

US doctors say sex selection acceptable for non-medical reasons

Scott Gottlieb *New York*

The American Society for Reproductive Medicine has ruled that it is proper and ethical to help couples to choose the sex of their babies.

In a recent letter of advice to an infertility specialist, the acting chairman of the society's ethics committee, John Robertson, said that sex selection was acceptable for reasons of "gender variety." If a couple already had a child of one sex, it could ethically select embryos that were of the opposite sex, he said.

The group, which sets the rules for the field of reproductive medicine, has previously said that the practice was justified when parents were aiming to avoid the incidence of certain sex linked genetic traits. But the new letter seems to take the society into a different area.

It is in marked contrast to the attitude of the Human Fertilisation and Embryology Authority in Britain, which states categorically in its code of practice: "Centres should not select the sex of

embryos for social reasons."

It has been interpreted by many American doctors as an ethical go-ahead to using the practice of preimplantation genetic diagnoses—a technique previously limited to screening out possible genetic disorders—for sex selection, said Gina Kolata in the *New York Times* (28 September).

Preimplantation genetic diagnosis is an in vitro fertilisation technique currently used by couples whose children are at risk of a genetic disorder, and sex selection may have a role when the disorder involves a sex linked gene.

When practising sex selection, however, infertility specialists inspect human embryos outside the womb to determine which are male and which are female. Under the new ruling, doctors can now select the embryo of the appropriate sex even if the parents' reasons for selection are purely personal.

For several years doctors have been able to help couples to choose the sex of their babies to curb the transmission of diseases such as haemophilia that threaten one sex more than the other. But as recently as 1999 the American Society for Reproductive Medicine discouraged its physician members from letting other couples use the same technique simply because they wanted a boy or a girl.

Dr Norbert Gleicher, the



Louise and Alan Masterton were refused permission by the Human Fertilisation and Embryology Authority to choose the sex of their child, after losing their only daughter in a fire

infertility specialist who received the latest advice from the association and who is chairman of the Board for the Center of Human Reproduction, said that he did not believe that parents would use the technique to start selecting one sex over another.

"There are studies in European countries where gender selection through sperm sorting has been done for years. There are studies in this country which show universally that there is no preponderance of one gender selected for," said Dr Gleicher. "In Western society there are as

many couples who want the girl as there is who want the boy."

A spokesman for the Human Fertilisation and Embryology Authority said that its policy dated back to a consultation exercise carried out in 1993 when the majority of respondents felt that sex selection should not be available for social reasons or "family balancing."

"When the ethics committee looked at it, it felt that a family composed predominantly of members of one sex should not be considered 'unbalanced,'" a spokesman said. □

Drug companies defrauded Medicare of millions

Fred Charatan *Florida*

A joint venture of Takeda Chemical Industries and Abbott Laboratories—TAP Pharmaceutical Products—has agreed to pay \$875m (£583) to settle criminal and civil charges that it had illegally manipulated the Medicare and Medicaid programmes.

The settlement tops the \$840m paid by the healthcare company HCA for fraud (*BMJ* 2001;322:10). Federal prosecutors said that sales representatives from TAP gave doctors free samples of leuporelin acetate (marketed as Lupron in the United States and Prostag in the United Kingdom), which is used to treat prostate cancer and infertility. The representatives then

helped them to get government reimbursements at hundreds of dollars for each dose injected.

Employees of TAP were charged with giving kickbacks—trips to resorts, medical equipment, and "educational grant" payments to doctors if they prescribed leuporelin.

The investigation began four years ago when Douglas Durand, a former vice president for sales at TAP, and Dr Joseph Gerstein, a urologist employed by Tufts Associated Health Maintenance Organisation in Waltham, Massachusetts, separately told federal officials about what they believed were illegal sales practices by TAP. Dr Ger-

stein said that TAP sales representatives offered him an unrestricted \$65 000 in grants if he would reverse his decision to have his health maintenance organisation use only goserelin acetate (Zoladex), a less expensive drug that competes with leuporelin.

Medicare now covers a very limited number of drugs. Most of them, like leuporelin, must be administered by a doctor. Drug companies supply doctors with drugs to give to Medicare patients, and Medicare then repays the doctors based on a price provided by the companies called the "average wholesale price."

Thomas Watkins, the president of TAP, admitted that it provided free samples of leuporelin to some doctors in the first half of the 1990s, knowing that the doctors would seek reimbursement from the federal

government.

"The billing for free samples is wrong, and it should never have happened," Mr Watkins said. "We have taken strong action so that this inappropriate marketing practice will never happen again."

Michael Sullivan, the US attorney for Massachusetts said that the settlement and indictments sent "a very strong signal to the pharmaceutical industry." He said, "These types of behaviour are not tolerated and are going to be investigated, even if it takes four and a half years to bring to conclusion."

The government has also charged five doctors with healthcare fraud in the case. Federal prosecutors said that those doctors had conspired with the company to receive excessive Medicare reimbursements. Four pleaded guilty, and the fifth was recently indicted. □