon, although Diamond seems to believe that this omission is not a problem. We believe it is a problem and have asked the European ombudsman to look into this. We also believe it is a conflict of interest that Rasi should have declared and have given our reasons why in our complaint to the ombudsman.

I kindly ask the Broadcasting Authority of Ireland to ensure that the RTÉ apologizes to me in the way I have suggested by the end of my letter from 1 December.

Sincerely,



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