

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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Joseph N. Onek, Esq.
Onek, Klein & Farr
2550 M Street, N.W. Suite 350
Washington, D.C. 20037

Dear Mr. Onek:

This is in response to your letter of October 16 in which you request that I issue another press release concerning the impending investigation of possible scientific misconduct on the part of Dr. Robert Gallo and Dr. Mikulas Popovic.

Under 45 CFR 17.7, a retraction or correction such as you have requested is issued where the Department of Health and Human Services (DHHS) Assistant Secretary for Public Affairs finds that information released by the Department was misleading or a misstatement of fact. Accordingly, I am forwarding your request to the DHHS Assistant Secretary for Public Affairs, Ms. Kay James, together with copies of your October 16 and October 19 letters to me. Please let me know as soon as possible if you wish to submit any additional information for consideration.

I take this opportunity to state our position regarding the issue you raised of the alleged "misappropriation" of the French lymphadenopathy virus (LAV). The National Institutes of Health inquiry disclosed no evidence that Dr. Gallo misappropriated LAV; neither does the focus of the investigation as presently formulated include possible misappropriation. On the other hand, it is possible that the results of the planned biological testing or other aspects of the investigation could indicate the possibility that misappropriation occurred. If so, the issue of misappropriation would become a focus of the investigation.

We will advise you in writing of the decision of the Assistant Secretary.

Sincerely yours,

William F. Raub, Ph.D.

William F. Raub, Ph.D.
Acting Director