

HHS NEWS

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

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Contact: Dr. Lyle Bivens
(301) 443-3400

The Office of Research Integrity (ORI) announced today that it is withdrawing its Dec. 29, 1992, legal determination that Dr. Robert C. Gallo had committed scientific misconduct.

ORI is taking this action in light of recent Research Integrity Adjudications Panel decisions, including the related Popovic decision issued on the eve of the Gallo hearing. These decisions established a new definition of scientific misconduct as well as a new and extremely difficult standard for proving misconduct.

The effect of this action is to end an appeal brought by Dr. Gallo and now pending before the panel.

"ORI found that Dr. Gallo misstated the role that the French virus, LAV, played in his work with the AIDS virus. We also found that he failed to identify, in a timely manner, the origin of the cell line used to propagate the virus and that he inappropriately restricted access to the cell line," said Dr. Lyle W. Bivens, director of the Office of Research Integrity.

"After analyzing the panel's Nov. 3 decision, however, it is clear that the panel now applies different standards from those applied by ORI to review findings of 'scientific misconduct,'" Bivens continued.

"The scientific community has a low threshold of tolerance for false statements, and this view is reflected in the regulatory definition of 'scientific misconduct.' ORI maintains that the

"standards applied by the panel reflect a fundamental disagreement with ORI as to the importance of clarity, accuracy and honesty in science. However, because ORI is bound by the panel's decisions, it will not continue its proceeding against Dr. Gallo. As a practical matter, the panel's recent decisions have made it extraordinarily difficult for ORI to defend its legal determination of scientific misconduct regarding Dr. Gallo."

Under the regulatory definition, scientific misconduct includes "fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted in the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data."

In its Ponovic decision and others, the panel announced its standard for finding misconduct based on false statements. The panel ruled that ORI must prove deliberate intent to deceive, that a false statement have a material or significant effect on the research conclusions of the paper, and that there be no possibility of honest error.

"Although ORI is not proceeding with the Gallo case, it remains committed to applying the scientific community's standards for integrity, and will vigorously investigate allegations of scientific misconduct," Dr. Bivens said.

Dr. Bivens also noted that HHS is moving quickly to implement new statutory mandates in the misconduct area. These mandates include establishing a Commission on Research Integrity to enhance ORI's ability to address wrongdoing by scientists.

In commenting on the panel's recent decisions, Dr. Bivens stated:

"We believe that ORI's approach to determining scientific misconduct is the correct course of action. We are confident that the new Commission will reinvigorate our efforts to maintain the highest scientific standards and to deal effectively with misconduct. While dismayed by the panel pronouncements, we remain committed to protecting the integrity of Public Health Service research."

The Research Integrity Adjudications Panel has interim responsibility for hearing appeals in scientific misconduct cases.
