

Date: Wed, 11 Apr 2018 12:22:48 +000011 April 2018 from Wilson  
From: Mark Wilson <MWilson@cochrane.org>  
To: "pcg@cochrane.dk" <pcg@cochrane.dk

Subject: Responses to three complaints

As you know, following my e-mails to you of 15th and 20th March (attached) and our meeting of 21st March in Lisbon (Minutes attached), I have been considering three issues:

A formal complaint by E. Fuller Torrey from the Stanley Medical Research Institute (of 1st and 2nd March) that you failed to make the necessary distinction between your personal academic views and those of Cochrane as an organisation related to a request on 16th February for unpublished data on the TIPS clinical study relating to the benefits and harms of psychiatric drugs.

A Tweet from Anton Pottergard (8th March) accusing you of illegitimately using your "Cochrane affiliation when inviting for deprescribing symposium, alongside [the International Institute for Psychiatric Drug Withdrawal]... and cochrane-email for sign-up." In our immediate response to Mr. Pottergard we tweeted: "Cochrane takes seriously all feedback from our community, and we have shared your comments with senior leadership for further action. If you would like to submit a formal statement directly, please use our website: <http://cochrane.org/contact>. No further response has been received.

A letter from Professor Anton Loonen (19th March) asking a series of questions related to your involvement in a 2016 criminal case in the Netherlands, a subsequent media report in a Dutch newspaper, and your filing of a complaint against him in the Regional Disciplinary Court for Healthcare at Eindhoven in January 2018.

I've carefully considered the documentation related to these complaints, your explanations and responses during our meeting in Lisbon, and concluded that you have breached both Cochrane's Spokesperson Policy (and the additional requirements and undertakings you made in July 2015) in the letter to the Stanley Medical Research Institute (1), and your mandating of a Dutch attorney to submit a complaint against Professor Loonen with the Regional Disciplinary Court for Healthcare (3), but not in the flyer relating to the seminar held at the Hotel Nyborg Strand which was the subject of the tweet (2).

In case 1, through the use of Cochrane headed paper, the use of your name and title in the signature description at the bottom of the letter as Director of the Nordic Cochrane Centre, and the language used in the request for data (where consistent use of the words "we" and "our" would reasonably lead any reader to assume that the request is from the Nordic Cochrane Centre and the views expressed in the request are those of the NCC) you have failed to abide by the Cochrane Spokesperson Policy, which requires you to "state clearly that you are speaking in a personal or other professional capacity unless you have been expressly authorized to represent Cochrane ..."; and that: "If you do use your Cochrane affiliation along with another title ... then it is incumbent upon you to state unequivocally and clearly that the views are your own and not those of Cochrane. This cannot be implied, but must be stated explicitly."

In case 3, through the use of the Nordic Cochrane Centre's address (and not your own personal address) in the signed power of attorney to Dr Bijl to act on your behalf in the formal complaint to the Regional Disciplinary Court for Healthcare in Eindhoven you failed to abide by the same requirements of the Spokesperson Policy.

In case 2, though it would be preferred and helpful to use a non-Cochrane address in future for registration of seminars and meetings you organize relating to the use of psychiatric drugs, you did not use your Cochrane title, Cochrane logo or otherwise sufficiently associate Cochrane with the event. However, the complaint highlights the need in such cases for you to make clear in future that the seminar/discussion is not an official Nordic Cochrane Centre event.

In cases 1 and 3 you also failed to adhere to the undertakings you made – and the additional requirements made of you – in July 2015 which were set out at that time and again on 6th January 2017 (you have my e-mail and attachments already). These required you: "... because of the continued controversy in relation to his views on this particular issue, when he writes or speaks about psychiatric drugs in other ways or in other fora he should use his University of Copenhagen title ["Professor of Clinical Research Design and Analysis, University of Copenhagen"]." Both cases concern that issue, and you therefore had a clear and unambiguous obligation to use this title and make clear the distinction between your academic research in this area and your role as Director of the Cochrane Nordic Cochrane Centre. This you did not do. In our meeting in Lisbon you said that the Cochrane Governing Board in Geneva in April 2017 explicitly rescinded these requirements and agreements made by the Cochrane leadership in 2015 during a "Board only" session that I was not attending. I have checked with the Board Co-Chairs to clarify this and they say that such a decision was not taken by the Board at that time; the Minute of the Board-only session does not record such a decision; and I have not been instructed by the Co-Chairs or the Board no longer to apply these requirements to you. They are, therefore, still in force.

Having consulted Rob Scholten and Lotty Hooft, Co-Directors of Cochrane Netherlands, I am also concerned that though you became involved in a Dutch criminal case and then a medical practitioner dispute using your Nordic Cochrane Centre affiliation, you did not inform them or warn them of your actions, and possible publicity or impact on Cochrane in the Netherlands. Whilst this is not a requirement of the Spokesperson (or any other existing) Cochrane Policy, I would have expected that you would have abided by the guidance in that policy related to involvements with the media of other countries, given that this was such a more serious intervention in the Netherlands than a simple interview with a Dutch journalist. The Policy points out that: "it is common courtesy and best practice, if you are speaking in a country or have been interviewed by media within a country with a Cochrane presence – and are referring to Cochrane – to inform the Director responsible for Cochrane activities in that country at the earliest convenience".

As we discussed in Lisbon (see the attached Minutes), my conclusion is that in future you must abide at all times by the original requirement established by Cochrane's leadership in its letter of 9th June 2015, namely, that you "no longer use your title of "Director, Nordic Cochrane Centre" when you are writing and speaking on projects that are not Cochrane reviews or methodology.

Instead, we ask that you use your alternate title of “Professor of Clinical Research Design and Analysis, University of Copenhagen”; and that you ensure you abide at all times in the future with the obligations in Cochrane’s Spokesperson Policy (and specifically those set out above). Failure to do so will result in disciplinary action, which may include – as the June 2015 letter signaled – the de-registration of the Nordic Cochrane Centre. We discussed at the close of our meeting in Lisbon that setting up your own separate, personal organization (be it a foundation, Institute or other legal body) from which to research and campaign on these issues may help you to clarify your roles, research and activities far more easily.

I have attached my intended responses to Dr Torrey and to Mr Pottergard, as promised in Lisbon. If you have any comments you would like to make about them before I send them later this week then you are welcome to send those comments to me. I have already considered the points made in your draft responses you sent me on 18th March in formulating these replies.

However, I am not able to finalize a response to Professor Loonen because I am not yet in a position to answer all of the questions in his letter. In relation to that dispute, therefore, can you please let me know the answers to the following questions:

- a. Did you submit your expert opinion in the Dutch criminal trial “on the company stationary of the Nordic Cochrane Centre” signed ... as follows: “Peter C Gotzsche, Professor, DrMedSci, MSc, Director of the Nordic Cochrane Centre, Rigshospitalet”?
- b. Did you receive payment for the expert medical legal report you gave in the criminal case; and if you did, was it received by you personally or did you pass it to your employer, the University of Copenhagen?
- c. Did you share Professor Loonen’s confidential expert opinion with the De Volkskrant newspaper?

Thank you for providing answers to these questions. Can I ask you to send me your replies within seven days (by 18th April), and I’ll then be able to revert back to you with any final conclusions, then finalize a reply to Professor Loonen and close these issues off. I will then raise with the Co-Chairs and David your request to remove the statement by the Cochrane leadership of 18th September 2015 from the Cochrane website (<http://www.cochrane.org/news/statement-cochrane>).

--

This statement is:

### **Statement from Cochrane**

Cochrane issues a statement distinguishing between opinions expressed by individual contributors and organizational policy statements.

Cochrane has a long tradition of vigorous, open scientific debate that we cherish, and we want to play a constructive role in the current debate on the evidence relating to the benefits and harms

of psychiatric drugs, resulting in better health decision-making and patient care. However, Cochrane's ability to take part in the debate is damaged if we are falsely perceived to have taken a partisan position that we do not hold.

In his article 'Prescription pills are Britain's third biggest killer' (MailOnline, 15 September 2015) Professor Peter Gøtzsche writes that: 'As an investigator for the independent Cochrane Collaboration – an international body that assesses medical research – my role is to look forensically at the evidence for treatments' and goes on to make a series of statements about the effects of psychiatric drugs and their use by doctors in the UK. These comments could be misconstrued as indicating that Professor Gøtzsche is conducting this work on behalf of Cochrane.

Cochrane wishes to state unequivocally that the views Professor Gøtzsche has expressed on the benefits and harms of psychiatric drugs are not those of the organization. As primarily a research organization Cochrane does not make clinical recommendations and we have not done so on this issue.

Professor Gøtzsche is an experienced researcher and he is the Director of the Nordic Cochrane Centre. He is free to interpret the evidence as he sees fit. He has an obligation, however, to distinguish sufficiently in public between his own research and that of Cochrane – the organization to which he belongs. There is a wide range of views within Cochrane on the benefits and harms of psychiatric drugs, of which Professor Gøtzsche's is one.

Lisa Bero and Cindy Farquhar, Steering Group Co-Chairs  
Mark Wilson, CEO  
David Tovey, Editor in Chief

18 September 2015