

Freedom to Speak?

A Report Card on Federal Agency Media Policies

Food and Drug Administration (FDA)

POLICY

Inc

PRACTICE

Needs
Improvement

No official FDA media policy was obtained through Web searches or FOIA requests, but survey respondents report that pre-approval of contacts with the media and routing of media requests to public affairs officials is common. Some restrictions involving proprietary information are expected, but to fulfill its public health mandate the FDA must allow greater communication between its experts and the public. **The FDA should create a media policy that includes protections that will allow scientists to speak freely about their expertise.**

Media Policy. No official policy was available.

Quotes from FDA Scientists.

“I have found FDA to be fair to employee scientists in speaking out in scientific meetings as long as there is a disclaimer that the views expressed is by the employee and not necessarily the FDA.”

“As you are probably aware, agencies make mistakes and are loathe to admit mistakes or to embarrass the Agency by allowing information to be released. Also, a uniform front is presented when diversity of opinion is the reality.”

“For a variety of reasons, FDA review scientists do not, and SHOULD not, have unrestricted access or unrestricted exposure to the media, e.g.: (1) We deal regularly with proprietary information on new medical products under development, and it is important to have consensus on what information is releasable (and when). (2) Press interviews can expose employees inappropriately to individual legal liability and compromise their scientific objectivity. (3) Interviewers can apply political pressure to employees to express opinions that conflict with legitimate policy positions. It is important not to put all media restrictions into the same basket. Some are politically motivated attempts to distort or suppress science and others are the opposite.”

“In the past several years final approval to publish or speak is moving to higher and higher levels; lower management is more and more afraid to make decisions... We have trouble getting permission to say that medical products have safety problems. Staff outrage is pervasive.”

-FDA scientist in a separate 2006 survey

Examples.

In a separate 2006 survey by the Union of Concerned Scientists, 396 FDA scientists said they cannot openly express any concerns about public health outside the agency without fear of retaliation. 163 scientists said they had been asked explicitly by FDA decision makers to provide incomplete, inaccurate or misleading information to the public, regulated industry, media, or government officials. [Click for more statistics and other information.](#)



In November 2004, FDA reviewer David Graham testified that the agency ignored his research showing that the pain medication Vioxx put patients at increased risk of heart attack. The FDA told Dr. Graham to “soften his conclusions” so that they would be consistent with those of the agency's Office of New Drugs. *USA Today* reported that Steven Galson, acting director of the FDA Center for Drug Evaluation and Research, also tried to discredit Dr. Graham's research by contacting editors at the medical journal *The Lancet*, where Graham's research was being reviewed for possible publication. [Click for more information.](#)