Pathologist cleared of misconduct by GMC in Shipman hearing

Clare Dyer *legal correspondent, BMJ*

A consultant pathologist who concluded in a postmortem report that a victim of the serial killer general practitioner Harold Shipman had died of natural causes was cleared of serious professional misconduct last week by the General Medical Council (*BMJ* 2004;329:757, 2 Oct).

The GMC's professional conduct committee found that David Bee's postmortem examination of Renate Overton fell below the standard reasonably expected, but did not constitute serious professional misconduct.

Dr Bee's postmortem was criticised as "deeply flawed" by the independent inquiry into Shipman's career. As a result of his report, no coroner's inquest had been held and the last opportunity to question Ship-

man's administration of morphine had been lost.

Mrs Overton was having an asthma attack when she called Shipman to her home. She died in April 1995 aged 47 at Tameside General Hospital, where Dr Bee was a consultant, after 14 months in a persistent vegetative state.

Her medical records included a note that Shipman had given her morphine. An expert witness told the GMC that the mention of morphine in relation to an asthma patient caused "alarm bells" to ring, since morphine depresses breathing.

Dr Bee, aged 74, who retired in 1995, admitted a series of failures in doing the postmortem examination, including failing to question why Shipman had given morphine or to

consult the treating doctors.

Eileen Walker, chairman of the conduct committee, said, "The committee has been impressed by the quality of testimonials that has been put before it, given the fact that you retired from practice in 1995 and have no intention of returning to medical practice."

"The committee further notes that there have been no adverse findings against you during your long medical career."

She said the panel had not allowed themselves to be influenced by the widely publicised events relating to Shipman. They did not wish to speculate what the findings of an inquest into Mrs Overton's death might have been had one been held nor did they want to speculate about what might have happened afterwards.

Ms Walker added, "The committee accepts that had there been any real concern at the time of the postmortem about giving morphine, then one might reasonably expect this to have been properly investigated on admis-

sion or during Mrs Overton's 14 month period in hospital.

"The committee have judged your actions against the standard expected of a pathologist in 1995. This was at a time when the index of suspicion relating to healthcare professionals was relatively low."

"The committee accept that the field of pathology has changed considerably since the mid-1990s."

She said the panel were influenced by a privy council judgment in an earlier case where it was said that one incident of negligence by a doctor did not amount to serious professional misconduct.

Shipman killed himself in his prison cell last January while serving life for murdering 15 patients. The Shipman inquiry concluded that he killed at least 215 people.

Six general practitioners who practised near Shipman, in Hyde, Greater Manchester, and countersigned cremation certificates for him are also due to face the GMC. □

McDonald's profits drop and Mars abandons king size bars

Rebecca Coombes *London*

The profits of McDonald's UK arm have slumped to the lowest level in the fast food giant's 30 year history after a stream of bad publicity about the ill effects to health of eating junk food.

The chain's pretax profits fell by nearly three quarters in the United Kingdom last year, to £23.6m (\$42.1m; €34.3m), it emerged last week.

The figures—which also show that sales have dropped—follow claims that the high fat and salt content of food from McDonald's have contributed to the United Kingdom's rising incidence of obesity in children.

The film *Super Size Me*—a documentary currently on release in the United Kingdom—shows filmmaker Morgan Spurlock eating nothing but meals from McDonald's for 30 days. He put on weight and became ill. In one scene his doctor tells him to stop the diet after tests show liver abnormalities.

Health problems developed by Morgan Spurlock (above) on his McDonald's diet are thought to have affected the company's profits

The filmmaker got the idea after two overweight schoolgirls in New York tried to sue the hamburger chain but failed when they could not prove that eating at McDonald's was injurious to their health.

The firm has tried to reverse the bad publicity by introducing options such as salads and organic milk and has even reduced the salt in its tomato sauce. Its Every Step Counts campaign gave away a free "stepometer" with every salad purchased. The company will also phase out "supersizing"—upgrading your meal to include

nearly 200 grams of French fries and 1.25 litres of soft drink—by next year.

But public health experts said that the drop in profits could be a sign that Britons were turning away from fast food. In the same week, Cadbury and Masterfoods, makers of Mars and Snickers, announced that they were to downsize "king size" chocolate bars from next year. Nestlé will not follow suit.

Rod Griffiths, president of the Faculty of Public Health at the Royal College of Physicians, said, "It's a step in the right direction.

We can see the signs that the food industry is beginning to get the public health message. We are seeing fresh fruit on sale in places it didn't used to be. If that is because of commercial pressure, then so be it."

But more needed to be done, said Professor Griffiths. One of McDonald's salads, he said, was topped by calorie rich fried chicken. "If you go on Virgin or Great Western trains you're given fruit for free in first class. But in standard class you can't even buy it from the buffet. It should be available to everyone," he added.

Meanwhile in the United States, a report from the Institute of Medicine of the National Academies has called for urgent action on childhood obesity. The report—from a committee of experts in child and public health—was made after Congress requested an obesity prevention plan based on "sound science." One of its recommended steps is for schools to implement nutritional standards for all food and beverages on school grounds, including those in vending machines. □

Preventing Childhood Obesity: Health in the Balance is at www.national-academies.org