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The One Click Group

BY EMAIL ONLY

**NOT FOR PUBLICATION**

Our Ref: L23/ELMH

26 February 2009

Your Ref:

Dear Sirs

**Mr Bill Welsh – Complaint to the GMC and Essay by Martin J Walker**

We act on behalf of Professor David Salisbury CB, Director of Immunisation at the Department of Health.

We are aware that last year Mr Bill Welsh in his capacity as the President of the Autism Treatment Trust in Edinburgh submitted a complaint against our client to the General Medical Council ("GMC") on fitness to practice and professional conduct matters.

It has come to our client's attention that this complaint has now been published on the OneClickGroup.co.uk website at the following URL:

<http://www.theoneclickgroup.co.uk/news.php?start=2520&end=2540&view=yes&id=3139#newspost>

**The publication of a complaint to the GMC**

Your website did not ask for any comment from our client before publishing the complaint. Therefore our client was not given the opportunity to address his well founded concern about the publication of the details of a complaint made to the GMC.

As a matter of good practice this complaint should not have been published on the internet prior to it being considered by the GMC.

The complaint is made against 12 Doctors but it names our client throughout the body of the complaint. The complaint contains false and defamatory allegations against our client which we identify below.

We are also advised that the GMC is not intending to investigate the complaint and has closed their file.

For these reasons we require you to remove the complaint from your website immediately.

**Defamatory statements**

Allegations in the complaint made against our client suggest that our client has ignored evidence; relied on spin and unsubstantiated data to support his view on the MMR vaccine; acted unethically and recklessly; deliberately ignored evidence; acted as an accessory to a criminal act; lacks sound judgment; and that he has not acted in the best interests of children. These allegations are not only incorrect and false, but seriously defamatory of our client. They also seek to undermine our client in his professional capacity as the Director of Immunisation at the Department of Health.

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- In particular, the complaint makes a number of references to our client allegedly deliberately ignoring evidence which may affect the vaccination programme. For example:
  - Page 3 of the complaint states: *"There are over 100 studies, reviews and academic letters that point towards the plausibility of gut/autism, MMR/gut/autism.... Dr Salisbury has chosen to ignore or over-ride this accumulation of evidence"*.
  - Page 6 of the complaint states *"Several important papers and studies (4-10) were subsequently ignored by Dr David Salisbury..."*
  - Page 7 of the complaint states *"It is the senior officials listed in Appendix A [which include Dr Salisbury] who have elected to operate within a coterie, ignoring the existing and emerging facts"*.
  - Page 4 of the complaint states: *"The decision to withdraw single vaccines as a choice in 1998 marked a significant juncture in this debate and perhaps best illustrates Dr Salisbury's lack of sound judgment in face of the growing scientific and anecdotal evidence ...."*

These statements suggest that our client has deliberately and/or recklessly disregarded evidence which may point to a link between the MMR vaccine and autism. It is entirely incorrect, false and defamatory of our client to suggest our client has deliberately and/or recklessly ignored evidence. As Director of Immunisation it is our client's role to carefully consider any evidence which may affect the vaccination programme. To come to the view that there is no evidence of a link between the MMR vaccine and autism or bowel disease would necessarily entail reviewing the evidence available which has been done by a number of organisations and scientific bodies. As our client set out on the TODAY programme on Radio 4 on 6 February 2009, there have been many studies to show that it is not correct that there is evidence of a link between the MMR vaccine and autism or bowel disease.

Our client has also advised us that on 12 February 2009 the United States Court of Federal Claims Office of Special Masters delivered judgments in three test cases concerning the theory that MMR vaccines and thimerosal-containing vaccines in combination cause autism. In these test cases the petitioners failed to demonstrate causation between thimerosal-containing vaccines and the MMR vaccine in combination causing autism. The Petitioner's Steering Committee also withdrew their theory that the MMR vaccine alone can cause autism. The evidence relevant to that theory was heard in one of the test cases referred to above. The extremely detailed reviews by the Special Masters fully endorse the positions on MMR and autism taken by Professor Salisbury and the Department of Health.

- The complaint at page 14 also suggests that our client has *"demonstrated an inability to meet even the most basic of requirements of his position"*. It states *"The use of skewed data, political spin, and inappropriate science, rather than a thorough investigation of the public's concerns, based on clinical research, surely reveal a level of obstinacy over many years that make him unsuitable for his senior role in this civil service."* This statement suggests that our client is not only ill equipped and unfit to carry out his professional obligations, but has deliberately misled the public in so doing. This is not only totally false but clearly defamatory of our client.
- Page 11 of the complaint suggests that our client has acted unethically in advocating the use of a vaccination without clinical benefit and further suggests that the policy on Mumps and Rubella vaccinations may take the medical profession into the territory of criminal law. In support of this, the complaint cites the case of *Appleton v Garrett* (1995) which concerned a dentist who was sued for negligence and trespass in relation to alleged gross over-treatment. It was found that the dentist had unethically undertaken treatments that were unnecessary and the dentist misled the claimants as to why the treatments had to be performed. Had the dentist properly explained the treatments and the need for them, the claimants would not have consented. This case is entirely distinguishable on the facts to the policy of our client. Reference to this case concerning unnecessary and unethical

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treatment is not only totally misleading, but the suggestion that our client has acted unethically in advocating the use of vaccinations without clinical benefit is also clearly defamatory of him.

- The complaint suggests on page 8 of the complaint that our client is 'indifferent' to a particular group of autistic children. This is not only false but defamatory of our client, particularly given our client's professional background as a paediatrician.

We therefore require you to remove the complaint containing the defamatory comments from the website immediately. We also require within 7 days from the date of this letter an apology and retraction to our client to be agreed and an undertaking not to repeat the allegations or similar allegations.

### **Martin J Walker Essay – To Encourage the Others**

An essay titled "To Encourage the Others" by Martin J Walker was posted on the OneClickGroup website on 12 January 2009 at 16:24:19.

The essay contains defamatory statements about our client personally and in his capacity as Director of Immunisation at the Department of Health. The essay also makes a number of derogatory comments about the JCVI, an independent expert advisory committee which is internationally recognised as a leading body in the field of immunisation. The essay appears to suggest that our client is a current member of the JCVI which is incorrect. Our client is not currently a member of the JCVI nor ever has been.

At page 7 of the essay, Mr Walker refers to an episode of *Faulty Towers* and the comic character of Basil Fawlty. The essay then states:

*"A similar comedy about the JCVI, might begin with David Salisbury reminding everyone not to mention deaths and adverse reactions to anyone, from which a committee meeting moves on to consider a whole host of deaths and adverse reactions which have in some manner to be 'talked away'".*

Our client is an extremely experienced doctor who trained as a paediatrician and who is a member of a number of expert groups which advise on Vaccine safety and immunisation practice. To compare him to a comedy character and object of ridicule in this manner is clearly defamatory of our client. Further the reference means and would be understood to mean that our client would treat alleged 'deaths and adverse reactions' in a light-hearted manner. This amounts to a serious libel of our client. We note that the essay relies on quotes from JCVI meeting minutes which are publicly available documents. This does not demonstrate, as alleged, that our client, the JCVI or the government is engaged in any collaboration of secrecy on this issue.

At page 25 of the essay, Mr Walker writes:

*"The British Vaccine programme and those who guide it, run it and oversee it, presents one of the clearest examples of unaccountable, misguided and possibly criminal decisions made by a group of self-interested medical apparatchiks, in the history of British Medical Politics.....instead of opening the doors to accountability and a minimal democracy, the DH, the government and political appointees like Professor David Salisbury, shut the gates of Whitehall and like unhappy totalitarians went on buying shoes and having architects build monuments to their greatness while the nation's children suffered."*

This statement falsely suggests to a reader that our client would put his own interests or those of the government, namely its alleged "herd immunity" goal, before the safety of children. This is also defamatory as it falsely suggests that our client's ability to do his job is compromised by being a 'political appointment' and also that he is egotistical. Our client is not a political appointment. His appointment to the Department of Health was made through standard entry requirements into the Civil Service via open competition. Our client

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has served under two administrations. It also falsely suggests that our client has taken no steps to address concerns raised about the British Vaccination programme. The essay makes similar statements with reference to members of the JCVI. Mr Walker's essay considers the issue of vaccination damage which he is entitled to do. However he is not entitled to libel our client by making false and defamatory statements and present them as fact. Our client takes his responsibility as Director of Immunisation extremely seriously. The issue of childhood disease is an extremely important area of our client's work.

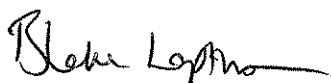
Our client was not approached for his comment about the contents of the essay. The defamatory references to and false statements about our client did not need to be included in the essay in order for Mr Walker to make the points he wanted to.

We therefore require you to remove the essay containing the defamatory comments from the OneClickGroup website immediately. We also require within 7 days of this letter an apology and retraction to our client to be agreed and an undertaking not to repeat the allegations or similar allegations.

The postings on the website have a wide circulation and have clearly been made to cause as much damage to our client's reputation as possible. Our client has no desire to get involved in expensive and protracted litigation; however, if you do not comply with these requests to remove the defamatory postings, our client will have no alternative but to take further action against you to protect his reputation. Such action will be taken without further notice. In the meantime, our client reserves all his legal rights.

We reserve the right to show this letter to the Court on the question of costs.

Yours faithfully

A handwritten signature in black ink, appearing to read "Blake Laphorn", with a long horizontal flourish extending to the right.

**Blake Laphorn**