

On February 20, David Eller, the CEO of Celltex Therapeutics, a company that makes stem cell products, wrote the editors of Slate to request a correction or a retraction of a commentary written by Dr. Carl Elliott, a University of Minnesota bioethicist. The original email text [can be found here](#). Below are the specific criticisms from the email and a response from Elliott.

CELLTEX CRITICISM:

For example, the article asserts that "one of the nation's leading journals of medical ethics relocated to the offices of a commercial stem cell clinic in Sugar Land, Texas," a reference to Celltex and the American Journal of Bioethics, formerly edited by Glenn McGee, Ph.D.

Fact: Celltex is not a stem cell clinic, and by extension Dr. McGee does not work at a stem cell clinic, nor does he work in Sugar Land. Our corporate office is in Houston, though the lab is in Sugar Land. No medical journal in any way affiliated with McGee, including AJOB, ever relocated to either Celltex or any stem cell clinic or to Sugar Land. It is a matter of public record that the offices of the journal were — and are — based at 3030 Post Oak Blvd. #805 in Houston, Texas.

ELLIOTT RESPONSE:

If Celltex is not a stem cell clinic, then what is it? The purpose of the company is to bank stem cells and use them for clinical treatment. The medical director of Celltex made national headlines last summer for treating Rick Perry clinically with stem cells. The Texas Medical Board just approved draft guidelines that would allow companies including Celltex to treat patients with stem cells. *Nature* has just reported that at least one doctor is being paid by Celltex to inject patients with stem cells. What is inaccurate about calling it a stem cell clinic?

The issue of the addresses is more complicated. When I used the Sugar Land address, I was relying on news stories like this one, about the opening of the Celltex clinic in Sugar Land:

<http://houston.culturemap.com/newsdetail/12-26-11-nations-largest-stem-cell-lab-opens-in-sugar-land/>

If the corporate headquarters of Celltex is different, however, the address should be corrected, and it would be easy to do.

The issue surrounding the location of the journal itself is trickier, since the physical location of an academic journal is itself hard to pin down. The publisher is in one location; the editor-in-chief is often at another location; and the various other editors in still other locations. When McGee moved to Texas from Kansas City, he apparently began using an address in Houston other than his Celltex address as the return address for AJOB correspondence. Based on this, he now says that the journal itself did not relocate to Celltex, even though he was working full-time for Celltex. To be honest, this seems like spin to me, but if it is a big issue, it could easily be fixed by saying that the editor of the journal relocated to the offices of a stem cell company in Texas.

CELLTEX CRITICISM:

Another example: Your article refers to Dr. McGee's "dubious 'bio-ethics investigation' of two deaths linked to the South Korean firm that's involved with Celltex."

Fact: McGee did not conduct an investigation of deaths, but rather a study of the ethical practices of RNL therapeutics.

ELLIOTT RESPONSE:

I used the phrase "bio-ethics investigation of two deaths," and the objection is that it was a study of ethics rather than the deaths. The fact is, the only reason for his study of RNL's ethical practices was the deaths of two patients. Here is what [the ICMS press release said](#): "As a result of findings uncovered during the investigation into the patients' deaths, the ICMS initiated an on-site evaluation of ethical and clinical practices of RNL Bio, conducted by Dr. Glenn McGee, John B. Francis Endowed Chair of Bioethics at the Center for Practical Bioethics." Further, McGee commented on the deaths in the press, as I noted in the article. I can't see how anyone can plausibly object to the phrasing I used.

CELLTEX CRITICISM:

Your article says: "The possibility that RNL treatments were killing patients also prompted a private-sector inquiry."

Fact: The International Cellular Medicine Society is a not-for-profit society of clinicians and scientists, not a for-profit entity, or as later misstated, an "industry group." Elliott makes no attempt either to be clear regarding the use of "private sector" or to justify the claim as to ICMS being an industry group, the definition of which would seem to be fairly clear. Dr. McGee's research in Korea on the matter of RNL resulted in no payment to him or any business he owned or owns. He conducted the investigation under a grant from ICMS to the Center for Practical Bioethics.

ELLIOTT RESPONSE:

The phrase "private sector" is commonly used as a contrast to "public sector." Here, the use of the phrase was meant to contrast the ICMS inquiry to the inquiry by the Korean FDA. ICMS is not part of the public sector. It is a body made up primarily of stem cell providers. It seems fair to characterize this as an industry group. In fact, Nature refers to it as [a stem cell lobby group](#).

Also, I did not claim in the article that McGee got paid for his work for ICMS. In fact, I did not even know that ICMS gave a grant to the Center for Practical Bioethics for his investigation. It would be interesting to know how much that grant was.

CELLTEX CRITICISM:

Your article says "the head of the South Korean company, Ra Jeong Chan, was himself a member of one of the society's advisory boards
<http://web.archive.org/web/20101120195016/http://cellmedicinesociety.org/home/boards-and-councils/lab-advisory-board> ."

Fact: Dr. McGee has no knowledge as to whether Dr. Ra served on boards.

ELLIOTT RESPONSE:

I did not claim that McGee had such knowledge.

CELLTEX CRITICISM:

Your article says, "The choice of McGee to lead an ethics investigation was equally inauspicious."

Fact: At the time of this request, McGee had served or was serving on: the U.S. Food and Drug Administration's cellular and molecular devices panel, the stem cell planning working group of the NIH genome project ethical legal and social issues division; as director of the ethics advisory board of the largest stem cell company in the world (Advanced Cell Technology); as advisor to several US states and several nations, including the UK on stem cell policy (in the latter case as Atlantic Fellow in Public

Policy); and had lectured on stem cell ethics in named lectureships at more than a dozen universities, including Harvard Law School (twice) and Yale Law School. By the time of this work he had also published a large volume of oft cited peer reviewed articles on stem cells including the key publication on stem cell fraud in South Korea, published in Science. He had initiated and participated as an instructor in ethics training in stem cells for the NIH at the University of Pittsburgh and taught a course on stem cell policy twice at the University of Pennsylvania. As Journal editor he had overseen a special issue on stem cell tourism that has been roundly described as definitive and praised by — among others — Doug Sipp, who is cited in this story. What counts as a fact-check for an "auspicious choice"?

ELLIOTT RESPONSE:

I am not sure how to respond to an objection to the word “inauspicious.” It does seem like an accurate description.

CELLTEX CRITICISM:

Your article says Dr. McGee was "fired from his next job at the Albany Medical College for allegedly forging the signatures of three co-authors <http://www.scientificamerican.com/article.cfm?id=glenn-mcgee> on a paper submission, engaging in an extramarital affair with a junior colleague (who is now his wife), exaggerating his credentials, and misleading prospective employees <http://www.scientificamerican.com/article.cfm?id=bioethics-institute-picks> about their job prospects."

Fact: This is dangerously careless — and wrong. Dr. McGee was not fired from Albany Medical College. A tenured professor, he elected to leave and was not asked to do so, nor had action been taken to sever his employment. McGee ceased to act as director or Balint Chair at Albany Medical College, a far sight from being fired. More important the list of reasons "for" which McGee was allegedly fired were never alleged against Dr. McGee by Albany Medical College but were rather the speculation of the author of the cited essay from SciAm.com <http://SciAm.com/> . Each of those claims was disputed on that site, and particularly as to the charge of forgery, disputed by the authors whose approval of a manuscript was allegedly forged. McGee could have, if asked, provided email substantiating this, but published accounts also attribute to the same persons the description of that matter as a "misunderstanding," for which all authors have acknowledged partial responsibility. Elliot's own source, sciam.com <http://sciam.com/> 's article author, repeatedly states that the reason for McGee's change in status from center director to tenured professor is unknown.

It is thus obvious that Elliott knew his statements to be both false and his description of the firing is intended to establish a defamatory description of McGee's "inauspicious" standing. He omitted among other crucial facts of which he was aware (via the same source), including that McGee had filed suit against the Medical College after his voluntary departure from Albany Med, alleging that the college had failed to honor a severance agreement, the substance of which is posted from this and in the public record, and filed papers that specifically alleged retaliation by Albany Med against him for among other things his whistle blowing about a study that Dr.McGee had described as unethical in Nature and within the institution. The cancellation of that study (it was noted) had a huge impact on the College's funding for emergency research.

ELLIOTT RESPONSE:

I am not sure why McGee objects so strongly to the word “fired.” Here is what McGee himself claims [in the legal action that he refers to](#) above:

16. On or about May 14, 2008, AMC informed Dr. McGee that he would no longer serve as the director

of the Alden March Bioethics Institute and would no longer hold the John Balint Chair in Bioethics.

17. On or about May 14, 2008, AMC also offered Dr. McGee a severance agreement pursuant to which Dr. McGee's employment would be terminated effective December 31, 2008

19. Pursuant to the terms of the severance agreement AMC agreed to relieve Dr. McGee of his job responsibilities, while still paying his salary and benefits through December 31, 2008.

The phrases “terminated” and “relieved of job responsibilities” seem roughly equivalent to “fired.” Here is a link to the complaint:

I would also add that I am not the first person to say he was “fired.”

Here [is Scientific American:](#)

McGee, 40, who was fired as head of the institute and lost the John A. Balint Endowed Chair on May 14 but remains a tenured professor there...

After three rocky years under the leadership of bioethicist Glenn McGee, faculty members at the Alden March Bioethics Institute (AMBI) at the Albany Medical College are breathing a sigh of relief that he was sacked.

Here [is the Albany Times Union:](#)

White succeeds Glenn McGee, who was fired from the position nine months ago under a cloud of controversy.

That said, there is one factual error in that sentence that crept in during the editorial process and which I failed to detect, and that is the word “because.” While the *Scientific American* articles did report as fact all of the incidents that I wrote about as allegations, it did not say that these incidents were the reasons he was fired.

CELLTEX CRITICISM:

The article says: "In any case, the decision to conduct a bioethical inquiry post-hoc was unusual in the field"

Fact: On what basis does Elliott make this claim? He doesn't give one, and it is widely known that several of the most prominent bioethicists in the US created a not-for-profit company, advertising review of stem cell companies at any stage. More important Dr. McGee was not the only ethicist conducting post-hoc study of RNL; ethics evaluation is prominent in the only investigations of RNL that mattered, those conducted by the Korean Ministry of Health and the Korean FDA, inquiry that has been noted in English-language Korean newspapers but that Elliott does not mention."

ELLIOTT RESPONSE:

I'll stand by this claim. Neither I nor any of the colleagues I consulted can think of an inquiry similar to the one McGee conducted. The only parallels that come to mind are the full-fledged national commissions convened to look at ethical scandals, such as the [Advisory Committee on Human Radiation Experiments](#) put together by President Clinton. In rare cases, an institution may ask for an external investigation after a scandal. I believe that the University of Pennsylvania did this following

the death of [Jesse Gelsinger](#) in a gene therapy trial.

It is telling that McGee himself cannot come up with any plausible parallel. The not-for-profit company he refers to (but does not name) cannot be quite as “widely known,” as he claims. The only candidate I can come up with is a company called The Stem Cell Advisors. If that company routinely conducts post-hoc investigations of ethics practices surrounding a death, I would be surprised.

As for the claim that I failed to mention the investigation by the Korean FDA: I wrote that “Korean authorities” were investigating the deaths, and I linked to an article in *Nature* that identified those authorities as the Korean FDA and health ministry.

CELLTEX CRITICISM:

The article says: "When Freeman and McGee finished up the investigation in December 2010,"

Fact: McGee did not participate in forensic epidemiologist Dr. Freeman’s investigation, nor exonerate anyone, and no evidence to the contrary was given.

ELLIOTT RESPONSE:

I did not claim that McGee participated in Freeman's investigation. In fact, I specifically noted later in the article that the extent of his participation in the full investigation was unclear.

CELLTEX CRITICISM:

The article says, "Soon after the bioethics investigation report was issued, Sipp pointed to its alarming superficiality, noting in particular the troubling contribution made by McGee."

Fact: Elliott is simply wrong. Sipp made comments regarding what he believed was McGee's report some time ago. McGee informed Sipp that he was making reference and linking to something that was not McGee’s report. Sipp apologized on his blog, corrected the link, and made no subsequent negative statement as to the *actual* report. Elliott’s description of Sipp’s reaction to McGee’s report is glaringly false and Elliott was clearly aware that Sipp had corrected himself, as Elliott has twittered Sipp's posts numerous times.

ELLIOTT RESPONSE:

This is misdirection and evasion. Sipp posted at least twice on the RNL and [Celltex scandals](#), and it is quite clear that he is criticizing McGee. Here is what he writes in a post titled [Stem Cell Graft, Texas-style](#):

RNL sailed through the initial media storm surrounding those deaths thanks in large part to a cozy "investigation" of the company's practices led by current ICMS president Michael Freeman (a chiropractor and epidemiologist), and leading bioethicist (and then-ICMS board member) Glenn McGee. Their initial conclusions received widespread media coverage, after being posted relentlessly to free web PR sites and picked up by CNN, which proclaimed that the Korean company had been "cleared."

Now, it is true [the initial post](#) by Sipp on *Stem Cell Treatment Monitor* was a little confusing, since Sipp criticized McGee but mistakenly linked to Freeman's report. But if you read that post, you can see his correction and McGee's comments.

In addition, I contacted Sipp and asked him to comment specifically on McGee's portion of the report,

just to make it clear that I was not pulling a misleading comment from his blog. That is the comment that I used in the piece.

CELLTEX CRITICISM:

The article says, "so opaque and evasive as to be almost unreadable. He studiously avoids any reference to the actual concerns that most bioethicists have about stem cell treatments: their potential dangers, the absence of evidence that they improve health, the unwillingness of their providers to go through proper regulatory channels, and—as a result of all that—the high risk of their being used to exploit vulnerable patients. Instead, McGee makes a number of soft recommendations."

Fact: This is false. McGee took up issues of patient therapeutic misconception, the entire structure of the RNL system (at that time), the necessity of working with the peer-reviewed bioethics community to conduct continuing self-review of the significant changes he proposed. That McGee did not baldly state the ideology of Elliott, namely that adult stem cells are manifestly unsafe and ineffective, which Elliott attributes to 'most' bioethicists, is absurd. He neither demonstrates that most bioethicists hold this view nor demonstrates that these are the critical bioethics issues, and he certainly does not meet the burden of showing that McGee “studiously” (i.e., deliberately) avoiding anything.

ELLIOTT RESPONSE:

The report speaks for itself. If you can find any reputable bioethicist unconnected to McGee who will defend this report, I would be very surprised. In fact, I doubt you can find many people who understand what he is attempting to say.

I did not claim in the article that adult stem cells are manifestly unsafe and ineffective. What I did claim is that the primary ethical questions to be investigated regarding RNL practices concern the safety and effectiveness of the stem cell treatments. What concern most observers about companies like RNL Bio -- which refuse to conduct well-designed clinical trials of their products -- is the danger that they will harm vulnerable patients.

CELLTEX CRITICISM:

The article says, "In February 2012, for example, the Texas Medical Board cleared the way for RNL to sell its products via Celltex, against the wishes of the U.S. Food and Drug Administration."

Fact: In yet another crucial link in his "argument" that McGee traded lives for a job, Elliott misstates the Texas Medical Board's actions completely. It has passed no rule, and even the rules under consideration would not clear the way for RNL to sell anything (they don't speak either to sale of materials or to international trade). Elliott's claim that RNL sells things through Celltex is false. Elliott's claim that the U.S. Food and Drug Administration has expressed wishes concerning Celltex is unsourced and it is preposterous to think that Elliott knows what the FDA “wishes” about Celltex.

ELLIOTT RESPONSE:

The FDA has made it clear that it believes that stem cell treatments are subject to FDA regulation. It claims that stem cell treatments are like **drugs or biologic products and must therefore comply with premarketing approval requirements like any other drug or biologic product**. Stem cell companies, in contrast, have contested this claim. They argue that stem cells come from the human body and should thus be exempt from FDA regulation. The key case making its way through the courts right now is [FDA vs. Regenerative Science](#).

I used the phrase “cleared the way” to describe the set of draft guidelines passed by the Texas Medical

Board authorizing Texas doctors to provide stem cell treatments under certain conditions, even though such treatments have not been approved by the FDA, and even though the FDA is claiming in court that it has the authority to regulate them. It seems fair to say that the Texas Medical Board decision was “against the wishes of the FDA.” The *Texas Tribune* characterized the ruling like this: “[Texas Medical Board gives early OK to adult stem cell rules.](#)”

That said, it remains to be seen how much of a “clearing” the Texas Medical Board has actually given. It depends on how you interpret what they have written, and whether they are given final approval by the board in April. My initial reading was the stem cell treatments could be given outside of an FDA-approved clinical trial as long as an IRB approved the treatments. But after some correspondence with a spokesperson for the Texas Medical Board, it appears that the IRB approval must be for a clinical trial. This would be a more restrictive approach, and it would probably rule out the kind of treatments that, at least according to *Nature*, Celltex is already authorizing physicians to administer.

As for whether RNL would be “selling” its products: well, the company operates on a fee-for-service basis. It either charges customers for its products, or licenses the technology to other companies who charge customers for the products. It seems fair to characterize this as “selling.”

CELLTEX CRITICISM:

The article says: "conflicts of interest raised by housing the *American Journal of Bioethics* at Celltex. In response, a number of confusing and conflicting statements were issued by Celltex <http://www.prnewswire.com/news-releases/celltex-announces-glenn-mcgee-phd-as-president-of-ethics-and-strategic-initiatives-139217394.html> , McGee <http://www.scribd.com/doc/81588521/Glenn-McGee-LinkIn-Post-AJOB-Retirement-Announcement-First-Version> , and the editorial staff of the journal <http://www.free-press-release.com/news-the-american-journal-of-bioethics-names-new-editors-1329463410.html> . McGee announced that he was resigning as editor, and that his wife would share his vacated spot on the masthead with a scholar at Stanford."

Fact: Again, Celltex does not house AJOB, and never has. The matter of McGee’s wife being appointed has been clearly addressed by Taylor & Francis publishers and the editors of the Journal and McGee has been very clear, as has new Co-Editor-in-Chief Dr. David Magnus, that McGee had absolutely nothing to do with the appointment of his wife Dr. Summer Johnson-McGee, who was already serving as Executive Editor of the Journal and was appointed by Taylor & Francis at the request of Dr. Magnus. No evidence to the contrary has ever been presented.

ELLIOTT RESPONSE:

Again, this strikes me as spin and evasion. Let me take up his statements one by one.

I wrote, “McGee announced that he was resigning as editor, and that his wife would share his vacated spot on the masthead with a scholar at Stanford,” all of which you can find in the announcement, which McGee [posted on his LinkedIn page](#).

I wrote that Celltex, McGee and the *AJOB* editors issued a number of “conflicting and confusing statements.” Many of these were issued and quickly pulled down from the web, but they have been archived [by my colleague Leigh Turner](#). I think it is fair to characterize them as confusing and conflicting.

As for whether the *American Journal of Bioethics* was housed at Celltex: well, of course, this is

precisely what it is at issue in the entire scandal. McGee has claimed that he never really edited *AJOB* while working for Celltex, and he appears to have tried to manipulate the online record to make this appear true. Apparently, he also wants to argue that because he used a separate office and mailing address to edit *AJOB*, there was no conflict of interest.

CELLTEX CRITICISM:

FACTUAL INACCURACIES REGARDING SOURCE:

Then Elliott turns for his final comments to John Lantos, who hammers the idea that a journal editor could be affiliated with a pharma or stem cell company, resigning with much fanfare. But Lantos does not state and Elliott does not reveal that more than a month before he claims to have resigned in outrage at these plans, Lantos had emailed the editors to ask about McGee moving to Celltex and his editorship. He was informed that McGee had decided, in November, to resign, and that the plan being negotiated with the press was for Magnus and Summer McGee to take over. Lantos replied plainly that this sounded fine to him and he was glad a plan was in place. It is incredible to McGee that Lantos would engage in such deception but the facts are clearly documented in Lantos' emails.

ELLIOTT RESPONSE:

I have never seen these emails he refers to. I simply quoted the public statement that Lantos made.

CELLTEX CRITICISM:

UNDISCLOSED ANALAGOUS CONFLICT OF INTEREST OF THE AUTHOR:

Elliott does not disclose that he was one of two subjects in a very prominent, peer-reviewed article in *The American Journal of Bioethics* entitled "Lessons in Conflict of Interest: the construction of the martyrdom of David Healy and the dilemma of Bioethics"

(<http://www.ncbi.nlm.nih.gov/pubmed/16036648>) which was published while McGee was Editor and resulted in much discussion of whether or not Elliott had facilitated the alleged efforts of David Healy to push a competitor drug to SSRIs through a series of articles he authored or co-authored.

ELLIOTT RESPONSE:

It is true that *AJOB* published an article attacking the psychiatrist and industry critic David Healy in 2004, and it is also true that the author, James Coyne, had some especially blistering things to say about me. For instance, he compared me to a drug mule. But I can't see how being mentioned in a critical *AJOB* article in 2004 constitutes a conflict of interest.

What McGee does not mention is that I quietly resigned from the editorial board of *AJOB* in 2002 after becoming suspicious that the editors were hiding financial conflicts of interest. And of course, I have been highly critical of bioethicists working for the pharmaceutical industry over the years. In fact, I have published [articles about the issue](#) in *Slate*.