

*In brief*

**UK ministers do not plan “to buy out private practice”:** The health minister, John Denham, told the House of Commons that there were no plans to force consultants to choose between working in the public or private sector.

**US doctors who practise without a licence face minimum prison sentence:** The governor of Florida, Jeb Bush, has signed a law mandating a minimum one year prison sentence for doctors, dentists, chiropractors, and acupuncturists who practise without a Florida licence. Officials believe that hundreds of unlicensed health professionals work clandestinely in the state; 50 have been arrested since 1998.

**Northern Ireland votes against adopting 1967 Abortion Act:** Politicians from all parties in Northern Ireland have united to defeat an extension of the 1967 Abortion Act to cover the province.

**NICE will review consultation process:** In the wake of the release of confidential information about the appraisal of interferon beta the National Institute for Clinical Excellence will review the process for handling appraisal documentation used in the consultation process.

**BNF goes on line:** The *British National Formulary (BNF)* is now available to internet users, after the launch of its website, BNF.org, this week. The *BNF*, a joint publication of the BMA and the Royal Pharmaceutical Society of Great Britain, is used daily by 200 000 health professionals and is updated every six months.

**Criteria finalised for evaluating genetic test results:** The UK Genetics and Insurance Committee has finalised its criteria to evaluate the use of genetic test results for insurance purposes.

**Doctors’ representatives call on college president to resign:** The BMA’s annual representative meeting in London called for the resignation of the president of the Royal College of Obstetricians and Gynaecologists in protest at the college’s proposal for a new subconsultant specialist grade.

## High Court overrules coroner over patient’s death

Clare Dyer *legal correspondent, BMJ*

Coroners may have to hold more inquests when patients die after apparent failures in routine monitoring, following a High Court ruling last week. Lord Justice Kennedy and Mr Justice Morison ruled that a coroner was wrong to refuse an inquest into the death of a woman who died of a brain haemorrhage after giving birth to twins by caesarean section.

The coroner for inner north London, Stephen Chan, decided that an inquest on Laura Touche, aged 31, who died at the private Portland Hospital in London, was unnecessary because the death was from natural causes. Mrs Touche, an American, was brought back to her private room after the operation and was not checked by

staff for two and a half hours. NHS requirements stipulate monitoring every 15 minutes in the first hour. After she complained of a severe headache, her blood pressure was taken and hypertension diagnosed. She was given drugs but experienced a brain haemorrhage and died a week later on 15 February 1999 after being transferred to an NHS hospital.

Dr Chan wrote to her husband, Peter Touche, that “accepting that the haemorrhage was secondary to hypertension and that there was delay in its discovery, the cause of death was still due to natural causes, and was not an unnatural one.” In a statement to the court, Dr Chan said that he accepted that there was no record of intraoperative

monitoring and that “postoperative monitoring would appear wholly inadequate, not having started for an unacceptably long period following delivery.”

Ordering a full inquest, Lord Justice Kennedy, said: “It seems to us that if the coroner did not adopt an approach which was correct in law—and the documentation does not clearly indicate otherwise—then he reached a conclusion which was irrational.” He added: “Where, as in this case, a patient is in hospital suffering from a condition which, if not monitored and treated in a routine way, will result in death, and, for whatever reason, the monitoring and treatment is omitted, then, it seems to us, the coroner must hold an inquest—unless he can say that there are no grounds for suspecting that the omission was an effective cause of death.” The case has led to renewed calls for more stringent regulations governing private hospitals. □

## Nestlé violates international marketing code, says audit

Gavin Yamey *BMJ*

An external audit of Nestlé’s infant food marketing practices in Pakistan has found three violations of the World Health Organization’s code of marketing of breast milk substitutes. The company has promised to correct these and develop more formalised tools to help its managers to monitor compliance with the code.

Nestlé commissioned the audit from the consultants Emerging Market Economics after a former employee in Pakistan, Syed Aamar Raza, publicised internal company documents and alleged that these showed code violations (19 February, p 468). The code prohibits giving material or financial inducements to health professionals, but the audit found two examples of Nestlé delegates offering such gifts.

The company also failed to disclose the financial assistance it had given to health professionals to attend conferences. No staff should receive commissions or



This photo allegedly shows mothers in Pakistan carrying free Nestlé samples; the audit found no evidence of inappropriate gifts to mothers

bonuses based on the sales of products covered by the code, but Nestlé breached this rule, the auditors said.

Despite these violations, the audit’s executive summary states that “the operations of Nestlé Milpak are in compliance with the letter and the spirit of the WHO code.” Anna Taylor, nutrition adviser to the charity Save the Children, said: “The audit reveals that Nestlé is still violating the code.” The audit suggests, she said, that Nestlé uses health systems facilities to promote their products, a practice banned by the code.

Other organisations are angry that the auditors did not contact them, or mothers in Pakistan, to investigate company practices.

Hilary Parsons, corporate affairs manager at Nestlé UK, said: “During the external survey the auditors interviewed 64 health professionals. They had hoped to interview mothers in hospitals, but we understand that the hospitals had a policy of not permitting contact with the mothers.” □

A summary of the audit is on Nestlé’s website at [www.babymilk.nestle.com](http://www.babymilk.nestle.com); Baby Milk Action’s website is at [www.babymilkaction.org](http://www.babymilkaction.org).