Do the Journals Care about Clinical Research Ethics?

By Norman M. Goldfarb

It is well-established that articles based on false data or invalid methodology should not be published. However, it is possible to write an accurate article while engaging in unethical conduct. A recent article surveyed policies of major biomedical journals about publication of articles involving a broad range of unethical conduct, such as plagiarism, nondisclosure of conflict of interest, and misrepresentation of authorship.

If the results of a clinical trial are valid and have scientific merit, but the clinical trial violated ethical standards such as the principles set forth in the Belmont Report and Declaration of Helsinki, should the article be published? On the one hand, disseminating the information could save lives. On the other hand, publication may endorse the unethical conduct, eroding the foundations of clinical research and potentially costing lives in the long run.

Publication Standards

Three associations of journal editors with broad membership have policies on publication ethics with sections that pertain to the ethical conduct of clinical trials:

**International Commission of Medical Journal Editors (ICMJE).** When reporting experiments on human subjects, authors should indicate whether the procedures followed were in accordance with the ethical standards of the responsible committee on human experimentation (institutional and national) and with the Helsinki Declaration of 1975, as revised in 2000. If doubt exists whether the research was conducted in accordance with the Helsinki Declaration, the authors must explain the rationale for their approach, and demonstrate that the institutional review body explicitly approved the doubtful aspects of the study. (Section II.F)

**World Association of Medical Editors (WAME).** Documented review and approval from a formally constituted review board (Institutional Review Board or Ethics committee) should be required for all studies involving people, medical records, and human tissues. For those investigators who do not have access to formal ethics review committees, the principles outlined in the Declaration of Helsinki should be followed. If the study is judged exempt from review, a statement from the committee should be required. Informed consent by participants should always be sought. If not possible, an institutional review board must decide if this is ethically acceptable. Journals should have explicit policies as to whether these review board approvals must be documented by the authors, or simply attested to in their cover letter, and how they should be described in the manuscript itself. (Section titled “Study Design and Ethics”)

**Committee on Publication Ethics (COPE).** Formal and documented ethical approval from an appropriately constituted research ethics committee is required for all studies involving people, medical records, and anonymised human tissues. (Section 1.7) Fully informed consent should always be sought. It may not always be possible, however, and in such circumstances, an appropriately constituted research ethics committee should decide if this is ethically acceptable. (Section 1.9) When participants are unable to give fully informed consent, research should follow...
In general, these policies require that studies be approved by an ethics review board (IRB or IEC), that subjects give informed consent, and that the Declaration of Helsinki principles be followed. They do not require compliance with applicable laws, regulations and institutional policies.

Survey

In the summer of 2006, the author conducted a survey on the question of whether articles of scientific merit based on unethical clinical research should be published. Figure 1 lists the 18 dermatology journals surveyed with email questionnaires. Figure 2 lists the questions in the survey. The survey was limited to these journals because of limited resources and a long history of unethical research in dermatology.\(^3\)\(^4\)

The questionnaire was emailed in July 2006 with an email reminder one month later. Four journals (22%) responded:

- Archives of Dermatology
- Clinical and Experimental Dermatology
- Dermatopathology: Practical & Conceptual
- Journal der Deutschen Dermatologischen Gesellschaft

Additional responses probably could have been obtained with a telephone follow-up. Note, however, that in Redman and Merz, cited above, written policies were found for only seven of 50 biomedical journals (14%), and only nine of 50 editors (18%) responded to an email questionnaire with telephone follow-up. The academic credentials of Redman and Merz apparently did not warrant a greater response. Communicating about these questions does not appear to be a priority for biomedical journals, notably in the field of dermatology, where one might hypothesize that a long history of unethical research would have raised the importance of the topic.

Findings

The four questionnaires returned constitute a very small and perhaps biased sample. However, the responses display a high degree of consistency:

1. All respondents agreed that knowingly publishing an article based on an unethical clinical trial constitutes endorsement of the unethical conduct.
2. An apology by the author or a statement by the editor does not make the article publishable.
3. Scientific merit does not factor into the decision to publish.
4. The degree of harm caused to the subjects, or even if no harm was caused, does not factor into the decision to publish.
5. If the unethical conduct was unintentional and caused by lack of training, three respondents say that it does not make the article publishable. One respondent can imagine the possibility that an unintentional infraction may be permissible if accompanied with an editorial and apology by the author.
6. If the clinical research at hand was ethical, but the researcher had a track-record of unethical research, all four respondents would make a situational judgment based on factors such as the nature and timing of the unethical track-record, the involvement of the unethical researcher in the article at hand, and the scientific importance of the article at hand. One of the respondents said he may make inquiries to help clarify the facts and weigh the factors.
7. Three of four respondents set forth requirements for ethical conduct: One journal has the policy that “all authors must declare that their study observes the principles of the Helsinki declaration and, where appropriate, approval by the relevant institutional ethics board.” One journal includes in its instructions for authors the statement that “It is the author’s responsibility to ensure that a patient’s anonymity be carefully protected and to verify that any experimental investigation with human subjects reported in the manuscript was performed with informed consent and following all the guidelines for experimental investigation with human subjects required by the institution(s) with which all the authors are affiliated.” One journal requires that clinical trials “be IRB approved or approved by the ethics committee.” Further, “the methods section must contain a statement about informed consent procedures.”
8. The question was not specifically asked, but none of the respondents mentioned the ICMJE, WAME or COPE guidelines.

In summary, the respondents appear to consider unethical clinical trials completely unacceptable for publication, with no mitigating factors. Their attitude towards authors with track-records of unethical research is much less black and white, with many factors to be considered in a situational judgment.

Perspective

Given the recent public controversies about publication ethics, biomedical journals may do well to update and publish their policies on publishing articles based on unethical clinical research. In particular, clearer guidelines on authors with unethical track-records may be appropriate. For example, one of the most prominent of modern dermatologists, Albert M. Kligman, has a well-established record of unethical clinical research, but the author is unaware of any evidence that it has interfered with his ability to publish hundreds of articles in numerous dermatology journals. In fact, a recent editorial in the Journal of Investigative Dermatology celebrated his career.

References

3. The Abuse of Man: An Illustrated History of Dubious Medical Experimentation, Wolfgang Weyers, 2003

Subscribe free at www.firstclinical.com
© 2006 Norman M. Goldfarb
Figure 2. Questionnaire

1. Is it the position of your journal that publication endorses unethical conduct in a study?

2. If unethical clinical research produces results of scientific merit, would your journal publish the study?

3. If the clinical research at hand was ethical, but the researcher had a track-record of unethical research, would your journal publish the study?
   a. Yes
   b. No
   c. Depends on

4. If your journal would publish an unethical study, would you require:
   a. Accompanying editorial discussion
   b. Apology by author
   c. Other: __________________

5. Since ethical questions often involve shades of gray, would your journal publish an article based on unethical research with an:
   a. unintentional infraction caused by lack of training
   b. intentional infraction caused by willful misconduct

6. Would your journal publish an article based on unethical research that results in:
   a. no physical injury to subjects
   b. discomfort to subjects
   c. moderate but not long-term injury to subjects
   d. serious, long-term injury to subjects

7. Does your publication have a policy on publishing results
   a. derived from unethical research
   b. generated by an investigator who, in your publication’s judgment, previously conducted unethical research?

8. If you have such a policy, please provide the pertinent text or, if your policy is unwritten, a brief description of it.

9. Please provide any comments you care to offer on the questions above or any other aspect of this topic.


8. Acres of Skin, Allen M. Hornblum, 1998


Author

Norman M. Goldfarb is Managing Director of First Clinical Research LLC, a provider of clinical research best practices information, consulting and training services. Contact him at 1.650.465.0119 or ngoldfarb@firstclinical.com.