



HealthWatch

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“GAGGING” OF INDEPENDENT EXPERTS OVERTURNED IN FRANCE

TWO FRENCH public health experts are celebrating triumphs in the courts after devastating decisions were overturned recently. Both have fearlessly taken high profile and controversial stands on several public health issues, and look set to continue to do so.

Alain Braillon was a tenured senior consultant who had written or spoken publicly on several topics including prostate cancer screening and the power of the tobacco and alcohol lobbies. In December 2009 he was sacked from his post at Amiens University Hospital by a few members voting through an unscheduled agenda item at the hospital board. To his horror, the National Management Centre (France’s counterpart to the UK’s Department of Health) then supported the sacking, despite the fact that 70% of the health officials voted against his dismissal. Braillon was not given the opportunity to be present nor to defend himself at this appeal meeting.^{1,2} Regional programmes he had been conducting, including work helping smoking cessation for pregnant women, the prevention of perinatal transmission of hepatitis B virus infection and the management of suicide attempts were suddenly stopped.³

For two years Braillon fought the decision. Finally, on May 10, 2012, the Paris Administrative Court cancelled the decision of the Ministry of Health which had fired him. The judgment notes that the abolition of his post had been illegal.

Dr Braillon is delighted that his name has been cleared, and is ready for his new life. However, he says, “My team and the programs I ran for the patients are all destroyed. As for my grants of more than €75,000, it is impossible to obtain information about where the money is now.”

Meanwhile his more senior colleague Gérard Dubois, a professor of public health at Amiens University Hospital and a past recipient of his country’s Legion d’Honneur for his work with anti-smoking legislation, has also enjoyed satisfaction. In an unrelated action, in November 2009 he was sued for libel by the French tobaccoists’

union because he had stated on TV that cigarettes kill two smokers a year for every tobaccoist.¹ Denied support from his own university, he was supported in his fight by a non-governmental organisation, “Comité National Contre le Tabagisme”. The French tobaccoists lost the case. When the tobaccoists went before the Court of Appeal in November 2011 their claim for damages was rejected.

According to Braillon, the tobacco industry’s influence on Sarkozy’s government and French administration has been deadly, with tobacco sales levelling off between 2004 and 2011 and prevalence of daily smoking rising from 27.1 % in 2005 to 29.1 in 2010.⁴ Such trends are an exception among developed countries, where sales and use of tobacco are falling steadily.

“There is a constant need to put pressure on governments to adopt or scale up appropriate policies. Tobacco control needs public health experts who are independent of commercial interests,” says Braillon.

Mandy Payne

References

1. Braillon A, Dubois G. Whistleblowing and the abuse of libel law: a view from France. *Healthwatch Newsletter* October 2010, issue 79.
2. Lee SS. The power of one and saving private Braillon. *Liver Int* 2012;**32**(1):1.
3. Benkimoun P. Dr’s sacking is a setback for French public health, supporters say. *BMJ* 2010;**340**:c711.
4. Braillon A, Mereau AS, Dubois G. [Tobacco control in France: Effects of public policy on mortality.] *Presse Med* 2012;**41**(7-8):679-81.

DIARY DATE: The 2012 HealthWatch Annual General Meeting will take place on the evening of Tuesday 23rd October at the Medical Society of London, Chandos Street

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