

November 5, 2019

Robert R. Redfield, MD, Director
Anne Schuchat, MD, Principal Deputy Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta GA 30329

CITIZEN PETITION TO CDC: Cease use of false disclaimers that CDC does not accept commercial support, because CDC *does* accept commercial support and CDC *does* have financial relationships with product manufacturers

Dear Director Redfield and Principal Deputy Director Schuchat:

Hundreds of times in its publications and on its website, the Centers for Disease Control and Prevention (CDC) makes the disclaimer that it “does not accept commercial support” and it has “no financial interests or other relationships with the manufacturers of commercial products.”

These claims may be comforting to consumers and health professionals, but both are indisputably false. In fact, CDC has accepted tens of millions of dollars of commercial support through the National Foundation for the Centers for Disease Control and Prevention (“CDC Foundation”).

Indeed, the CDC itself contradicts some of its own disclaimers. And it knows the claims are false, because it has procedures to address from whom and under what circumstances it accepts millions of dollars from contributors, including manufacturers of commercial products.

This petition seeks two main outcomes: that CDC immediately cease and desist these false claims, and that CDC scrub them from publications still in the public domain.

Petitioners request a meeting with Director Redfield or Deputy Director Schuchat in the next 60 days.

I. Actions Requested

We request that the CDC:

- (1) Cease publication of disclaimers that CDC has “no financial interests or other relationships with the manufacturers of commercial products” and that it “does not accept commercial support”;
- (2) Remove all such disclaimers from the CDC website, including the *Morbidity and Mortality Weekly Report (MMWR)*;

(3) Add corrections to all *MMWR* articles bearing any of these disclaimers, explaining that the disclaimers were incorrect and have been removed; and,

(4) Retroactively disclose, in any *MMWR* article bearing the disclaimers, any corporate contributions to the CDC or CDC Foundation that are relevant to the *MMWR* article.

II. Statement of Grounds

a. CDC's false disclaimers appear hundreds of times on the CDC website

In hundreds of places, the CDC presents on its website or in its publications the following disclaimer, or a slight variation of it:¹

CDC, our planners, and our content experts wish to disclose they have no financial interests or other relationships with the manufacturers of commercial products.

The CDC continues to issue such disclaimers up to the present. For example, the disclaimer is present on a CDC website webinar for September 17, 2019 recommending the use of Naloxone for reversing opioid overdose,² and on a September 25, 2019 CDC webinar regarding “2019 National Preparedness Month.”³

In scores of places, the CDC presents another disclaimer either on its website or in the *MMWR*: “CDC does not accept commercial support.”⁴ For example, in a December 14, 2018 *MMWR* article on tobacco use by US middle and high school students,⁵ and a December 21, 2018 *MMWR* report on poverty and diagnoses of mental, behavioral and developmental disorders in

¹ A Google [search](#) of the CDC website for the phrase “no financial interests or other relationships with the manufacturers of commercial products” returned “about 254 results” on October 4, 2019.

² Centers for Disease Control and Prevention, emergency preparedness and response. HHS and CDC Recommendations to Expand the Use of Naloxone—A Life-saving, yet Underutilized Drug for Reversing Opioid Overdose. https://emergency.cdc.gov/coca/calls/2019/callinfo_091719.asp.

³ Centers for Disease Control and Prevention, emergency preparedness and response. 2019 National Preparedness Month. https://emergency.cdc.gov/epic/learn/webinar_20190925.asp.

⁴ A Google [search](#) of the CDC website for the phrase “CDC does not accept commercial support” returned “about 94 results” on October 4, 2019.

⁵ Gabriella M. Anic, Michael D. Sawdey, Ahmed Jamal and Katrina F. Trivers, [Frequency of Use Among Middle and High School Student Tobacco Product Users — United States, 2015–2017](#). *Morbidity and Mortality Weekly Report*, December 14, 2018.

children aged 2-8.⁶ The disclaimer appears to have been last published on January 4, 2019, in an *MMWR* article on characteristics of Native American/Alaska Natives in HIV care.⁷

b. The CDC disclaimers are false and misleading; CDC accepts money from commercial manufacturers through the CDC Foundation

Both disclaimers are false, deceptive and misleading. The CDC accepts contributions from “manufacturers of commercial products,” through the CDC Foundation.⁸ The CDC Foundation transmits these contributions to the CDC, after taking a fee.

The CDC Foundation readily admits that it accepts private money; it often accepts manufacturers’ money. The CDC Foundation launched in 1995, and has raised more than \$810 million.⁹ According to the CDC Foundation, during fiscal years 2014-18, the CDC Foundation accepted \$79.6 million from corporations. Since its inception, the CDC Foundation has accepted \$161 million from corporations.¹⁰ For example, according to the CDC Foundation’s 2017-8 report on its active programs, Pfizer Inc. gave the CDC Foundation \$3.435 million since 2016 for a program on the prevention of Cryptococcal disease. Merck & Co., Inc. gave the CDC Foundation \$1.005 million in FY 2018 for a program on preventing maternal mortality. Biogen MA Inc. gave \$750,000 in FY 2018 for a program on screening newborns for spinal muscular atrophy.¹¹

In 1983, Congress authorized the CDC to accept gifts “made unconditionally...for the benefit of the [Public Health] Service or for the carrying out of any of its functions.”¹² Congress

⁶ Robyn A. Cree, Rebecca H. Bitsko, Lara R. Robinson, Joseph R. Holbrook, Melissa L. Danielson, Camille Smith, Jennifer W. Kaminski, Mary Kay Kenney and Georgina Peacock, [Health Care, Family, and Community Factors Associated with Mental, Behavioral, and Developmental Disorders and Poverty Among Children Aged 2–8 Years — United States, 2016](#). *Morbidity and Mortality Weekly Report*, December 21, 2018.

⁷ Amy R. Baugher; Linda Beer; Heather M. Bradley; Mary E. Evans; Qingwei Luo and R. Luke Shouse, [Behavioral and Clinical Characteristics of American Indian/Alaska Native Adults in HIV Care — Medical Monitoring Project, United States, 2011–2015](#). *Morbidity and Mortality Weekly Report*, January 4, 2019.

⁸ See, for example, the CDC Foundation donor lists housed in the CrossFit Collection of the UCSF Food Industry Documents Archive:

FY 2015: <https://www.industrydocuments.ucsf.edu/food/docs/#id=hs1b0227>

FY 2014: <https://www.industrydocuments.ucsf.edu/food/docs/#id=gslb0227>

FY 2013: <https://www.industrydocuments.ucsf.edu/food/docs/#id=fslb0227>

FY 2012: <https://www.industrydocuments.ucsf.edu/food/docs/#id=zrlb0227>

FY 2011: <https://www.industrydocuments.ucsf.edu/food/docs/#id=trlb0227>

⁹ [Email correspondence](#) from CDC Foundation Communications Director Busola Saka to Gary Ruskin of U.S. Right to Know, September 30, 2019.

¹⁰ [Email correspondence](#) from CDC Foundation Communications Director Busola Saka to Gary Ruskin of U.S. Right to Know, September 30, 2019.

¹¹ CDC Foundation, [CDC Foundation Active Programs](#), October 1, 2017 – September 30, 2018.

¹² Section 231 of the Public Health Service Act (42 U.S.C. § 238), as amended.

established the CDC Foundation in 1992 so that CDC could obtain additional funding for its work.¹³

Even the CDC itself contradicts some of the disclaimers. Though the CDC disclaimers state that CDC “does not accept commercial support,” the CDC media office explains that “CDC has, can, and does accept commercial support.”¹⁴

CDC even accepts earmarked money via the CDC Foundation, allowing manufacturers to fund studies or programs whose results would either expand their profits or reduce their liability exposure. For example, the *BMJ* reported that “in 2012, Genentech earmarked \$600 000 in donations to the CDC Foundation for CDC’s efforts to promote expanded testing and treatment of viral hepatitis. Genentech and its parent company, Roche, manufacture test kits and treatments for hepatitis C.”¹⁵ The *BMJ* also reported on contributions from Roche to the CDC Foundation in support of the CDC’s Take 3 flu campaign, which encourages people to “take antiviral medicine if a doctor prescribes it.” Roche manufactures Tamiflu, an antiviral medication for the flu.¹⁶ The CDC Foundation also accepted \$1.7 million from the Central American sugar industry for studies on chronic kidney disease which have been criticized for being biased towards the sugar industry, by not asking the best questions.¹⁷

In 2011, *Type Investigations* reported that Exponent Inc, a firm that performs research for the pesticide industry, gave \$60,000 to the CDC Foundation for a study to prove the safety of two pesticides. “We have a professional money-laundering facility at the Centers for Disease Control Foundation....They accept projects from anyone on the outside,” said James O’Callaghan, a researcher at the National Institute for Occupational Safety and Health (NIOSH).¹⁸

During the years 2010-15, Coca-Cola contributed more than \$1 million to the CDC Foundation.¹⁹ It also received significant benefits from CDC, including collaborative meetings, and advice from a top CDC staffer on how to lobby the World Health Organization to curtail its efforts to reduce consumption of added sugars.²⁰

¹³ Public Law 102-531.

¹⁴ Email correspondence from CDC Public Affairs Team Lead Bertram Kelly to Gary Ruskin of U.S. Right to Know, October 2, 2019.

¹⁵ Jeanne Lenzer, “[Centers for Disease Control and Prevention: protecting the private good?](#)” *BMJ*, May 15, 2015. doi: <https://doi.org/10.1136/bmj.h2362>.

¹⁶ Jeanne Lenzer, “[Why aren’t the US Centers for Disease Control and Food and Drug Administration speaking with one voice on flu?](#)” *BMJ*, February 5, 2015. doi: <https://doi.org/10.1136/bmj.h658>. Jeanne Lenzer, “[CDC, conflicting \(conflicted?\) info, Tamiflu & unquestioning news reporting.](#)” *HealthNewsReview.org*, February 10, 2015.

Jeanne Lenzer, “[Centers for Disease Control and Prevention: protecting the private good?](#)” *BMJ*, May 15, 2015. doi: <https://doi.org/10.1136/bmj.h2362>.

¹⁷ Sasha Chavkin, “[CDC launches industry-funded study of mystery kidney ailment.](#)” International Consortium of Investigative Journalists, February 12, 2014.

¹⁸ Sheila Kaplan, “[Firm Pays Government to Challenge Pesticide Research.](#)” *Type Investigations*, March 1, 2011.

¹⁹ The Coca-Cola Company, [transparency database](#).

²⁰ Nason Maani Hessari, Gary Ruskin, Martin McKee and David Stuckler, “[Public Meets Private: Conversations Between Coca-Cola and the CDC.](#)” *The Milbank Quarterly*, January 2019.

CDC's own scientists have been troubled by CDC's dealings with corporate interests. An in-house group, "CDC Scientists Preserving Integrity, Diligence and Ethics in Research" wrote an open letter stating they are "very concerned about the current state of ethics at our agency. It appears that our mission is being influenced and shaped by outside parties and rogue interests."²¹ Among other things, the letter raised questions about the relationship between two CDC staffers and Coca-Cola, and a corporate front group founded by a Coca-Cola executive, the International Life Sciences Institute (ILSI).

CDC's dealings with corporate interests have also drawn scrutiny and concern from Congress. In February 2019, Congresswomen Chellie Pingree and Rosa DeLauro wrote the Inspector General of the Department of Health and Human Services calling for an investigation of CDC's interactions with Coca-Cola.²² They noted that the evidence shows "a troubling pattern of the company using access to high-level CDC officials to shape debates over public health policy directly involving the nutritional value of its products." The congresswomen requested that the Inspector General "determine whether there is a broader pattern of inappropriate industry influence at the agency, and make recommendations to address this issue."

c. CDC implicitly acknowledges its disclaimers are false by promoting its public-private partnerships and creating ethics oversight to address potential conflicts of interest related to corporate contributions

The CDC claims that its public-private partnerships are synergistic and beneficial.²³ But these partnerships are incompatible with its disclaimers of no commercial support and no relationships with manufacturers of commercial products. The CDC cannot have it both ways: It must end this oxymoronic situation of defending its receipt of corporate money while simultaneously denying that it does.

The CDC knows that corporate contributions may trigger serious concerns about ethics and corruption. It has repeatedly convened ethics committees to ensure that the CDC and its mission are not compromised by corporate funding.²⁴ For example, in 2016, the CDC workgroup on Ethical Considerations for Public Private Partnerships released a summary report

²¹ Jeanne Lenzer, "[Conflicts of interest compromise US public health agency's mission, say scientists.](#)" *BMJ*, October 24, 2016. Carey Gillam, "[The CDC is being influenced by corporate and political interests.](#)" *The Hill*, October 17, 2016. The CDC staff open letter is available at: https://usrtk.org/wp-content/uploads/2016/10/CDC_SPIDER_Letter-1.pdf.

²² [Correspondence from Congresswomen Chellie Pingree and Rosa DeLauro](#) to U.S. Department of Health and Human Services Inspector General Daniel R. Levinson, February 4, 2019.

²³ See, for example, CDC's web page on "[Partnering with CDC.](#)" CDC's web page on "[Public-Private Partnerships and CDC.](#)" CDC's web page on "[Tools and Resources for Public-Private Partnerships.](#)" "[Ethical Considerations for Public-Private Partnerships.](#)"

²⁴ See, for example, CDC's policy on "[Administration of gifts to CDC,](#)" issued May 11, 2007, and updated December 21, 2016.

urging the CDC to reject funding when the funder is a “tobacco corporation or a foundation related to tobacco corporations” or “a private interest involved in the manufacture, sale, or distribution of products or services that in CDC’s view directly conflict with agency mission and do unequivocal harm to the public’s health.”²⁵

This petition does not take a position on such ethics questions, but points to the existence of this oversight as showing CDC knows it takes manufacturers’ money and has potential conflicts of interest to manage. The CDC also has a gift review process to “determine whether the benefits outweigh the risk that accepting the gift would reflect unfavorably upon CDC.”²⁶

III. Requesting a meeting with the CDC Director or Principal Deputy Director within 60 days

To ensure rapid consideration of this matter, petitioners request a meeting within 60 days of the date above with either CDC Director Dr. Robert Redfield, or the CDC Principal Deputy Director Dr. Anne Schuchat. To arrange a meeting, please contact Gary Ruskin of U.S. Right to Know at (415) 944-7350 or gary@usrtk.org.

IV. Conclusion

By issuing these false disclaimers, CDC is misleading health professionals, consumers and others both in the United States and around the world. This deception undermines CDC’s credibility and integrity. But the damage here is not merely to the CDC itself. CDC is a national and global leader on medical and public health matters. It is crucial for the CDC to lead by example on matters of ethics, and, at a minimum, to faithfully and truthfully disclose its conflicts of interest. Eliminating the false disclosures, and replacing them with affirmative disclosures of conflicts of interest, is an excellent first step.

Respectfully submitted,

Knowledge Ecology International
Liberty Coalition
Project on Government Oversight
Public Citizen
U.S. Right to Know

²⁵ CDC workgroup on Ethical Considerations for Public Private Partnerships, [summary report](#), spring 2016, p. 9.

²⁶ CDC web page on CDC Advisory Committee to the Director, [Ethical Considerations for Public Private Partnerships Workgroup summary report](#). 2016.