

## Patient-to-patient HIV transmission trial

A Sydney surgeon has been found guilty of unsatisfactory professional conduct after the apparent infection with HIV of four people who attended his surgery in November, 1989, (see *Lancet* 1993; 342: 1548-49). The New South Wales Medical Tribunal announced last week that Dr Todd Davis was responsible for the infection of four women who had minor procedures in his surgery on the same day as a man who subsequently died of AIDS. That man, known as the index case, was not known to be HIV positive at the time. The case caused tremendous disquiet in Australia, forcing reviews of infection-control procedures and boosting sales of autoclaves.

Two unusual features of the case stand out. The first is that the tribunal, which has the power to deregister doctors, took no action against Dr Davis despite their finding. Judge Hubert Bell, chairman of the tribunal, said that because of Dr

Davis' age, standing, reputation, seniority, and distinguished career, it would be inappropriate for him to be fined or otherwise punished. "The very fact that these proceedings were taken constitute severe punishment. We would propose that [Dr Davis] be reprimanded", Judge Bell said.

The other unusual feature is that the nature of Dr Davis' transgression of professional conduct was not discovered. The prosecution favoured the theory that he had used multiple-dose vials of local anaesthetic. Despite interviewing all staff, several patients, and all suppliers of local anaesthetics, they found no evidence that Dr Davis had used anything but single-dose vials. The tribunal accepted the multiple-dose vial theory as the most likely, despite the lack of evidence to support it. The tribunal also accepted assertions that if proper infection control guidelines were followed, HIV infection could not have taken place.

Dr Davis is facing civil proceedings from at least one of the women infected.

Mark Ragg

## European drug consumption

Consumption in 1992 of six groups of drugs—drugs for the treatment of peptic ulcer, drugs for cardiovascular disorders, lipid-lowering drugs, non-steroidal anti-inflammatory drugs, and agents for the central nervous system—have been compared for France, Germany, Italy, and the UK. The study, carried out at the Centre de Recherche d'Etude et Documentation en Economie de la Santé in Paris, based on defined daily doses (DDD), showed that France has the highest consumption for four of the groups (see table). And in France, as in Italy, where drug prices are low, there is a tendency to use the most recent products, which are also the most expensive.

Among drugs for the treatment of peptic ulcer, herbal preparations represent 7% of the products in Germany but are hardly used in the other countries; H<sub>2</sub>-receptor antagonists were the most frequently used therapeutic class (ranging from 58% in France to 82% in the UK). France is notable for its high consumption of proton-pump inhibitors (29% of the market), the most expensive group of drugs for treatment of peptic ulcer.

France is also the country with the highest consumption of antihypertensive agents. In the UK, diuretics are the drugs most often used (52.1%), whereas in Italy calcium antagonists (31.2%) and angiotensin-converting-enzyme inhibitors (29.9%) dominate. In Germany, diuretics (34.4%) are followed by calcium antagonists (29%).

France is also the top user of lipid-lowering drugs. The authors comment that "with mortality rates due to cardiovascular diseases lower than those of the three other countries (288 for 100 000 men *vs* 491 in the UK), France seems to confirm the efficacy of therapeutic prevention".

France, again, is the highest consumer of systemic antibiotics, probably because of their extensive use in young children, say the authors. They point out that this tendency could be due to the common use of day-nurseries (which favours the spread and recurrence of infections) and to parents' demands for quick cures.

France spends FFr280.4 per day per 1000 inhabitants on antibiotics. Despite its lower consumption in DDD, Italy is not far behind (FFr241.1), because the cost of antibiotics there is greater. Germany spends FFr78 and the UK FFr88 per day per 1000 inhabitants.

Although the German market has three times more brands of non-steroidal anti-inflammatory drugs (NSAIDs) (171) than the French and British markets, its consumption of these drugs is lowest.

Narcotics form 19% of the market of analgesics in the UK but only 6 to 8% in the other 3 countries. Although the UK is

## Environmental rights

In what may prove to be a test case, the Court of Human Rights in Strasbourg has ruled that damage to health arising from environmental pollution can be construed as an infringement of human rights. The Court ordered the Spanish government to pay Pta 4 million, with some costs, to Mrs Gregoria Lopez Ostra whose former home in Lorca, Murcia, was 12 m from a tannery waste treatment plant that opened in 1988. The Court found that there had been a violation of Article 8 of the European Convention on Human Rights, which covers the right to respect for private and family life and for the home.

Evidence was given that as soon as the plant started up, fumes caused health problems and nuisance, prompting municipal authorities to evacuate nearby residents and subsequently to order a partial cessation of the plant's operations. Nevertheless, after returning to her home, the applicant "continued to suffer health problems and noted a deterioration in the environment and the quality of life". It was not until October, 1993, that the plant was closed.

The Court held that the Spanish authorities had not succeeded in striking "a fair balance between the interest of the town of Lorca's economic well-being [that of having a waste treatment plant] and the applicant's effective enjoyment of her right to respect for her home and her private and family life".

Court officials said it was the first time an environmental pollution complaint had been upheld under Article 8.

Arthur Rogers

## US Surgeon General forced to resign

President Clinton forced his Surgeon General Joycelyn Elders to resign this week after learning of comments she made during a World AIDS Day conference at the United Nations. During the meeting, Dr Elders was asked to comment upon the role of masturbation in preventing spread of HIV infection. The Surgeon General reaffirmed her position in favour of early sex education in schools, and continued, "as per your specific regard to masturbation, I think that is something that is a part of human sexuality and it's part of something that perhaps should be taught. But we've not even taught our children the basics".

The President learned of Dr Elders' remarks through reports of their impending publication in *US News and World Report*, a weekly news magazine. He moved quickly to force her from office, thereby also silencing his conservative opponents in the new Republican Congressional majority. Dr Elders' vigorous and plain-spoken support of sex education, condom distribution in schools, and Medicaid funding for poor women's abortions has tested the White House since she was appointed nearly two years ago. According to Administration officials, she had been warned several times to be more cautious with her words. "At some point, the President is entitled to have people in certain positions who agree with him", Mr Clinton told reporters a few days after the dismissal, "and who don't depart from the policy positions or personal convictions that a President has".

David Frankel