

Legal fears strike at late abortions

MJA Women in Australia are being denied prenatal testing and terminations for fetal abnormality because clinicians fear prosecution for late-term abortions.

The claims have been made by Associate Professor Lachlan de Crespigny, the obstetrician at the centre of one of Australia's most controversial abortion cases.

Last year he revealed he had been involved in a termination at 32 weeks' gestation after the woman threatened suicide because the fetus had skeletal dysplasia.

He and five doctors working at Melbourne's Royal Women's Hospital were cleared of unprofessional conduct by the Medical Practitioners Board of Victoria.

Writing in the latest *Medical Journal of Australia* (21 January), Professor de Crespigny and co-author Professor Julian Savulescu, a leading ethicist, said legal confusion meant doctors believed they ran the risk of facing unlawful abortion charges after 12 weeks' gestation, with the greatest legal risk after 20 weeks.

They cited the case of a woman who was 20 weeks' pregnant when doctors discovered inoperable heart tumours in the fetus.

Although the woman was referred for an abortion, they said the hospital refused to perform the procedure, instead referring her to its ethics committee.

With no date for the termination, the woman was secretly given details of a private abortion clinic by a staff member, where the procedure cost about \$4000. She subsequently had a nervous breakdown.

"Access to prenatal testing and termination depends not on maternal or fetal considerations but on where a woman happens to receive care, her personal resources, and the values and attitudes of the doctor, institution or ethics committee into whose hands she happens to fall," the authors wrote.

Paul Smith

MJA 2008; 188:100-03.

Primary, Symbion battle played out in press ads

BY SOPHIE McNAMARA

PRIMARY Health Care and Symbion Health played a spot-the-difference advertising campaign in the press last week as the battle for Symbion continues.

The 'ad-off' began last Monday when Primary placed large strip advertisements, estimated to have cost at least \$5500 each, in the general news section of several newspapers, including the *Sydney Morning Herald* and the *Australian*.

The ad urged Symbion shareholders to accept Primary's \$4.10 per share cash offer for Symbion through the use of a syringe image and the words, "With falling sharemarkets and uncertain times, seek a cash injection before it's too late".

Later in the week Symbion responded with ads mirroring the style and medical metaphors of the Primary ads that stated: "When it comes to a cash injection, you should be entitled to a full dose".



Symbion retaliated to Primary's original ad (right) by suggesting shareholders might not receive the "full dose" if they accepted the \$4.10 per share offer.

tion, you should be entitled to a full dose".

Mr Brent Mitchell, research manager at Shaw Stockbroking, said it was not unusual for large companies to play out a takeover contest through press ads.

He said Primary was playing on fears about the depressed market, and said the current climate could encourage Symbion shareholders to accept the \$4.10 offer.

Alternatively, shareholders might see it as an opportune

time to sell their Primary stock and purchase other, depressed, stock, he added.

Primary's current offer is conditional upon receiving at least 90% acceptance from Symbion shareholders. Last week Primary's total interest in Symbion was at 38%, which included 16% of Symbion shareholders who had indicated their acceptance of the offer, but this support could be withdrawn.

Mr Mitchell said the rate of acceptances was "a crawl" and

said the ad campaign was an attempt to improve the situation.

Earlier this month Primary extended the closing date on its offer to 7 February.

Mr Mitchell said he believed hospital operator Healthscope and Primary might pursue a joint bid for Symbion or some division of Symbion assets, but negotiations could only begin after 26 January because of a clause in a previous Symbion-Healthscope deal.

Question mark over statin combination

LONG-awaited data on ezetimibe/simvastatin (Vytorin) has failed to show any effect on carotid intima media thickness compared with simvastatin alone, raising doubts about the combination's impact.

Patients with familial hypercholesterolaemia were randomised to the combination or simvastatin, according to data released by Merck and Schering-Plough, but the study found no significant differences in carotid intima media thickness between the two groups.

There was a statistically significant difference

in LDL cholesterol lowering, with a 58% reduction observed in the combined group versus 41% in the statin group.

US authorities are investigating concerns the companies delayed the release of the study results, but a Merck Sharp and Dohme Australia spokeswoman said more than 30,000 carotid artery images had to be examined for the trial, which took much longer than expected.

Lipid specialist Associate Professor David Sullivan, from Sydney's Royal Prince Alfred Hospital, said the results were a little surprising

and "put a question mark on the horizon" for the drug combination, although he stressed that the latest research was not an endpoint study.

"We've come to regard the protection against cardiovascular disease as being broadly proportional to reduction in LDL levels, and would have expected a benefit," he said.

Professor Sullivan said other studies were examining the combination drug and questions raised by the latest data would have to be re-evaluated when these were reported.

Bianca Nogrady



Kids' nutrition is so