

NHMRC Complaints
complaints@nhmrc.gov.au

14th March 2019

Dear Sir/Madam

I recently wrote to your office raising concerns about a letter sent by Anne Kelso, dated 8th March 2018 to councillors, stating that there is no evidence that water fluoridation does not cause thyroid problems.

My correspondence is set out below and I have enclosed the recent response from Mr Allan Singh, reaffirming that water fluoridation does not cause thyroid problems. Mr Singh has relied on the 2017 NHMRC review on health effects of fluoride when making this assertion.

Allan Singh carefully avoids acknowledging that Kheradpisheh *et al* (2018) is an example of a peer-reviewed publication which is incompatible with NHMRC's notion that there is no reliable evidence of a link between water fluoridation and thyroid problems.

Allan Singh has dismissed both of the scientific studies I provided (Malin *et al.* (2018) and Kheradpisheh *et al.* (2018)) in the context of Anne Kelso's open letter to councillors dated 8 March 2018.

This is because Malin *et al.* was published 8 months (12th December 2018) after the date of that letter. However, Kheradpisheh *et al.* (2018) was published online on 8 February 2018, i.e. a full month before the date of the letter to councillors. Both of these studies were published on the peer review scientific reference library *PubMed*.

<https://www.ncbi.nlm.nih.gov/pubmed/30316182>

<https://www.ncbi.nlm.nih.gov/pubmed/30258638>

As the NHMRC is no doubt aware *PubMed* has very strict criteria when accepting scientific articles for display on its library website.

<https://www.ncbi.nlm.nih.gov/pmc/pub/addjournal/#pubinfo-app-proc>

NHMRC's claim to be Australia's [leading expert body in health and medical research](#) supports a presumption that NHMRC *must have been* aware of Kheradpisheh *et al.* (2018) prior to the date of the NHMRC open letter to councillors.

Allan Singh has informed me Prof. Kelso's advice to councillors concerning thyroid problems in connection with water fluoridation is made with specific reference to NHMRC's findings *in its 2017 review* of health effects of water fluoridation and he has fully exploited that context –

"As we have previously mentioned, NHMRC's review on the dental and health effects of water fluoridation concluded in November 2017. The publication dates of these studies (both in 2018) preclude their inclusion in this review and the subsequent development of our advice as it currently stands. Inclusion criteria for the review are outlined in the 2017 Information Paper. The reference material that you have provided will therefore be considered in any future review of the evidence".

It would be quite correct for Allan Singh to insist that the relevant statement in Anne Kelso's letter to councillors is true in the narrow sense that NHMRC's 2017 review in fact does include the finding she mentions. However, the fact that at a time falling a full month after publication of Kheradpisheh *et al.* (2018) Prof. Kelso chose to give councillors advice based on an older NHMRC review raises the obvious suspicion is that NHMRC, knowing about Kheradpisheh *et al.* (2018), deliberately gave councillors misleading advice which NHMRC knew to be materially incorrect.

If the CEO of NHMRC provides the community with deliberately misleading advice concerning public health research and medical research, then she fails properly to perform her functions pursuant to section 7(1)(a)(iv) of the *National Health and Medical Research Council Act 1992* (Cth) ("NHMRC Act").

http://www7.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/nhamrca1992342/s7.html

COMPLAINT

Regarding my complaint, it is alleged that Prof. Kelso on or about the 8th March 2018 knowingly gave materially incorrect advice to councillors in contravention of her proper functions pursuant to section 7(1)(a)(iv) of the NHMRC Act.

This allegation is based on the premise that *as at the date of Kelso's open letter to councillors* NHMRC was aware of Kheradpisheh *et al.* (2018), i.e. reliable evidence of a link between water fluoridation and thyroid problems.

Evidence that NHMRC acted for an improper purpose (and in bad faith) includes –

- (a) publication on 8 February 2018 of Kheradpisheh *et al.*, Impact of Drinking Water Fluoride on Human Thyroid Hormones: A Case- Control Study, (<https://www.nature.com/articles/s41598-018-20696-4.pdf>), 8 Feb 2018; 8(1): 2674, which furnishes reliable evidence of a link between water fluoridation and thyroid problems;
- (b) NHMRC's status as *Australia's leading expert body in health and medical research* which supports a presumption that NHMRC keeps up to date with medically significant reports published in reputable journals and hence must – in the normal course of administration – by 8 March 2018 have been aware of the publication of Kheradpisheh *et al.* (2018) and the significance of that publication;

The enumerated evidence supports a reasonable inference that NHMRC as at the 8th of March 2018 was well aware of the existence of reliable evidence of a link between water fluoridation and thyroid problems. It therefore appears that NHMRC gave local government councillors deliberately misleading advice

My general complaint to NHMRC is that –

1. NHMRC CEO Prof. Anne Kelso improperly exercised her function of advising the community on public health research and medical research pursuant to section 7(1)(a)iv) of the *National Health and Medical Research Council Act 1992* (Cth) ("NHMRC Act") in that she provided false or misleading advice to local government councillors in the form of an open letter dated 8th of March 2018 indicating that NHMRC is not aware of "reliable evidence of a link between water fluoridation and thyroid problems" ("Open Letter");
2. NHMRC acted in bad faith by providing the advice because prior to the date of the Open Letter NHMRC must have been aware of publication on 8 February 2018 of Kheradpisheh *et al.*, Impact of Drinking Water Fluoride on Human Thyroid Hormones: A Case- Control Study, *Scientific Reports*, 8 Feb 2018; 8(1): 2674, which furnishes reliable evidence of a link between water fluoridation and thyroid problems; and
3. NHMRC, knowing that the advice is wrong, continues to keep the Open Letter publicly available at <https://nhmrc.gov.au/sites/default/files/documents/attachments/kelso-letter-councillors.pdf> without any indication that the advice is wrong in light of Kheradpisheh *et al.* (2018) and Marlin AJ *et al.* (2018).

Considering that NHMRC, as a "leading expert body in health and medical research", must perform about as well as the U.S.' NCBI, which indexed Kheradpisheh *et al.* (2018) in its PubMed database on 10 February 2018.

REDRESS SOUGHT

I therefore consider it appropriate that:

4. The CEO (Professor Anne Kelso) of NHMRC send to every local government councillor in Australia a Notice of Retraction in relation to the Open Letter, clearly stating that the advice it contains is wrong and should be disregarded; and
5. NHMRC annotate the Open Letter it makes publicly available with a corrective statement, printed in red 16 point typeface, as shown below –

NHMRC RECOGNIZES THAT THE ADVICE CONTAINED IN THIS OPEN LETTER IS WRONG. FOR THE SAFETY OF THE COMMUNITY, ANY DECISIONS MADE IN RELIANCE UPON THIS ADVICE SHOULD BE REVIEWED WITHOUT DELAY AND CORRECTED IF REQUIRED

Yours faithfully

John Teagle