

Letter to the editor: response to Katherine Rich

Jennie Connor

The purpose of my recent editorial¹ was to inform *New Zealand Medical Journal* readers about the conclusion of the recent Whale Oil defamation case and its connection to some broader issues for the health of New Zealanders. In common with many other parts of the world, the size of the public health problems caused by production, promotion and sale of unhealthy commodities (eg, tobacco, unhealthy food, alcohol, environmental contaminants, oil) is staggering. I wanted to remind health professionals that they are in a strong position to advocate for better policy to reduce the harm, and to support their colleagues who come under attack while doing this work.

Ms Rich's response to the editorial² has pointed to things I didn't include in it. I didn't give a comprehensive account of the trial, I didn't claim to have written the case study paper, I didn't explain that two of the plaintiffs were not mentioned in *Dirty Politics*, and so on. However, details of the trial have been reported in a range of other media including the articles referenced in my editorial, and readers who are interested in Ms Rich's own account can find a full and sympathetic interview reported in the *New Zealand Listener*.³

I would like to briefly address the factual errors inadvertently included in Ms Rich's letter.

First, the "case study" paper published in 2018 and subject to vigorous legal challenge from the New Zealand Food & Grocery Council has been permanently withdrawn, rather than "republished".

Second, the assertion that "both the State Services Commission and the Office of the Auditor-General found there was no basis to the conflict of interest allegation that had been made by professors Connor and Sellman at the time" is incorrect on at least two counts. The request for investigation was not made by professors Connor and Sellman, but by a group of 34 senior population health researchers and practitioners, 33 of whom had first written to then Prime Minister John Key about their concerns, as reported in the media at the time.⁴ More importantly, the State Services Commission (SSC) did not find there was "no basis" to the concerns raised about conflict of interest. The SSC did not conduct any investigation in response to the request, because it did not have authority to do so.

The SSC advised that the Office of the Auditor-General (OAG) had investigated conflicts of interest involving Crown entities several times in the past, so the group of health professionals wrote to the Auditor-General. The OAG response was more discursive, but included this: "We have considered the issues raised, obtained and reviewed relevant documentation, and spoken with the chair and chief executive of the HPA. We have not found it necessary to interview Ms Rich. We are satisfied there are no matters we need to investigate further." Thus, there was no substantial investigation carried out and no judgment that the concerns were baseless, but the OAG letter (which is available online⁵) did make it clear that New Zealand law provides few safeguards to protect policymaking from commercial conflicts of interest.

Competing interests:

Nil.

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