RANDOM SAMPLES

edited by CONSTANCE HOLDEN

Varmus Scraps Drug-Pricing Clause

It's not often that you'll catch drug company executives saying something nice about a federal official, but last week they were singing the praises of Harold Varmus, director of the National Institutes of Health (NIH). The reason: Varmus has done away with a 1989 policy that calls for NIH to review license agreements and joint research projects with industry to see that prices charged for medical products are "reasonable."

Varmus said in a statement issued on 11 April that NIH shouldn't be involved in pricing decisions and that in any case it is ill-equipped for such a role. More importantly, he said, the pricing clause—even though NIH has never taken action under it—"has driven industry away from potentially beneficial scientific collaborations" with Public Health Service (PHS) scientists.

The Bush administration adopted the fair-pricing language 6 years ago in response to pressure from patient advocates who objected to the cost of the AIDS drug AZT, discovered at NIH and later manufactured by Burroughs Wellcome. But last year biotech leaders persuaded Varmus to take another look at it. After public reviews showing that most speakers favored some change in the rule, Varmus decided the pricing language should be removed from both NIH and PHS guidelines. He also rejected language that would have promised patients "reasonable access" to NIH's discoveries.

Carl Feldbaum, president of the Biotechnology Industry Association, calls Varmus's uncompromising decision an act of "political courage." Pfizer executive Paul Armond says the new policy "will really change the attitude" of people in industry, who had "discarded out of hand" any prospect of collaboration with NIH scientists. But consumer advocate James Love of Ralph Nader's Taxpayer Assets Project branded Varmus's ruling a "sellout" to a "naked grab for profits" by drug companies. Love says his organization plans to demand more case-by-case public reviews of NIH drug-development agreements in the future.

Transplant Surgeon Indicted

Former University of Minnesota transplant surgeon John Najarian will likely stand trial for his role in marketing an experimental anti-rejection drug, ALG, without proper approval from the Food and Drug Administration (FDA).

Indictments handed down by a federal grand jury on 6 April charge that Najarian knowingly deceived the FDA when he failed to report nine ALG-related deaths, did not tell patients they were receiving an experimental drug, and was engaged in a conspiracy aimed at "enhancing [his] personal power and prestige through financial gain."

Antilymphoctye globulin, or ALG, a favorite drug of transplant surgeons, was made and sold by the University of Minnesota under Najarian's direction for two decades (*Science*, 17 December 1993, p. 1812). Najarian first developed the drug in the late 1960's, and clinical studies were approved in 1971. But ALG never moved beyond its status as an investigational new drug, and as such it was subject to strict FDA reporting requirements and marketing restrictions. But, say authorities, Najarian neglected these rules while the surgery department took in as much as $79 million from ALG sales before the program was finally put on hold in 1992. The ALG program's former director, Richard Condie, was also indicted.

Najarian was removed as chair of the university's surgery department, which he helped make one of the nation's best, after a government investigation began 3 years ago. He resigned his tenured appointment this February after a university review panel charged him with professional misconduct.

Najarian has maintained he is innocent of all charges. His lawyer, Peter Thomson, says the trial will show that "[the FDA] knew all about ALG, and they approved of it." Najarian continues to treat patients at the university hospital, but he could end up behind bars, facing not only a possible $3.5 million in fines, but 81 years in prison.

DNA Testing Detente?

DNA forensics expert Bruce Weir, a population geneticist at North Carolina State University who is expected to testify for the prosecution in the O. J. Simpson trial, agrees with Nobel laureate Kary Mullis, a defense DNA expert, that there is a better way to do DNA testing than the techniques used in the Simpson case.

As Weir explains in an interview posted on the Access Excellence home page for high school biology teachers—an ambitious, $10 million project launched last month by biotech firm Genentech—sequencing mitochondrial DNA base pairs, which was not done in the Simpson case, would be "the ideal" way to identify a person from a blood sample. This is just the argument Mullis has made (*Science*, 7 April, p. 22). But there's a difference between the two: Weir says the techniques used in the Simpson case—polymerase chain reaction and restriction fragment length polymorphisms—are still very powerful identifiers. "There are very few people ... who remain critical of DNA profiling," said Weir.

NEWS FROM THE NET

The home page, at http://www.gene.com/ae, allows teachers to swap lesson plans, chat with scientists, and, as the Weir interview shows, catch up on the latest science news.

K.M. WARKENTIN

Bailing out. Hatchlings slide off leaf as snake goes after egg clutch.

Adaptive Hatching

Fledgling birds are known to fly out of the nest early when threatened by a predator. But the red-eyed frogs of Costa Rica do those birds one better: If a snake threatens the clutch, they make a break for it—literally—quickly hatching and escaping to the water below.

Karen Warkentin, a doctoral candidate in zoology at the University of Texas, Austin, says, "This is the only case I'm aware of [of] predator-induced hatching." Warkentin reports in the April *Proceedings of the National Academy of Sciences* that when she put egg clutches in cages with their predator, the cat-eyed snake, eggs that were old enough to hatch (5 days) hatched in moments. The hatchlings then dropped into their next habitat, the pond below. Warkentin calculated that these early-hatched tadpoles enjoyed a 74% "escape rate"—compared to only 21% for a closely related species that apparently is unable to hatch on demand. The stimulus, she says, seems to involve pressure on the eggs.

Ornithologist Gordon Orians of the University of Washington, Seattle, says that while changes in a vertebrate embryo's environment, such as warming, may speed up hatching, "it doesn't appear that these responses are adaptive." Thus, he says, Warkentin's experiment may be the first to exhibit hatching behavior "that might improve survival."