

## Sudanese health minister's advocacy of condoms sparks controversy

Sudan's new health minister, Tabitha Sokaya, has provoked a political storm by publicly advocating condom use to stem the country's HIV crisis.

Latest UNAIDS figures show that Sudan has the highest prevalence in north Africa and the Middle East, with 1.6% of adults and 3-8% of young people infected. An estimated 23 000 people have died of AIDS related illness.

Dr Sokaya, who holds a PhD in nursing from Birmingham University, returned to Sudan after last year's comprehensive peace agreement (*BMJ* 2005; 330:110) and was appointed minister of health in the national government established in September.

She is the first woman to hold the post and the first Christian. Her job was one of four cabinet ministerial posts awarded to the rebel Sudan People's Liberation Movement in the peace deal.

Her open speaking about AIDS and advocacy of condom use led to calls for her dismissal last week by MPs from the majority, and predominantly Muslim, National Congress Party.

Peter Moszynski *London*

## Secret report surfaces: Pfizer was at fault in Nigerian drug tests

A secret Nigerian government report concluded that the drug manufacturer Pfizer undertook an "illegal trial of an unregistered drug" when the company enrolled nearly 100 Nigerian children with meningitis in a trial testing its antibiotic trovafloxacin (Trovan) against ceftriaxone during a 1996 meningitis epidemic.

Families of the children, their attorneys, and the media had been seeking the results of the report for five years without success until the report was leaked last week to the *Washington Post* (7 May, sect A: 1) by a source who asked to remain anonymous.

The *Washington Post* article said that "aspects of the affair remain mysterious, such as why the report remains confidential." The head of the investigative panel behind the report, Abdulsalami Nasidi, a virologist and senior Nigerian health official, told the *Washington Post* he did not know why the report was never released. The panel was set up in 2001 to determine whether the trial was conducted legally (*BMJ* 2001;322:194).

A class action suit filed on behalf of the children's families in a federal court in New York alleges that Pfizer did not inform families that trovafloxacin was an experimental treatment and failed to obtain informed consent (*BMJ* 2001;323:592). The lawsuit was dismissed last summer after a judge decided that the US court did not have jurisdiction to hear it, a decision the plaintiffs are appealing.

In response to queries by the *BMJ*, Pfizer denied the allegations made by the plaintiffs in the lawsuit.

Jeanne Lenzer *New York*

## EU tightens regulations on food labelling

The European Union has approved two pieces of legislation that set new standards for the claims that food manufacturers make about their products.

The first is designed to combat false or misleading terms such as "fat free," "high fibre," or "low alcohol" on the labels of a host of everyday products. The second introduces new rules on the addition of vitamins and minerals to foods.

The food labelling measures, which were approved by the European parliament by 614 votes to eight, will be phased in over the next three years.

Markos Kyprianou, the EU's health and consumer protection commissioner, predicted they would "guarantee truthful... information for... consumers."

Under the labelling legislation all foods that make new health claims will have to be vetted by the European Food Safety Agency.

Rory Watson *Brussels*

## Derbyshire primary care trust "failed to consult" over contract

Clare Dyer *legal correspondent, BMJ*

A High Court judge in London is expected to rule soon on a legal challenge to a primary care trust's decision to allow a US based healthcare company to take over the provision of GP services in a deprived ex-mining community in Derbyshire.

The contract for primary care services at Cresswell and Langwith is one of the first to be tendered for under government plans to open healthcare services to the market.

North Eastern Derbyshire Primary Care NHS Trust declared UnitedHealth Europe, part of the giant US United-Health Group, to be the "preferred provider" for the services last December. But the contract was put on hold after a local parish councillor, Pam Smith, won permission to mount an application for judicial review (*BMJ* 2006;332:1172-3, 20 May).

Mr Justice Collins reserved his judgment after hearing the case last week. If the application succeeds, the tendering process may have to be reopened.

The judgment will have important implications for the government's policy of opening up the NHS to alternative providers. The Department of Health regards the case as so important that it intervened to present its own arguments to the court.

The case is the first to test the meaning of section 11 of the Health and Social Care Act 2001, which covers the duty to involve

and consult patients and the public in service planning and provision and the development of changes. The judgment should clarify the extent to which managers will have to involve the public in decisions about changing healthcare providers.

Langwith's local council, Scarcliffe Parish Council, had backed a proposal by a local GP, Elizabeth Barrett, to open a new practice with a multidisciplinary team and offered her land at a peppercorn rent. But her plans never even made the trust's shortlist.

At the High Court last week Eleanor Grey, counsel for Ms Smith, told the judge that the lack of consultation with local people contradicted government promises that NHS patients and the public would be "listened to, rather than talked at."

She said the failure to consult was a breach of section 11 and ignored NHS guidance stating that the involvement of patients and the public in health service decision making was "a priority."

For the trust, David Pittaway QC argued that there was no legal duty to consult under section 11, because there was to be no change in the services provided, only in the provider. Even if there were an obligation to consult, he added, the trust had satisfied the obligation by appointing the chairman of a local patients' participation group to the panel that awarded the contract. PH



The judge's decision over Langwith surgery (above) will have implications for plans to open up the NHS to alternative providers