

Have we made progress in exposing and dealing with editorial misconduct?

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Andrew Herxheimer reminded delegates that 10 years ago Iain Chalmers and Doug Altman had asked if there was a case for an international scientific press council. Very few cases of editorial misconduct have been published. We described three: one of persistent maltreatment of an author; one of plagiarism; and one abuse of an undisclosed vested interest.

These behaviours seem rare, but there is no effective reporting mechanism, so we really have no idea. But cases tend to be complicated.

Just who is affected?

These are the people to whom the editor has responsibilities. Authors are the most vulnerable. But associate editors are also involved and editorial board members, who are often in the dark, because they have no minutes of meetings, etc.

Journal owners are usually in control, but they are often more concerned with their image and their money. The scientific community and the public are mostly unaware, and if they are, don't know what can be done.

Other editors partly identify with the editors who misbehave and feel collegial shame that their peers are doing this kind of thing.

In July 2002 the *European Journal of Clinical Pharmacology* carried a PhD dissertation as a 68 page supplement. The dissertation included four complete published papers from various journals and one newly submitted paper.

As a member of the editorial board, I (Andrew Herxheimer) emailed the editor, requesting an explanation, which finally arrived a year later. On the journal's masthead are the editor, two managing editors, and a large editorial advisory board. What should the managing editors and the editorial board have known about this?

I copied my letter to one of the managing editors. He knew nothing about it.

When the editor replied, he said: "we missed appointing a guest editor, as ordinarily done for supplements, [so] I have editorial responsibility for this." He agreed that the permissions for reprinting the papers should have been mentioned, and he confirmed that the "submitted" papers had not been published elsewhere and now could not appear elsewhere. This paper had been accepted without regular peer review.

He thought it was obvious from the small type acknowledgements that the research as well as the supplement had been financed by a major drug company, and that there was no need to make this clearer.

I suggested that he publish an editorial note, explaining what had happened. He responded: "I am not sure. This may occur once in 20 years and I would hesitate to make a major issue of it. And it has been delayed, it would be bringing up a past event." But he agreed that it might explain journal policy on types of submission considered, including supplements.

He agreed that it was better to publish paper supplements separately rather than in a regular issue.

I sent a rejoinder that action was needed on three counts. Firstly, there should be a declaration of competing interests by authors and editors.

Secondly, there should be job descriptions for the roles of the coordinating and managing editors, and the editorial board members, who should also receive regular information on editorial policies and activities (minutes of meetings).

Thirdly, the instructions to authors should be accompanied by an explanation of the editorial process, how long it takes, who is involved, etc, for the sake of transparency.

We may not want to call this editorial misbehaviour, but these problems affect the scientific community as well as an individual group of editors, and we need ways of dealing with them openly.

The difficulties of taking editors to task

Iain Chalmers presented another example, spanning two decades.

January 1983

The *Journal of Pediatrics* published an analysis by neonatologist Jon Tyson and colleagues of the methodological quality of 86 "therapeutic studies" in the perinatal field. These had been published during 1979 in *Journal of Pediatrics*, *Pediatrics*, the *American Journal of Obstetrics and Gynecology* and *Obstetrics and Gynecology*.

Tyson and colleagues concluded that in less than 20% of the articles were the conclusions justified by the data presented and that deficiencies were very common in the papers examined. They made suggestions for improving the quality of therapeutic studies.

In an accompanying editorial in the *Journal of Pediatrics* the editor Joseph Garfunkel welcomed the paper and acknowledged a journal's responsibility for maintaining the quality of the material it publishes.

After acceptance of the paper, but before publication, Dr Garfunkel had invited the editors of the other three journals reviewed to submit responses for publication in *Journal of Pediatrics*.

March 1983

The *Journal of Pediatrics* published a highly critical response to the Tyson paper from Richard Mattingly, editor of *Obstetrics and Gynecology*, and Alfred Rimm, a biostatistician associated with the journal.

July 1983

The article by Tyson *et al* was republished in full in *Obstetrics and Gynecology*, with a statement that this was “with the approval of the authors.” The authors had not even been consulted, although the editors and publishers of *Journal of Pediatrics* had given their permission.

The letter from *Obstetrics and Gynaecology*, requesting permission, had stated: “We would like to call attention to our readers regarding the important message of this article, despite our agreement or disagreement of its statistical validity (sic).”

A defensive and complacent editorial in *Obstetrics and Gynecology* by Rimm and Mattingly began: “This is a poor study,” and contained no indication that they were aware of any “important message” that they had alluded to when seeking permission to republish it.

Summer/autumn 1984

Within a few weeks Jon Tyson and his colleagues submitted a response to the editorial, as did Iain Chalmers and Roberta Apfel, a psychiatrist in Boston. *Obstetrics and Gynecology* had had a major role in promoting diethylstilbestrol (DES) in the 1950s, and Dr Apfel felt that the complacency shown in their editorial was entirely inappropriate, given the story of DES subsequently. The editor of *Obstetrics and Gynecology* did not acknowledge any of these letters.

Having received no reply, Jon Tyson sent letters to each member of the editorial board, requesting his response be published. He was telephoned by an editorial assistant who said that he would be allowed to publish a revised version of his letter. He submitted a revised letter in November 1983.

Early 1984

Further letters were sent from Iain Chalmers and Roberta Apfel to the editor of *Obstetrics and Gynecology*.

Mattingly responded that he considered Chalmers’ letter “argumentative and non-constructive and [that it] would only enkindle the debate that will not be resolved in the editorial pages of a scientific journal.”

He rejected Apfel’s letter because of time delay, mentioning that Tyson *et al* had been invited “to prepare a rebuttal to our editorial comments so that there would be no misunderstanding of the authors’ report of this very volatil (sic) subject.”

August 1984

The response from Tyson *et al* was published 12 months after initial submission, nine months after resubmission, and six months after Apfel’s letter had been rejected because it had “arrived too late.”

The information that their article had been reprinted

without their prior knowledge had been deleted, and their letter was accompanied by a further hostile editorial by Alfred Rimm.

February 1985

Doug Altman wrote independently to *Obstetrics and Gynecology*, criticising the editorial by Rimm. No reply was received.

A further letter from him elicited a response from the deputy editor, Charles Hendricks, stating that his letter had arrived too late, and that it was necessary “to maintain some degree of balance in the editorial content of our publication.”

Autumn 1985

Doug Altman and Iain Chalmers informed Charles Hendricks that they were writing an account of the story for submission to the *BMJ*, inviting him to supply any relevant material of which they might be unaware.

Richard Mattingly responded by writing to the editor of the *BMJ*. He did not mention the letters from Chalmers and Apfel nor the obstruction and long delay in publishing the letter from Tyson *et al*. He dubbed the letter from Altman “highly inflammatory.”

Mattingly maintained that “we dutifully published both points of view,” and that “the present debate appears to center around differences of opinion between biostatisticians.”

Altman and Chalmers wrote to Hendricks and Mattingly, inviting them to supply any relevant material of which they might be unaware; assuring them that they would be invited to comment on their manuscript before submission; noting that they thought it likely that the *BMJ* would invite them to submit a response.

Hendricks resigned as deputy editor of *Obstetrics and Gynecology* in December and Mattingly died the following month.

A full account of this example of editorial misconduct has been submitted for publication without success to six journals, including *Obstetrics and Gynecology*. Some brief accounts have been published:

Shearer MH. The quality of perinatal studies: a disturbing episode. [Editorial] *Birth* 1994; 11:79-80.

Chalmers I. Editors, peers and the process of scientific review. In: Thomsen K, Ludwig H, eds. *Gynaecology and Obstetrics. Proceedings of the XIth World Congress*. Berlin: Springer, 1986;59-61.

Altman DG, Chalmers I. Authors have rights too. *BMJ* 1993;306:717.

Altman DG, Chalmers I, Herxheimer A. Is there a case for an international medical scientific press council? *JAMA* 1994; 272:166-7.

The death of Mattingly would have been an opportunity for his successor to apologise to Jon Tyson and his colleagues.

The next editor was Roy Pitkin (1986 to 2001).

June 1986

In response to a letter from Chalmers, Pitkin wrote:

"I have no further interest in involving this journal in the matter."

February 1998

In response to a conversation with Chalmers at the International Congress on Biomedical Peer Review in Prague and two subsequent letters from him, Pitkin wrote:

"After giving the matter careful consideration and consulting with my associate and assistant editors, I am not willing to issue any sort of apology."

March 2001

In response to a conversation with Chalmers at a planning meeting of the World Association of Medical Editors in Bellagio and a follow up letter, he said:

"After considering it once again, I still feel the same way. I have no interest in issuing any sort of apology or expression of regret."

8 March 2001

Iain Chalmers wrote to Roy Pitkin:

"Your letter makes clear that you have no feelings of regret about the way that Tyson and his colleagues were treated by *Obstetrics and Gynecology* by your predecessor, Dr Mattingly. I think this is inconsistent with the WAME statement on the responsibilities of editors.

How sad it is that you cannot be persuaded that there would be much to be gained and nothing to be lost by expressing regret at your dead predecessor's high handedness."

James Scott became editor in 2001.

13 March 2001

Iain Chalmers wrote to the new editor:

"I really do hope that you will feel able to do something about this. After reading the attached, I hope you will agree with me that Jon Tyson and his colleagues were treated disgracefully by Mattingly and Rimm. Jon Tyson is a modest fellow, who would never think of fighting this battle for himself. I haven't had any contact with him for years and years, but I won't feel able to let go of the matter until it has been dealt with honourably. All that is required is a short note from you, as the new editor in chief of *Obstetrics and Gynecology*, explaining that, having had this bit of history drawn to your attention, you are writing to express your regret (NB not to apologise) that Jon and his co-authors were treated in the way that they were treated. Please help to put this thing to rest so that I don't have to go to my grave, drawing people's attention to the matter!"

21 March 2001

James Scott replied:

"Since I am new to the job, I would like to take some time to review everything carefully before determining the best course of action. Because of the sensitive nature and the ongoing conflict, additional advice and legal counsel is probably also warranted at this point."

17 September 2003

In an email response to information from Chalmers about the forthcoming presentation at the COPE meeting the editor wrote:

"Thanks for bringing this to my attention. I have had a lot on my plate since I took over as Editor, but I have now again reviewed your messages and the previous correspondence. I plan to apologize to Jon Tyson and assure him that this could not happen under my Editorship."

17 October 2003

In an email to Chalmers, Jon Tyson wrote:

"I recently received a telephone call from James Scott, the current editor of *Obstetrics and Gynecology*. On behalf of the journal he offered a cordial and sincere apology to all the authors for the errors that had previously been made.

The apology was much appreciated. I hope that any long term effect of this unfortunate episode increases the emphasis on high standards for editors and investigators alike."

Doug Altman pointed out that the original version of the *JAMA* paper had been twice as long and included a lot of detail which the lawyers wanted deleted, even though two of the people being complained about were dead. He quoted from Drummond Rennie: "Outright editorial fraud is peculiarly frightening."

The case of Dr K

Doug Altman began by outlining the case of Dr K. Dr K tried to publish a letter, drawing attention to possible misconduct, which had been previously highlighted but never addressed. This related to two articles published in the same journal by the same group of authors.

The letter was accepted but subsequently rejected after he returned the proofs. He tried to get it published in the *New England Journal of Medicine*, the *Lancet*, and another specialist journal.

None of the general journals commented on alleged misconduct in their standard rejection letters. The editor of the specialist journal noted the "serious allegations," but declined to publish, saying that it was none of his business and that the matter should be resolved in the original journal. But clearly, the original journal is the problem.

Other journals see no reason to be involved, and good reasons not to be, but one option that didn't exist 10 years ago is the internet.

R Santilli wrote an "Open letter to all Editors of World Scientific Singapore" [<http://www.scientificethics.org/ws.pdf>], criticising the publisher rather than editors.

He included the following legal note:

"This report has been written as an individual U.S. Citizen under the protection of the First Amendment of the U. S. Constitution, particularly when dealing on violations of Codes of Laws perpetrated under public

financial support, as done by S. Weinberg, S. Coleman, S. Glashow of Harvard University, and their associates.”

Contacting the editorial board with a grievance is also an option. However, they vary enormously in their level of contact with the editor.

What’s happened in the past 10 years?

The *Lancet* instituted an ombudsman in 1996, and a few other journals now have one, but this is relatively rare.

WAME does have an ethics committee, which will comment on cases involving ethical issues in publication, but they don’t appear to have done much in this regard.

The CSE (Council of Science Editors) and EASE (European Association of Science Editors) do not seem to have addressed the issue at all.

COPE has: “[Editors] must consider and balance the interests of many constituents, including readers, authors, staff, owners, editorial board members, advertisers and the media.

When a published paper is subsequently found to contain major flaws, editors must accept responsibility for correcting the record prominently and promptly.”

But who decides what a major flaw is, and how is that defined? It’s a major flaw that COPE has not done this. And it reflects the difficulty of the issue.

Towards a taxonomy of editorial misconduct

This is a less familiar concept than research misconduct, so is often hard to understand exactly what is meant by it. We have produced a preliminary framework for what this definition might include:

Misrepresenting authors

- Publishing an article without the knowledge of the authors ... or against their wishes
- Changing the text without asking the authors

Publishing a paper known to be bad science

- For publicity or financial gain

Discriminating for or against a group of authors

- To distort the published record of precedence, for example reversing the publication of articles submitted
- Failing to remain impartial
- Failing to avoid conflict of interest
- Failing to investigate an allegation of research misconduct in a published paper
- Publishing a sponsored supplement as if it were regular peer reviewed material

Undesirable behaviour on the boundary

Using non-scientific criteria for selecting which papers to publish

- Favouring the newsworthy
- Favouring eminent authors
- Discriminating against statistically non-significant findings
- Favouring publications likely to lead to large (lucrative) reprint orders

Suppressing criticism of published papers

Questions arising from the case of Dr K (a mix of scientific and editorial misconduct)

1. What is an editor’s responsibility when the suggestion is made that a paper published in his/her journal may contain fraudulent information?
2. How should the answer be affected by the fact that the editor is a friend or colleague of the author of the published paper?
3. Is it reasonable for a journal to publish a letter that raises serious concerns about the content of a published paper, but not to seek or publish any explanation from the authors of the paper in question?

Other questions

1. Is it acceptable for an editor to reject a letter, or indeed a paper, after it has been accepted for publication? If so, in what circumstances?
2. When it is clear that a journal refuses to pursue an allegation against an author, do other journals or organisations/individuals have any responsibility to investigate or give publicity to the matter?
3. What is the responsibility of other journals or organisations/ individuals to investigate or give publicity to allegations of editorial misconduct?

How might a scientific press council work?

Journals and publishers might publicly sign up to a press council scheme, or by omission, become known as not accepting it. This decision should be part of the integrity of the journal.

Their decision one way or the other could gradually influence the standing of journals; it might come to mean more than the impact factor.