Former FDA commissioner pleads guilty to two charges

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Lester Crawford, the former commissioner of the US Food and Drug Administration, pleaded guilty in a district court in Washington, DC, last week to two charges: conflict of interest and failing to disclose financial holdings in companies that the FDA regulated. Each charge carries a maximum penalty of a year in prison and a fine. Dr Crawford will be sentenced on 22 January 2007.

Dr Crawford’s lawyer, Barbara Van Gelder, told the Associated Press news agency that she expected Dr Crawford to be fined and placed on probation. The Washingtonian magazine said she is the lawyer to call if “you find yourself drawn into an awkward congressional investigation, or worse, a grand-jury investigation by the Justice Department or the US Attorney’s office” (Washingtonian Dec 2004, p 94).

The US Department of Justice had charged Dr Crawford with failing to disclose investments on forms required of senior officials at the FDA. He made false statements saying that he and his wife had sold stocks in organisations regulated by the FDA, such as PepsiCo, Sysco, Kimberly-Clark, and Embrex, or did not declare their holdings. He also did not disclose income from holdings in Embrex stock options or from ownership of Kimberly-Clark or Sysco stock.

The conflict of interest charge related to Dr Crawford’s ownership of Sysco and PepsiCo stock and his role as chairman of the FDA’s obesity working group, which made recommendations about relabelling the energy content of food products, such as soft drinks.

The Justice Department said there was no evidence that his stock ownership altered the findings of the FDA’s working group.

A US attorney, Jeffrey Taylor, said, “One of the most important principles of our ethics laws is that public officials cannot have a financial interest in any decision they make. Lester Crawford, who held one of the most important jobs in government, blatantly violated these principles.” The FDA regulates about a quarter of the US economy.

In impromptu statements to several US newspapers Dr Crawford said, “This was my fault and no one else’s, and I accept full responsibility … Nothing that I have done, I hope, can be construed to affect the integrity of the FDA.” Ms Van Gelder confirmed the statements.

A spokesperson for the FDA said it had no comment to make on the case.
Dr Crawford, who is a veterinarian and food safety expert, worked at the FDA for many years. He was deputy commissioner between February 2002 and March 2004, when he became acting commissioner. He was nominated to be commissioner, and this nomination was confirmed by the Senate in July 2005 after Dr Crawford agreed to make a decision on over the counter access to emergency contraception.

He delayed making a decision, however, and called instead for public comments. He resigned two months later. Two senators and five members of the House of Representatives asked for an investigation (BMJ 2005;331:713).

Dr Crawford now works for a Washington lobbying firm, Policy Directions, the Associated Press reports.

In an editorial the Los Angeles Times said Crawford’s guilty plea “shows that the ethics guardians are making some progress against conflicts of interest at the Food and Drug Administration” (www.latimes.com, 19 Oct, “Catching conflicts at the FDA”).

It continued, “Now they need to delve deeper into ethical lapses at the agency, which has been suffering a crisis of confidence ... regulators often ignored safety experts and refused to move against drugs that showed signs of serious side effects.

“That’s one reason Vioxx, despite its heart risks, remained on pharmacy shelves long after it should have been pulled. Political pressure also has weighed on the agency, which dithered about approving over-the-counter sales of Plan B, the morning-after contraceptive pill, despite its positive ratings from agency scientists.”

The Los Angeles Times also said that the FDA had suffered from a lack of leadership and needed to have a permanent commissioner. It called for the Senate to approve Andrew von Eschenbach, the acting commissioner, as permanent commissioner.