

Trial shows French officials allowed AIDS-contaminated blood to be used

by Katherine R. Notley

The trial of four French officials accused of knowingly allowing AIDS-contaminated blood to be given to donors came to an end on Aug. 5. The case started when it was discovered that as many as 4,000 people, most of them hemophiliacs, were infected by contaminated blood products in 1985. Some 1,200 hemophiliacs have tested positive for the HIV virus and 256 have died of AIDS so far. A verdict will be delivered on Oct. 23.

Two have been charged with fraud: Dr. Michel Garretta, former director of the National Blood Transfusion Center (CNTS), and former CNTS official Dr. Jean-Pierre Allain; the other two defendants—Dr. Robert Netter, former director of the National Health Laboratory, and Dr. Jacques Roux, former director-general of the Health Ministry—have been charged with “non-assistance to persons in danger.” Both the defense and the victims are calling for criminal charges to be brought against the policymaker officials responsible, especially former Prime Minister Laurent Fabius, former Social Affairs Minister Georgina Dufoix, and former Health Minister Edmond Hervé.

The scandal centers around the decision in 1984-85 to use up existing stocks of undisinfected blood, rather than import disinfected blood from the United States and Canada, and to hold off using existing AIDS tests for donors until indigenous tests were developed. Court testimony implicates efforts by the government to both cut the budget and increase the international competitiveness of the French pharmaceutical industry as being behind its decisions. Jean-Bernard Duclos, former president of the Consultative Committee on Blood Transfusions, testified that he had sent nine letters to the Health Ministry over the summer of 1985 urging that blood donors be systematically tested and claiming there was a persistent shortage of disinfected blood. His letters went unanswered.

Dr. Garretta's former assistant at CNTS Gérard Jacquin, testified, according to Reuters, that the center was trying to become “self-sufficient” and “competitive” within Europe, which was in part achieved by cutting costs, including importing disinfected blood stocks. “The CNTS had decided in October 1984 to start making France professionally competent in pharmaceuticals. Foreign companies considered the French market attractive,” he told the court.

One of the victims' attorneys, Eric Dupont-Morretti, declared that he planned to file a criminal suit against the former

ministers, who can only be tried by the High Court. The victims are also seeking to have charges of poisoning brought against the present defendants.

The three former ministers also testified mostly to proclaim their innocence by reason of ignorance. Edmond Hervé said that in June 1985 he had been told that AIDS-tainted blood was being used in transfusions, and, after consulting with experts, he agreed to permit its continued use until October. Georgina Dufoix admitted she knew there was a risk from insufficient donor screening to hemophiliacs—whose treatment includes blood products from many donors—as early as July 12, 1985. Although former Premier Fabius pleaded ignorance of any warnings, his former scientific adviser, Prof. François Gros, testified that he had personally chaired a government committee which, on May 9, decided to “hold back for a while” using the U.S. screening test in the expectation that the Pasteur Institute would soon develop its own.

Experimenting on hemophiliacs

Since at least May 1983, heat-disinfected blood products for hemophiliacs had been available. In October 1984, for example, the Centers for Disease Control in Atlanta, Georgia, had insisted that it was absolutely necessary to only use heated products in transfusions. Many other warnings had also been issued. On May 29, 1985, the directors of the CNTS had a meeting with Dr. Garretta, to discuss the possibility of destroying the contaminated blood stocks they still had, and of recalling those they had already issued.

However, when they looked at the financial implications of such a measure, they decided to continue using existing stocks, which continued until Oct. 1, 1985. (The minutes of this meeting were published in the weekly *L'Événement du Jeudi* in February 1991). AIDS testing for blood donors was made mandatory in August 1985.

Worse, the ignominy of the CNTS does not stop with giving untested and untreated blood to hemophiliacs. A special study was run on hemophiliacs from September 1983 to March 1984. One of the unwitting participants in this experiment, was Edmond-Luc Henry (see interview). Of a group of approximately 420 hemophiliacs, half were treated only with contaminated blood products and the other half were treated with heat-disinfected products. The experiment's victims are seeking charges of poisoning.