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Court Finds No Link Of Vaccine And Autism

By DONALD G. MCNEIL JR.

In a blow to the movement arguing that vaccines lead to autism, a special court ruled on Thursday against three families seeking compensation from the federal vaccine-injury fund.

Both sides in the debate have been awaiting decisions in these test cases since hearings began in 2007; more than 5,000 similar claims have been filed.

In the three cases, each decided by a judge called a special master, the court found that the families had not shown that their children's autism was brought on by substances in the vaccines -- either the measles virus in the measles, mumps and rubella vaccine, or its combination with thimerosal, a mercury-based preservative that was used in most childhood vaccines until 2001.

In a case pitting the family of Michelle Cedillo, a severely autistic child, against the Department of Health and Human Services, the judge ruled that the Cedillos had "failed to demonstrate that thimerosal-containing vaccines can contribute to causing immune dysfunction, or that the M.M.R. vaccine can contribute to causing either autism or gastrointestinal dysfunction."

In his decision, the special master, George L. Hastings Jr., ruled that the government's expert witnesses were "far better qualified, far more experienced and far more persuasive" than the Cedillos'. Although the family had to show only that the preponderance of evidence was on their side, Mr. Hastings ruled that the evidence was "overwhelmingly contrary" to their argument.

While expressing "deep sympathy and admiration" for the family, he ruled that they had been "misled by physicians who are guilty, in my view, of gross medical misjudgment."

The other two special masters, Denise Vowell and Patricia Campbell-Smith, rendered similar decisions in cases involving two other children, William Y. Hazlehurst and Colten Snyder.

The judges considered 5,000 pages of testimony from experts and 939 medical articles.

Lawyers for the plaintiffs have indicated they will appeal. Pediatricians and government agencies welcomed the rulings.

"Hopefully, the determination by the special masters will help reassure parents that vaccines do not cause autism," the Health and Human Services Department said in a statement.

Dr. Michael T. Brady, a pediatrician in Columbus, Ohio, who is a spokesman for the American Academy of Pediatrics, said the academy was "obviously very satisfied" with the rulings and hoped that they would mean that pediatricians would meet less resistance from parents over vaccinating children.

In contrast, J. B. Handley, the founder of Generation Rescue, which blames vaccines for autism, said the decision not to compensate the Cedillos was "an incomprehensible injustice."

Autism Speaks, which finances research and has sharp divisions among founding members on the vaccine question, said the rulings "do not mitigate the need for further scientific investigation."

The fund was created in 1988 to compensate children hurt by vaccines without the need for lawsuits against vaccine makers; a tax on all vaccines goes into it.

No one disputes that in rare cases, vaccines can cause shock, brain inflammation and death, especially in children with allergies or compromised immune systems. The law recognizes specified side effects for each vaccine; autism is not among them. It allows parents to make claims for other side effects, but sets specific criteria they must meet to show blame.

Last March, in a settlement reached in the compensation court, the federal government did concede that a young girl with autism had been damaged by vaccines. But the government and other experts said the case was not a precedent because the girl, Hannah Poling, had a number of unusual conditions that might have contributed to her disorder.