2. Dissemination of information

Introduction

2.1 Once the CVL had identified the emergence of a new disease in cattle which was possibly a TSE, there were many reasons why wide dissemination of information about the disease was desirable.

2.2 If information about the discovery of the disease, and its nature and symptoms, is widely disseminated within the State Veterinary Service, to private veterinarians and to farmers, then the identification and reporting of cases of a new animal disease will be stimulated. In the case of BSE, encouragement of the reporting of cases with symptoms was essential if MAFF was to learn of the extent of a possible epidemic.

2.3 Once the potential implications of BSE for human and animal health were recognised, all those within areas of government responsible for addressing these implications needed to be informed of them. If the nature of BSE was to be explored, researchers needed to be informed what had been discovered about it. More particularly the DHSS, as the Department with primary responsibility for considering the implications of BSE for human health, needed to know of its emergence.

2.4 More generally, the principle of freedom of information made it desirable that the emergence of BSE should be communicated to, rather than concealed from, the public.

2.5 Dissemination of information has its downside. While they are keen to be the first to publish, scientists are reluctant to publish details of a new discovery until they are sure of their ground, and are opposed to premature disclosure that may enable others to steal their thunder. Where information will provoke a public demand for an immediate response from the Government, the Government is reluctant to disclose the information before the response has been fully prepared. If the information throws doubt on the safety of food, it may lead to a food scare with adverse financial consequences for producers, or even to trade embargoes, which may prove unwarranted or disproportionate once additional facts are known.

2.6 The Government, and MAFF in particular, has been accused of a failure to disclose full and accurate information about BSE and its potential consequences at all stages of the story with which we are concerned. In this chapter we consider the adequacy of the response to BSE in respect of dissemination of information in the period up to March 1988. We do not, however, consider here the passing of information from MAFF to the Department of Health (DH). We deal with this in Chapter 5.

64 The Department of Health and Social Security. This Department split into two in 1988: the Department of Health (DH), and the Department of Social Security (DSS)
Means of dissemination

2.7 Veterinary Officers of the Veterinary Field Service routinely received information from VFS headquarters by means of advisory letters and *Animal Health Circulars*. These contained instructions about new and existing diseases. They were publications issued by a policy division at Tolworth and informed staff of new instructions as a result of policy changes.65

2.8 Information about new diseases was routinely publicised by the VI Service through its magazine *Vision*, which was distributed to all VICs and to the Scottish centres.66

2.9 There were various means by which information could be distributed to public and private institutions and to farms, including a number of journals in the animal health and agricultural field. The BVA distributed its weekly publication the *Veterinary Record* to all members, including veterinarians in both government service and private practice. Information was also circulated through publications of specialist societies within the BVA, such as the Pig Veterinary Society, the Sheep Veterinary Society, and the British Cattle Veterinary Association.67

2.10 ADAS68 produced *Bulletins* for each region of England and Wales. These were circulated to farmers in those regions, and members of the SVS, including the VI Service, contributed articles. The MAFF Press Office could issue news releases containing information provided by the SVS to farmers.69

2.11 The regular and widespread livestock shows, open days at VICs, farm visits by Veterinary Investigation Officers (VIOs), and presentations by VI Service staff at farmers’ meetings all offered well-known and well-used channels for communication between the SVS and farmers.70

Publication of papers

2.12 The procedure for the publication of scientific articles by those employed at the CVL was provided to us by Mr Bradley.71

2.13 An article for publication would be submitted in the first instance to the Head of Department for approval. The Head of Department would submit the article to more senior management for clearance if the nature of the article so required. Any article dealing with a notifiable disease had to be submitted to the Notifiable Diseases Section at Tolworth for approval.
2.14 Because of the recognition of the possible implications of BSE, all decisions in respect of publications about BSE were submitted to the Directorate of the CVL. From there they were sent further up the line management structure. A note from Dr Watson to Mr Bradley of 11 June 1987 indicated that the Permanent Secretary and the CVO had been consulted on the question of publication. At about this time the Permanent Secretary made it clear that all publications relating to BSE had to be cleared by the CVO.

Dissemination of information – a chronology

June 1986

Spongiform encephalopathy in a nyala

2.15 Before BSE in cattle was identified, a single case of a TSE was identified in an animal of the same family at a zoo. In late June 1986, several months prior to the CVL’s examination of the cattle brain samples forwarded to them by the Wye and Langford (Bristol) VICs in November and December, Dr Jeffrey at the CVL’s Pathology Department received tissue sections from the brain and cervical spinal cord of a nyala. A post-mortem examination of the nyala had been carried out by Mr Geoff Holmes of the Winchester VIC. The nyala had exhibited unusual nervous symptoms for two weeks prior to being ‘euthanased’ at Marwell Zoological Park.

2.16 Dr Jeffrey’s diagnosis was that he had detected a spongiform encephalopathy, so-called because under a microscope, the affected areas of the brain have a ‘spongy’ appearance owing to the presence of numerous small holes, or vacuoles. Dr Jeffrey told the Inquiry that the similarity of the nyala brain section to natural sheep scrapie was ‘striking’, with the lesions being particularly florid. As far as he was aware, this was the first recognised case of a TSE-like disease in a bovine species.

2.17 Following this discovery, Dr Jeffrey drafted a scientific paper intended for journal publication in the Veterinary Record. He believed that his paper, entitled ‘Scrapie-like Disorder in a Nyla’, was submitted for publication in autumn 1986, although he could not be sure of the date. Dr Jeffrey told us that all manuscripts for publication were customarily reviewed by line managers and also by other colleagues in the Department. Finalised manuscripts were submitted to the Head of Department, in this case Mr Bradley, before being forwarded to the CVL Directorate, who would in turn submit the article to the MAFF Animal Health Group at Tolworth (see paragraphs 2.12–2.14 above). Dr Jeffrey said that prolonged intervals could elapse before permission was received to submit a paper to a scientific journal.
2.18 Dr Jeffrey sent sections of the nyala brain, and later a copy of his paper, to Dr Hugh Fraser of the Neuropathogenesis Unit (NPU) in Edinburgh for his comments. Similarly, slides of the nyala brain were sent to Dr Richard Kimberlin, also of the NPU. Dr Jeffrey could neither recall the exact dates the material was sent, nor find any supporting documentary evidence, but said he recalls sending at least the brain sections in 1986. Dr Kimberlin was certain that he did receive the slides, which he then passed on to Dr Fraser, probably during the last quarter of 1986. Dr Kimberlin vividly recollected seeing the slides because the pathology was so striking. The fate of Dr Jeffrey’s paper is considered further below.

December 1986

Communication about BSE within MAFF

2.19 The initial communication between the Pathology Department and other staff in the CVL regarding a possible TSE in cattle is largely undocumented. We think news of the disease probably spread within the CVL at about the time of Mr Bradley’s confidential minute to Drs Shreeve and Watson on 19 December 1986. That minute enclosed a report which diagnosed a spongiform change in a bovine brain.

2.20 After Mr Rees (the CVO) was told of the disease in December 1986, he informed Mr Jack Hepburn, the Under Secretary in charge of the Animal Health Group. The latter was succeeded in the course of that month by Mr Alistair Cruickshank and passed the information on to him. Mr Cruickshank’s recollection was that the disease was yet to be given a name and that very little was known about it. Only a very few animals had contracted it. The vets were trying to establish the nature of the disease, but it was clear nothing could be done until more had been learned about it.

January 1987

A confidential communication

2.21 During a brief private conversation with Mr Wells at a meeting of the British Neuropathological Society in January 1987, Dr Fraser of the NPU recalls he was told in confidence that the CVL was beginning to see ‘scrapie in cattle’. This appears to have made little impact on Dr Fraser, who was perhaps somewhat sceptical, for he gave no further thought to the conversation over the next six months. Mr Wells, who could not recall the conversation but did not doubt that it took place, said that he was not, at that time, considering involving the NPU in work on BSE. Dr Fraser could not recall whether he and Mr Wells had discussed the possibility of conducting transmissibility studies at that time.
2.22 At a meeting in Paris in December 1986, Dr James Hope of the NPU had described, for the first time, a fast method for detecting scrapie-associated protein, which enabled confirmation of a TSE within four hours. Dr Fraser did not mention that method, known as the western blotting technique, to Mr Wells during their brief conversation. Although aware of the technique, Dr Fraser was not familiar with it and had not performed it himself.

2.23 It is not clear to what extent Dr Fraser discussed Mr Wells’s information with his colleagues at the NPU. It seems that it was passed on to at least Dr Alan Dickinson. Dr Dickinson, Head of the NPU, told us that the news had a considerable effect on him in terms of what it could mean for the NPU, a unit specialising in research on spongiform encephalopathies.

2.24 However, Dr Hope did not become aware of the new disease until almost a year later, in the autumn of 1987, when Dr Watson, Director of the CVL, made a visit to the NPU in September to meet with Drs Fraser and Kimberlin.

2.25 At the beginning of the year both Mr Bradley and Dr Watson gave some thought to consulting the NPU regarding their findings. Dr Watson was familiar with the work undertaken by the NPU and the expertise available to it, having been a member of a visiting group in 1985 charged with reviewing the facility. Similarly, Mr Bradley was acquainted with Dr Fraser and his work through attendance at veterinary meetings. However, the two ultimately thought that the NPU’s involvement would be premature given the small number of cases involved at the time.

By the end of January 1987 CVL had identified three cases of spongiform change in the brains of cattle in one herd in Kent, and a fourth case in a herd in the West Country.

February/March 1987

Publication in Vision considered but not pursued

2.26 During February the CVL Virology Department examined homogenised brain tissue from one of the affected cows for scrapie-associated fibrils (SAFs). These are small, abnormal fibres, the presence of which in treated brain extracts was recognised to be one of the identifying features of a spongiform encephalopathy. Investigations into possible genetic causes of the disease were also under way. In a note to Mr Wells on 4 February, Mr Bradley commented on the view that BSE was a scrapie-like disease: ‘Your view and mine is to keep an open mind.’
2.27 By 18 February neuronal vacuolation had been found in a case received by the Truro VIC. Meanwhile, study of the earlier brain extract by electron microscopy showed fibrils that resembled SAFs. Mr Bradley raised with Dr Watson the issue of whether MAFF should play the matter ‘close to the chest’ or inform the VI Service of the new disease through an article in Vision, the scientific newsletter which circulated to all VICs. Mr Bradley referred to the conflict between not wanting MAFF to miss suspected cases, yet not wanting the ‘ultra-smart’ to release prematurely information of ‘dubious value’ to the public, before enough was known about the disease to answer some of the vital questions that would be posed.102

2.28 A few days later, Mr Bradley asked Mr Wells to begin work on a draft article for publication in Vision. The article was to detail the clinical signs and the gross post-mortem findings only.103 Because Mr Wells did not agree with that course of action, he spoke to Mr Mike Dawson (a CVL Research Officer) about it and made his position known to Mr Bradley. His subsequent minute said that he and Mr Dawson were agreed that there was little to be gained, and perhaps something to be lost, by the publicity Mr Bradley was proposing. He commented ‘we do not need to know the prevalence of the disorder at present’ and questioned the confidentiality of Vision. By drawing attention to the new disease, Mr Wells thought it was likely to encourage referral of cases to veterinary schools rather than to the CVL. He recommended postponing the article and reconsidering publication at a later date when more information was available.104

2.29 Mr Bradley acknowledged Mr Wells’s concerns, but having made these known to Dr Watson, still saw preparation of the article as being valuable. He asked Mr Wells to prepare the draft article promptly. A decision could then be taken on whether or not to publish the article in Vision.105

2.30 Mr Wells duly wrote the article by early March, though on the covering minute he noted his continuing reservations:

A statement about the potentially novel disease for distribution to SVS outside of CVL is at present premature, uninformative by virtue of necessary omissions and predictably damaging to scientific achievement at this Laboratory.106

2.31 Following further discussions between Mr Bradley and Dr Watson, the decision was made not to publish the article at that point. Both Dr Watson and Mr Bradley were asked about this decision when they gave oral evidence. Dr Watson said that he was in favour of publication at the time. It would have assisted in getting more of the materials and specimens that they needed for the case study. He could not remember why the publication did not proceed.107 Mr Bradley told us that account was taken of the views of Mr Wells and Mr Mike Dawson.108

2.32 We have seen no further contemporary documents dealing with dissemination of information about BSE prior to May.
May 1987

Decisions on dissemination

2.33 The minutes of the meeting of the UKASTA/BVA/ADAS Liaison Committee for the South West Region on 6 May record that the BVA representative, Mr M Vivian stated:

Scrapie seems to be on the increase and there is some thought that cases may be occurring in cattle.109

2.34 On 14 May Mr Bradley circulated to his CVL colleagues Dr Watson, Dr Shreeve, Dr Roberts, Mr Wells and Mr Mike Dawson a detailed ‘Summary of Decisions made on Dissemination of Information’ about the new disease. The first two paragraphs dealt with publications which would have a limited circulation. The next three paragraphs dealt with publication in a journal, such as the *Veterinary Record*, with a wider circulation:

1. GAHW [Wells] and MD [Mike Dawson] will prepare a 2 paragraph summary for the CVO. This will be a résumé for presentation at the Joint Vet/Med Research Club Meeting110 on 29 May to be attended by both authors. Dr Watson will field questions of a non-scientific nature. The paper will only be given if the abstract is agreed by the CVO. At this meeting acknowledgement will be made to those contributing to the scientific information including VIOs, Messrs Dawson and Scott and Messrs Wells and Jeffrey. If presented the contributors (ie those listed above) should be informed of the gist of the subsequent discussion bearing in mind still the caution we must exercise. The respective HODs [Heads of Department] should also be kept in the picture. Dr Watson will keep the CVO and Head of VIS informed and any written communication should be sent to him via the HOD.

2. GAHW and MD will prepare an updated article for Vision to be cleared with HOD, Directorate CVL and Mr Williams before his departure on 25 May. This would include information on specimen submission (fresh and fixed) and a direction to send it to the CPU/Virology Dept CVL. We should consider what to do re the Scottish VICs who normally send neuro tissue to the Moredun. Some direction as to the restrictions and intentions as to future publication should be given. Direction on this point could only be given by the CVO or by the Director CVL and Head of VIS jointly.

3. Mr Williams has withdrawn authority for Mr Hancock to publish his 170 word article in the *Record*. I have spoken with him and informed him of the proposed Research Club paper and that he amongst others will be given recognition there.

4. GAHW and MD recommend restraint on publication until more tissues are examined (especially by Virology Dept). These are being sought and the Vision article would accelerate the progress. We should continually be

109 YB87/07.14/6.2. UKASTA is the UK Agricultural Supply Trade Association; BVA, the British Veterinary Association; and ADAS, the Agricultural Development and Advisory Service

110 This was a private meeting of the Veterinary Research Club with the Medical Research Club
taking stock of the situation re timing of publication. On the one hand there is enthusiasm to publish in some quarters now albeit with incomplete data and to ensure ‘A First Report’ both personally and for the SVS. On the other a more complete account would (apart from delaying publication) perhaps give the UK even more of a head start over others and also remove many of the uncertainties we now have.

5. When a publication is made it should, apart from giving an authoritative scientific account, give acknowledgement to those contributing to the knowledge in an agreed fashion and indicate to the reader the teamwork necessary to identify, recognise and describe such new conditions ie the importance of surveillance in the SVS which is conducted jointly by the VIS and CVL in the context of the current investigation.111

2.35 In accordance with paragraph 1 of the ‘Summary of Discussions’, Mr Wells sought permission from Mr Rees to present a short paper on the new disease at the closed joint meeting of the Veterinary and Medical Research Clubs on 29 May 1987.112 The request was dealt with by Dr Roy Moss, acting CVO in Mr Rees’s absence. Dr Moss’s note of his discussion with Mr Wells granting permission included the comment: ‘Dr Wells is fully aware of the problem of association of this condition with scrapie of sheep without reference to the differences.’113 The paper Mr Wells proposed to give included the following sentence: ‘Histopathological examinations of brains from four cases has revealed a spongiform encephalopathy, indistinguishable by light microscopy from that of scrapie of sheep . . .’114

2.36 In accordance with paragraph 2, Mr Wells and Mr Mike Dawson prepared for publication in Vision an updated version of Mr Wells’s previously unpublished article.115 The article was to be cleared by the Head of Department, the CVL Directorate and Dr Williams, before his retirement on 25 May 1987.

2.37 With regard to paragraph 3, Dr Bernard Williams, Assistant Chief Veterinary Officer (ACVO) and Head of the VI Service, explained to us that Mr Roger Hancock was one of two veterinary staff in the South West of England, each anxious to publish his findings of a single case of BSE. Dr Williams said that he had no recollection of Mr Hancock’s paper but believed that he had decided that this paper was uninformative and incomplete and that publication of the joint CVL/VI Service investigation into the Kent herd should have priority, as this would contain more complete information.116 Mr Rees has stated that he did not know anything about the article by Mr Hancock at the time and is unaware why approval for publication was withdrawn.117

2.38 We subsequently obtained a copy both of Mr Hancock’s letter, of which fellow veterinarian Miss N J Paull was co-author, and of the letter that Dr Williams wrote to him withdrawing permission for its publication.
2.39 Mr Hancock’s and Miss Paull’s letter described a cow which had died suddenly seven weeks after displaying behavioural changes, including mild ataxia. The letter continued:

A full post-mortem examination was not undertaken but the head was submitted for laboratory examination. The brain appeared normal on gross examination but histopathological examination revealed spongiform changes in the brain stem with vacuolation of the neurones. A diagnosis of spongiform encephalopathy of unknown aetiology was made. The lesions were similar to those seen in sheep with scrapie.118

2.40 Dr Williams’s letter to Mr Hancock read:

Further to our telephone conversation this morning, I am now confirming that the letter to the Veterinary Record which I cleared earlier in the week should not be published. I explained to you that this condition had been discussed by the CVO and the Director of CVL, and because of possible effects on exports and the political implications it had been decided that, at this stage, no account should be published. No doubt there will be an opportunity for your case to be published in due course.119

This matter is considered further in the discussion section (see paragraphs 2.167–2.176).

Information to Veterinary Investigation Officers

2.41 Dr Williams told us that he did not agree with the CVL’s suggestion of using Vision to advise VIOs of the existence of BSE. He believed that Vision articles did not receive immediate attention because of their routine nature and because they often related to matters of little interest to particular centres. He believed it prudent to circulate BSE information either as a circular letter or as a stand-alone article to all VI Service veterinary staff. Dr Williams told us, however, that he did not press that view, preferring to defer the decision until the article had been drafted.120

2.42 On 15 May Mr Bradley sent a minute to Dr Watson, Dr Shreeve, Dr Roberts, Mr Wells and Mr Mike Dawson noting that, ‘by agreement with the Director’, the proposed Vision article would now be circulated as a separate Directive to VICs in England and Wales only.121

2.43 A draft was submitted to Dr Williams for his approval. He suggested that the final paragraph should be amended to read:
It has been agreed that a joint/co-ordinated CVL-VIS publication will be produced in due course. Meanwhile, because of the nature of the disorder, its political implications and possible effects on exports it is essential that VIS staff must not, at this stage, discuss it with or consult workers at Research Institutes and University Departments. Furthermore, any statements for publication or discussions at meetings must be cleared by the respective Directors of the Services.\textsuperscript{122}

2.44 On 27 May Dr Peter Dawson succeeded Dr Williams as the ACVO and Head of the VI Service, and Dr Richard Cawthorne succeeded Dr Peter Dawson as Head of the Veterinary Investigation Section (VI Section) at Tolworth.

2.45 The final version of Mr Wells’s article, entitled ‘A Novel Bovine Neurological Disorder?’, was eventually circulated on 8 June 1987 to Superintending Veterinary Investigation Officers in England and Wales. The document was headed ‘urgent’ and ‘in confidence’. It described the nature, symptoms and pathology of the new disease and gave instructions for the submission of pathological material to the CVL. It included the following directions:

Similar clinical cases are of interest to VI Section, Tolworth, and the Pathology and Virology Departments at CVL. Such cases must be notified initially only to SVO(HQ), VI Section, Tolworth and Neuropathology Section, Pathology Department, CVO. At this stage VI staff should not consult workers at Research Institutes or University Departments . . .

A co-ordinated VIS/CVL publication on this subject is proposed. All statements for publication, or discussion at meetings MUST BE CLEARED by respective Directors of Services.\textsuperscript{123}

A watershed presentation

2.46 Meanwhile, Mr Wells made his agreed presentation at the tail-end of the closed joint meeting of the Medical and Veterinary Research Clubs on 29 May 1987. This was referred to in the meeting minutes as ‘an impromptu 10 minute presentation on a neurological scrapie-like illness in Friesian cows.’\textsuperscript{124} The established rule for such meetings was that no one could subsequently make any communication or statement in public about the proceedings without the permission of the speaker. Mr Wells told us, however, that it was recognised that one would speak about the meeting to colleagues within the same institute.\textsuperscript{125}

2.47 Both clubs were private with meetings open only to members and invited guests.\textsuperscript{126} Mr Rees told us that he was aware of the clubs’ rules relating to confidentiality.\textsuperscript{127} However, both Mr Wells and Dr Watson referred to the meeting as a ‘watershed’ in relation to the dissemination of information to a wider audience.\textsuperscript{128}
2.48 Dr Kimberlin, of the NPU, was present at the meeting. Following Mr Wells’s presentation, there was discussion between Dr Watson and Dr Kimberlin about the NPU’s potential involvement. Dr Watson told us that he had tremendous regard for Dr Kimberlin’s international reputation in the field. He said Dr Kimberlin was particularly experienced in pathogenesis and transmission, ‘an area I felt we needed input in quickly’.129

2.49 Nonetheless, five days after the meeting, Mr Bradley, who had by then been designated the CVL’s BSE coordinator, issued a confidential minute to members of the CVL asking that no discussions with the NPU be initiated until after a meeting with Mr Rees on 5 June.130 Dr Watson had agreed to this request. In his oral evidence, Dr Watson said: ‘I felt there should not be, shall we say, open communication before the Minister had been informed.’132

By the end of May 1987, there were six identified cases and 13 suspected cases in four herds.133

June 1987

The eve of the election

2.50 Parliament was dissolved on 18 May pending a General Election on 11 June.

2.51 On 1 June Mr Carl Johnson of the Wye VIC sought permission from Tolworth to speak about the early cases of BSE with which he had been concerned (see paragraph 1.34) at the BCVA meeting on 7 and 8 July.134 The private vet involved, Mr Whitaker, a BCVA council member, intended to speak in any event. The secretary of the BCVA had accused MAFF of ‘covering up’, and Mr Johnson expressed the view that the situation had developed to the point at which BSE was not a secret any more and to refuse to speak would show the VI Service in a bad light.135

2.52 On the same day Dr Watson suggested to Mr Rees that Ministers should be informed of BSE.136 A submission from Mr Rees, dated 5 June, was addressed to the Parliamentary Secretary, Mr Donald Thompson. This did not reach Mr Thompson until 15 June, after the Election. In the meantime the matter was dealt with by the Permanent Secretary at MAFF, Sir Michael Franklin. The submission was copied to the Deputy Secretary for Land and Resources at MAFF; the Director-General of ADAS; the MAFF Under Secretary responsible for the Animal Health Group; the ACVO Scotland; the Veterinary Adviser to the Welsh Office Agriculture Department (WOAD); and among senior colleagues at the CVL and elsewhere in MAFF.137

129 T29 p. 85
130 Erroneously referred to in the minute as the neurobiology unit
131 YB87/6.3/1.1
132 T29 p. 87
133 YB87/5.27/2.1
134 YB87/6.1/2.1
135 YB87/6.4/1.1
136 YB87/6.1/1.1
137 YB87/6.2/1.1; YB87/6.5/2.1–2.2
2.53 By this stage, the disease had been detected in seven different herds. After summarising what was known about the disease and emphasising the limitations of this knowledge, Mr Rees advised:

There is no evidence that the bovine disorder is transmissible to humans. In the absence of such evidence, and in the absence also of the epidemiological knowledge or of a definitive test to establish the disorder’s presence in a live host, it does not seem appropriate to impose restrictions on affected farms or on the sale of produce from cattle in affected herds. Irresponsible or ill-informed publicity is likely to be unhelpful since it might lead to hysterical demands for immediate, draconian government measures and could lead other countries to reject UK export of live cattle and bovine embryos and semen.

2.54 Mr Rees went on to report that there was pressure for discussion of the disease at a forthcoming meeting of the British Cattle Veterinary Association (BCVA) on 7 and 8 July. The BCVA had asked for a speaker from the VIS. Since there was bound to be publicity, Mr Rees thought it preferable to agree to provide both a speaker from the VIS and a representative from the CVL. Such a move would provide an opportunity to present a sober and measured appreciation of the situation. It would also make it harder for MAFF’s critics to accuse the Ministry of a cover-up. The submission ended:

In view of our very uncertain knowledge of the disorder it does not seem appropriate at this stage for MAFF to issue general information other than, perhaps, of a technical nature in a publication such as the Veterinary Record. Officials will consider this possibility further and are also considering urgently what other official action in the realms of research, surveillance and veterinary control may be appropriate. A submission can then come forward to Ministers as soon as it is possible to make recommendations on these matters. The political implications of this development could be quite serious, particularly if not handled correctly, and I would welcome the opportunity of an early meeting with the Secretary to discuss the matter.  

2.55 This note was not forwarded to the Department of Agriculture in Northern Ireland (DANI). Mr Cruickshank of MAFF explained to us that he believed Northern Ireland was aware of BSE before June 1987 because ‘in practice there was rather more contact with Northern Ireland than there was with Scotland and Wales’. Mr Ron Martin, Deputy CVO of Northern Ireland at that time, stated: ‘In 1987 and 1988 we were aware that a new disease – BSE – had appeared in GB.’ The Permanent Secretary of DANI, Dr Bill Jack, told us:

I am afraid it is not possible to state exactly when we became aware of it. I am quite clear in my own mind I was aware of it in about 1987 . . . I must have got that from some of my veterinary colleagues because we had lots of veterinary difficulties in 1987 and 1988 and I was in almost daily, certainly weekly contact with them.
Meanwhile, on 2 June Dr Watson asked Mr Bradley to coordinate work on BSE within the CVL and to be the single point of contact for him on it. Thereafter Mr Bradley led what he described as ‘the BSE Group’, which comprised Mr Gerald Wells, Mr Mike Dawson, Mr Tony Scott, Mr John Wilesmith and Dr Vernan Wijeratne.142

Meeting with the Permanent Secretary

In response to Mr Rees’s note, on 10 June Sir Michael Franklin held a meeting with Dr Watson, Mr Cruickshank and Mr Rees. Mr Rees expressed concern that irresponsible, alarmist publicity could do much harm and might also jeopardize the export trade. It was decided that they should take the following steps:

i. participate in the BCVA’s meeting, providing a low-key, scientific speech;

ii. ensure that investigations were under way into the possibility of any link with human disorders;

iii. speak informally about BSE with Mr Ralph Baker of the National Farmers’ Union before the BCVA meeting;

iv. contribute a short factual report to the Veterinary Record; and

v. put forward a short note to Ministers explaining the position.143

On the return of the Conservative Government on 11 June, Mr John MacGregor was appointed Minister of Agriculture and Mr John Gummer his Minister of State. Mr Thompson retained his post as Parliamentary Secretary.

Mr Wells’s article for the Veterinary Record

In addition to the short paper for Vision, Mr Wells had been working on a paper for the Veterinary Record, the journal of the BVA, reporting on the clinical and pathological observations of the new disease.144 Dr Watson had asked him to prepare this some months earlier. The first draft had been rejected by Mr Rees. Mr Wells told us he was not surprised at this, as it was an incomplete draft pending further work, particularly on the control brains.145 In mid-June, Mr Wells circulated his second draft.

The first half of the article described the histopathology and the clinical symptoms. The second half of the article compared these to those of other TSEs, namely scrapie, chronic wasting disease and transmissible mink encephalopathy. Dr Peter Dawson minuted Dr Cawthorne inviting him to read the draft and advising him that Mr Rees would not sanction it beyond ‘the line on page 3’. That line was drawn between the two halves of the article.146

Mr Wells was about to go on leave. On Friday 12 June, before he left, he prepared a situation report for Mr Bradley. This began:

142 YB87/6.3/1.1
143 SI26 Rees para. 22; YB87/6.16/4.1
144 Co-authors were stated to be: A C Scott; C T Johnson; R F Gunning; R D Hancock; M Jeffrey; M Dawson; and R Bradley
145 SI5 Wells para. 51
146 YB87/6.11/2.1–2.13
Short Communication for *Veterinary Record* approved by Director, CVL and cleared by CVO but with condition that all reference to Scrapie be deleted. This was unacceptable to myself, Mike Dawson and Tony Scott and when discussed with R H Kimberlin he also considered it scientifically incompetent to publish the information without discussing the findings in relation to the major disease (Scrapie) of the spongiform encephalopathy group. Dr Roberts agreed and Dr Watson sees both points of view. The issue was discussed between Dr Watson, Mike Dawson and myself and Dr Watson discussed it with Dr Peter Dawson who is supporting the CVO’s viewpoint. I and Mike indicated that we could not and would not be party to modification of a scientific article for political purposes. Withdrawal of the paper, or delay in publication until such time as the inference of association with Scrapie is public, leaves the CVO without an immediate vehicle for scientific announcement of the disorder, except that is for the BCVA meeting. I will return to this point below.

2.62 Mr Wells then referred to certain developments which cast some doubt on the similarity of BSE to scrapie. In particular Dr Hugh Fraser of the NPU, who had considered a set of sections from one animal with BSE, had reservations about Mr Wells’ conclusions.

2.63 Mr Wells concluded:

Returning to the question of association with Scrapie and the concern which the CVO has regarding scientific statement however tentative of such an association. I propose on reflection of the information we have to date that it would indeed be prudent to reserve public comment at present. We need more time to assess the pathology especially against the background of possible common epidemiological denominators which may emerge. The SAF evidence must also be more substantial. Because the preliminary evidence suggesting similarity to the transmissible spongiform encephalopathies has been so convincing I think we need to take stock and attempt before any experimentation to test rigorously the hypothesis that it is similar to scrapie on pathological grounds.

The *Veterinary Record* short communication could then on my return be modified to accommodate discussion of other possible aetiologies or pathogeneses which might suggest a less biased view toward the transmissible spongiforms.

Co-authors have, as yet, not been sent final drafts of the *Veterinary Record* paper and nor will they have been told of any decision to hold for a while.

I suggest that, as I understand is normal practice with emerging diseases, a statement about the new disorder is made on monthly VIC reports as soon as possible. That way Vets in practice get to know, the flack will start, but the CVO can defend the current position by indicating that investigations are in progress and we are not ready to make a scientific statement at this time. In particular the epidemiological investigation must be completed and analysed before we go any further.

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147 YB87/6.17/3.1
On 15 June Mr Bradley sent to Dr Shreeve a lengthy minute headed ‘Publication Situation’. This began:

New information mainly acquired by Mr Wilesmith & Mr Wells plus a lengthy discussion with the latter on Sunday has led to a reappraisal of publication procedures to ‘the world at large’ via the Veterinary Record. This coupled with the decision of the CVO not to sanction publication of the article prepared by last Friday whilst reference to scrapie remained in it led to a meeting between the CVO & myself on Monday am 15/6/87 which was also attended by Mike Lamont representing the VIS.

The following points were made:

1. MAFF had a responsibility to inform the following of essential information pertaining to the discovery:
   
   i. In the UK:
      
      A MAFF diagnostic veterinarians (VIS, Lasswade, Pathology Depts)
      
      B Researchers with expertise in slow infections
      
      C Veterinary Practitioners

2.65 The minute went on to refer to the controlled supply of information that was being made within the UK to researchers and veterinarians within and outside MAFF to meet these aims. It stated that wider publication to veterinarians elsewhere, which was to be achieved by the Veterinary Record, was to be delayed for an indefinite period, perhaps three to six weeks.

2.66 The minute summarised the ‘new information’ referred to. This consisted of certain pathological observations and epidemiological reports which cast some doubt on the conclusion that BSE was a TSE.

2.67 The minute concluded:

For these reasons (+ only having 1 SAF +ve) it might be prudent to delay publication until at least we have more epidemiological data and further opinion from Barlow. The CVO agrees and it overcomes the other reason not to publish (which is not acceptable to any researchers at CVL) namely restriction if scrapie is mentioned.

Caution has been exercised though some feel it is only delaying the inevitable, ie criticism for permitting exports to continue whilst we have knowledge of BSE (though not its transmissibility). This is however the responsibility of the CVO not research staff. A subsequent paper that may become acceptable could include a broader exposure to potential aetiologies including toxic, genetic, metabolic as well as transmissible. There is nothing to prevent publication of the present paper if the CVO changes his mind but
because of the powerful export implications & his experience this is unlikely.

‘Veterinary political reasons’

2.68 Mr Bradley minuted Mr Wells and the other authors of the paper to inform them that publication approval had not been forthcoming for ‘veterinary political reasons’. He continued:

Furthermore a number of new observations, facts and opinions obtained over the weekend have convinced Mr Wells, myself and others that it would be prudent to reserve public comment until further information is available. We have fully taken account of individuals’ desire to publish but feel:

a) that it is better to be right than quick, and

b) the veterinary political viewpoints must be respected.

We too are keen to publish promptly and will seek to do this at an early opportunity and particularly when more epidemiological data currently being collected and analysed are available.

We have addressed the question of how we discharge the responsibilities of communications to VIOs and MAFF pathologists, research workers and practitioners and these have been or are being dealt with. It is intended that a verbal and written paper will be presented at the next BCVA meeting in July led by Carl Johnson.

2.69 A few days later, Mr J Gallagher, a Senior Veterinary Investigation Officer (SVIO) at the Starcross VIC in Devon, wrote to Dr Cawthorne at Tolworth enclosing a copy of a brief article he had proposed for the Veterinary Record. Following a telephone discussion with Dr Cawthorne, Mr Gallagher made the following points:

You will see that it is a perfectly innocuous note, merely implying that this condition with its characteristic clinical signs had been picked up by the VI Service network and was now being explored by specialists at our Central Laboratory. In an attempt to gain perspective on this condition we were asking for information on its possible frequency.
I feel very strongly, as do the other veterinary staff at this Centre, that now with the delay in the publication in The Record, some note must be put in The Record along these lines if we are to retain credibility as a service, charged with the important functions of disease surveillance and the gathering of intelligence on new diseases, rather than suffer the embarrassment of what appears to be a total suppression of all information on the subject, whilst both numbers of practitioners and farmers know full well of the occurrence of this condition. Our embarrassment will be considerable when, as will inevitably occur, some other source will claim the surveillance trophy by reporting and detailing the condition first.\textsuperscript{151}

2.70 The details described the clinical symptoms of the new disease, and included a reference to the pathology: ‘examination of material by a Neuropathologist at CVL has shown an encephalopathy’. On the same day, Mr J Todd an SVIO at the Bristol VIC, wrote to Mr Bradley in relation to his minute advising the authors of the draft paper that publication approval would not be forthcoming. Mr Todd expressed his disappointment – while accepting Mr Bradley’s view that it was ‘better to be right than quick’ – but added that he believed if the CVL was not quick, it would not be first. He continued:

Here is a golden opportunity for the Veterinary Investigation Service and CVL to demonstrate to the world that we are performing the function of identifying and investigating new conditions in farm livestock. It would be a great pity if we did not receive the recognition. It would be worse if another group appeared to be successfully carrying out our function.\textsuperscript{152}

2.71 Both Mr Gallagher’s and Mr Todd’s letter were passed on to Dr Peter Dawson (the ACVO) who consequently suggested publishing a slightly amended version of Mr Gallagher’s letter in the monthly report section of the Veterinary Record (see paragraph 2.77 below).\textsuperscript{153}

2.72 From mid-June onwards, both formal and informal contacts between the NPU and the CVL were established. Before that time, the work of the two organisations had overlapped only slightly in the field of scrapie diagnosis, but now close collaboration was established in relation to the new BSE research programme.\textsuperscript{154} Dr Kimberlin of the NPU met various members of the CVL on two occasions in June to discuss how the NPU could best assist the CVL.\textsuperscript{155} In turn, Mr Wells visited the NPU in late July.\textsuperscript{156}

2.73 In late June, Dr Peter Dawson sent a copy of Dr Jeffrey’s proposed paper on his nyala research (see paragraphs 2.15–2.18) to Mr Rees. Mr Rees discussed the paper with Dr Watson and replied to Dr Peter Dawson that Dr Watson would look at the draft and see if they could ‘avoid comparing the condition directly with scrapie’ until more was known about the aetiology of the disease.\textsuperscript{157}
2.74 Dr Watson discussed the paper with Mr Bradley. From this conversation, Mr Bradley understood that Mr Rees would not authorise publication of Dr Jeffrey’s paper because of references to scrapie.158

2.75 A brief reference to a scrapie-like disease in a nyala appeared in the CVO’s Report Animal Health 1986, which was published in June 1987.159 Mr Rees told us that, although he drafted the foreword, he did not draft the whole report and had not seen it when it was published. The CVL, VFS and VIS each drafted their own sections of the Report in December and January for publication the following June.160

2.76 Also in June, Mr Wells gave a detailed briefing on BSE to Mr John Wilesmith, Head of the CVL’s Epidemiology Department, to assist him in his investigations into the source of the new disease.161

2.77 On 30 June 1987 in a minute to three SVIOs – Mr Hunter, Mr Spence and Mr Pill – Dr Cawthorne indicated that several SVIOs had expressed concern over what appeared to be the suppression of information on the subject of BSE and the effect this might have on the VIS’s credibility as an organisation for the investigation of new and emerging diseases. The minute said that the following statement was expected to be published in the Veterinary Record as part of the VIS ‘Monthly Summary (Cattle)’ for April:

A previously unreported slowly progressive neurological disorder of adult cattle has recently been identified in four Friesian/Holstein herds from widely separate locations in England.

Clinical onset has invariably been between 4–6 years of age, is insidious, and characterised by hyperaesthesia and incoordination of gait. Apprehensive and aggressive behaviour become striking features. Signs worsen and necessitate slaughter within 1–6 months.

The nature of the disorder remains undetermined at this time.162

2.78 This was the article that had been drafted by Mr Gallagher (see paragraph 2.69) save that the last line replaced his reference to an encephalopathy. This statement was published in the Veterinary Record of 11 July.163

2.79 Dr Cawthorne confirmed that once the statement appeared, SVIOs would be free to include similar notes in their newsletters, drawing attention to the condition and seeking information on its possible occurrence. Information on past and future cases was to be passed on to Mr Bradley at the CVL.164

2.80 Also 30 June 1987, Dr Cawthorne forwarded to Dr Peter Dawson a reference slip with the manuscript of Mr Johnson’s proposed presentation on BSE at the BCVA meeting on 7 and 8 July. Dr Dawson replied on 1 July 1987. He wrote a note

158 YB87/6.29/3.1; YB87/7.1/2.1
159 M24 tab 2 p. 69
160 T98 p. 42
161 A full account of Mr Wilesmith’s investigations and findings is given in Chapter 3 of this volume
162 YB87/6.30/2.1
163 Veterinary Record; vol.121, 11 July 1987, p. 29 (‘Miscellaneous Conditions’)
164 YB87/6.30/2.1
on the reference slip which read: ‘Discussed deletions with C Johnson by phone 1/7/87’.165 These deletions were as follows:

... which morphologically closely resembled those described originally by Merz and others (1981) and designated scrapie-associated fibrils ...

The histological finding of a spongiform encephalopathy together with fibrils present on electron microscopy suggested that this syndrome may be similar to Scrapie in sheep or to a chronic wasting disease reported to occur in deer in the USA.166

□ By the end of June 1987, there were thought to be nine confirmed cases in seven herds.167

July 1987

2.81 The month of July saw the first notification of BSE to new Ministers and limited publication of information relating to the disease.

BSE update

2.82 On 3 July Mr Bradley sent the CVL’s BSE Group an update, which included advice about dissemination of information:

Though the ‘Group’ has retained information ‘In Confidence’ there is apparently quite a lot of knowledge known to individuals including scientific staff at CVL. This would seem to be inevitable as there are many routes to gather information. It is important however that the Group itself operates responsibly and particularly ensures that information to which it is privy is not communicated directly or indirectly outside the Group and particularly not to non-MAFF personnel. Some such approaches have been made. Knowledge outside the Group is variable, incomplete and likely to be inaccurate ...

At present there are three levels of knowledge:

a) Knowledge – available to the ‘Group’.

b) Specialist selected knowledge, available to MAFF pathologists, VIOs, AP Dept staff, and pathology and other support staff. The nature and depth vary with individuals needs.

c) Other knowledge. Gleaned by the grapevine.

It is anticipated that as events unfold and particularly after open discussion at the BCVA presentation on 8 July we may be able to make further information available.168

165 YB87/6.30/7.1; YB87/6.29/7.1–7.20
166 YB87/6.29/7.3–7.4
167 YB87/6.29/2.1
168 YB87/7/3.1–1.2
The nyala paper

2.83 On 1 July Dr Jeffrey and Mr Wells received a memorandum from Mr Bradley in respect of the paper on the nyala. Copies were sent to Dr Watson, Dr Shreeve, and Dr Peter Dawson. It read:

SCRAPIE-LIKE DISORDER IN A NYALA

Paper for Veterinary Record – draft

A draft of this paper has been seen by the CVO and at the present time this is not authorised for publication even with the manuscript amendments already presented.

Publication authorisation for this as with others on the subject of spongiform encephalopathy will be by the CVO or delegated Heads of Service.

It is unlikely that approval will be given to publish if comparisons are made with scrapie or this is mentioned. It is anticipated that authors would not wish to publish without such mention or comparisons being made and I have so informed the Director. Authors have the choice of re-submitting in amended form for approval or of awaiting a more favourable time to publish. At present I cannot say when this will be.169

2.84 Dr Jeffrey told us that early in 1987 he had become aware of an embargo on references to scrapie in the context of BSE. However, he was not prepared to amend his paper to delete references to scrapie.170 It would have been negligent to try and publish that without a reference to scrapie. The published article commented that the pathological findings warranted ‘a provisional diagnosis of a scrapie-like disease’.171

Submission to Ministers

2.85 On 7 July, a submission was sent by Mr John Suich of MAFF’s Animal Health Division to Mr Donald Thompson and copied to Mr John MacGregor, Mr John Gummer and Baroness Trumpington, the Parliamentary Secretary (Lords); to Sir Michael Franklin, the Permanent Secretary; to Professor Ronald Bell, Director-General of ADAS; and to various officials at MAFF, the SVS, DAFS and WOAD.172 This was the first notice that Ministers other than Mr Thompson had received about the new disease, and the advice given focused on public handling.173

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169 YB87/7.1/2.1
170 T25 pp. 32–3
171 Veterinary Pathology, vol. 25, 1988, p. 398
172 YB87/7.7/1.1
173 S302 MacGregor para. 9
2.86 Mr Suich’s covering minute said:

The attached submission informs Ministers of the discovery by the State Veterinary Service of a hitherto unknown disorder of cattle and recommends a careful approach to publicity aimed at providing information in a responsible fashion without so far as possible giving rise to an alarmist reaction.174

2.87 The attached submission was essentially in the same form as Mr Rees’s note dated 5 June (see paragraphs 2.52–2.54). On publicity it said:

In the meantime it will be important to ensure that any publicity is responsible since ill-informed publicity could lead to hysterical demands for immediate draconian Government measures. This in turn could alarm other countries and lead them to prohibit imports of cattle, semen and embryos from this country.175

2.88 The submission ended:

The subject is being discussed at the meeting of the British Cattle Veterinary Association on 7–8 July where the Ministry will be represented by a speaker for the Veterinary Investigation Service and a representative from the Central Veterinary Laboratory. This will provide an opportunity for the State Veterinary Service to present a sober and measured appreciation of the situation and the work which is being undertaken. A factual report of these proceedings will appear in the *Veterinary Record*. The Chief Veterinary Officer also plans to meet representatives of the National Cattle Breeders’ Association and of the British Friesian Society, together with the Chairman of the National Farmers’ Union’s Animal Health and Welfare Committee to tell them about the disorder. Publications of further technical information by the State Veterinary Service will be considered in the light of development in our knowledge of the disorder.

Future Action

Ministers will be kept informed of the results of the investigations and studies which are currently under way. Recommendations will be made in the light of these results as to what further action may be considered appropriate. Meanwhile, with our current incomplete state of knowledge no action by MAFF is recommended beyond attempting to ensure that publicity is well-informed and not unduly alarmist.176

2.89 The submission informed Ministers that there were nine confirmed cases in seven herds with circumstantial evidence of other past cases.177

2.90 On 8 July Mr Johnson and Mr Whitaker made their presentation entitled ‘A Neurological Syndrome’ to the meeting of the BCVA. Mr Whitaker had prepared a paper and a series of slides for the meeting. Prior to the presentation he was asked to submit his paper to officials in MAFF who:

174 YB87/7.71.1
175 YB87/7.71.3
176 YB87/7.71.3–1.4
177 YB87/7.71.2
Mr Sibley, President of the BCVA, told us that relatively few veterinary surgeons attended the meeting. The proceedings were published by the BCVA but were not circulated for several months, as was the norm at the time. Mr Bradley attended the meeting and reported that all questions were answered satisfactorily.

2.91 On 10 July Mr Bradley minuted senior CVL colleagues about the proposed article for the *Veterinary Record*. He explained that:

> Following the BCVA Conference there is a need to communicate information to the Veterinary Profession promptly i.e. target to publish . . . in two weeks. The basis for the article should be that of the previous draft updated as necessary and taking a broader view of the potential aetiologies . . .

> It will be necessary and appropriate to include reference to spongiform encephalopathies of other species (including sheep) but emphasis on them and in particular to ovine scrapie should be avoided. I think this can be done without difficulty. There will be opportunity to develop this line of communication as more information becomes available in the future.

2.92 Further developments in August concerning the proposed article are described below. In the meantime, on 11 July 1987 the statement based on Mr Gallagher’s article was published in the *Veterinary Record* (see paragraphs 2.69–2.71 and 2.77–2.78).

**Cattle breeders informed of BSE**

2.93 On 13 July Mr Rees chaired a meeting of MAFF officials with the British Friesian Society, the British Holstein Society, the National Cattle Breeders’ Association and the National Farmers’ Union (NFU). Mr Rees outlined the history of BSE, including the symptoms of the disease and the action taken to date. It was emphasised that although BSE had ‘parallels’ in other animals, including sheep and humans, this was quite different from being the same disorder. The industry and NFU representatives indicated that they would probably alert senior colleagues to the matter but would not go beyond that stage. Mr Rees made it clear that MAFF wanted to avoid a media reaction out of scale with the problem so far identified. He noted that export trade could be adversely affected by exaggerated press speculation. To a question of whether it was appropriate to make the disease notifiable the reply was given that it was not because ‘it didn’t meet the basic criteria for taking such action.’

2.94 At a tripartite UKASTA/BVA/ADAS meeting on 14 July 1987, Dr Watson outlined information currently available on the condition and confirmed that a
scientific paper would be published shortly. In a minute to BSE Group members dated 20 July, Mr Bradley noted that the meeting had been attended by the Director (Dr Watson), who had:

corrected the statement made in the minutes of the previous meeting that scrapie was occurring in cattle and gave sufficient information to correct any views in that direction.

It is the duty of all of us to correct such false statements or opinions which could be damaging to the cattle industry either directly or by informing senior staff as appropriate. The Veterinary Record article should assist in the process.

2.95 On 29 July Mr Rees submitted to the Parliamentary Secretary (Mr Thompson) a paper on BSE prepared by Dr Watson. This included the statement:

Some importing countries already take a serious view of scrapie in sheep and knowledge of the existence of BSE in GB could result in a ban on cattle exports to these countries.

2.96 Mr Rees’s covering minute stated:

Eighteen farms are now under investigation and the volume of data being generated is considerable; the size of the ‘team’ has therefore been increased to expedite the work. The possible genetic pre-disposition to the condition and implications for the wide spread use of high quality bulls in AI [Artificial Insemination] could present a problem; we are therefore alerting, in confidence, the veterinary surgeons involved in AI – in the MMB [Milk Marketing Board] and associated organisations – of the lines of our enquiries.

Neuropathogenesis Unit confirms the similarity to scrapie

2.97 Mr Wells visited the NPU in late July and met Dr Kimberlin and Dr Fraser. Histopathology of several cases of BSE was considered. Dr Fraser’s earlier doubts were dispelled and he concurred with Mr Wells’s view that the pathology resembled that of transmissible encephalopathies, and more specifically, scrapie in sheep.

2.98 The VI Service ‘Monthly Summary’ for July referred to ‘cases of bovine spongiform encephalopathy. This is a novel neurological disorder of adult cattle which has recently been recognised in Southern England.’

By the end of July, the condition had been recognised in 10 herds with a further 8 herds under examination; and 46 probable cases had been identified.
August 1987

2.99 August marked a change in attitude to publication of references to similarities between BSE and scrapie. On 4 August Mr Wells wrote to Dr Watson enclosing a revised draft of the paper for the *Veterinary Record*. He referred to input from Drs Kimberlin and Fraser at the NPU and said:

Now with even more confidence than formerly we can draw similarities with scrapie of sheep and I feel that scientifically this cannot be avoided. I shall be interested in your views and, with your approval, those of the CVO.191

2.100 On 5 August Dr Watson wrote to Mr Rees enclosing the revised draft. He advised that, following Mr Wells’s visit to the NPU, Dr Hugh Fraser and Dr Richard Kimberlin were ‘entirely convinced of the similarities to scrapie and it is really not possible to produce a scientific paper without reference to this.’192 Mr Rees accepted this advice, but asked that a paragraph should be added to the article stating:

It should be emphasised that at the present the etiological basis of the disorder recognised in England remains unknown and no connection with encephalopathies in other species has been established.193

2.101 Dr Watson minuted Mr Wells on 6 August asking him to send the article direct to the editor of the *Veterinary Record* ‘referring to my discussion with him as this will expedite its publication’.194

2.102 In response to a question from the Minister about international awareness of BSE, Mr Rees minuted Mr Donald Thompson that the CVL was planning to publish an article in the *Veterinary Record* ‘in the next few weeks’. He commented that the *Veterinary Record* was a journal that was circulated in many countries and ‘it would be surprising if the condition was not being discussed in international circles within the next few months’.195

2.103 On 17 August the approved article was finally submitted to the *Veterinary Record* for publication. By 2 September, Mr Wells had still not received acknowledgment of this article and so contacted Ms Veronica Simmons, the subeditor. He was advised that even with prompt processing, it was likely to be two months before publication.196 It was eventually published on 31 October.

2.104 In the meantime, Mr Wilesmith and Mr Bradley were proposing various studies aimed at increasing their knowledge of BSE. They were in favour of an experiment to test their hypothesis about transmissibility, followed by a breeding experiment. Analysis of breeding information could possibly determine whether genetics played any role in the pattern of the disease. They suggested that transmission studies in mice, rats, cattle and possibly mink should begin immediately.197
By the end of August 1987, there were 62 suspected cases, 8 of which were confirmed histopathologically (and in 2 cases also by detection of SAFs).¹⁹⁸

**September 1987**

2.105 On 4 September Mr Bradley advised Dr Watson that there was likely to be at least two months’ delay in publishing Mr Wells’s paper and suggested that Dr Watson might wish to intervene when Mr Edward Boden, editor of the *Veterinary Record*, returned.¹⁹⁹ In a Progress Report to Mr Donald Thompson on 16 September, Mr Rees included his expectation that the article would be published in ‘the next week or so’.²⁰⁰ On 21 September, Mr Bradley informed Dr Watson that the paper had been approved, with minor alterations. He did not know, however, when it would be appearing in the *Veterinary Record* but expected it to be soon.²⁰¹

2.106 In September, the farming newspapers began to show an interest in the subject. Dr Fraser recalled discussing BSE with *Farmers Weekly* but could not recollect the outcome of the conversation.²⁰²

2.107 On 21 September a Protocol for suspect BSE cases was circulated by Gerald Wells to VI Service staff. This gave instructions on the action to be taken in respect of suspected cases of BSE, including the submission of samples to the Pathology Department of the CVL.²⁰³

2.108 On 24 September *Big Farm Weekly* published a short article about BSE, entitled ‘Mystery Disease’.²⁰⁴

2.109 At the BVA Congress meeting in Warwick on 8–11 September, information about BSE was made available at the VI Service stand.²⁰⁵ Mr Rees spoke about BSE to Mr Ralph Baker of the NFU. Mr Baker believed that the NFU should be distributing information on the problem to its county secretaries to enable them to be in a position to answer questions posed by farmers. He asked Mr Rees to provide some background information on BSE to assist with this. Mr Rees anticipated that the NFU would publish the information at the same time as the *Veterinary Record* paper was published. However, because of enquiries made by *Big Farm Weekly* and Harlech Television, he forwarded that information to the NFU before the publication of Mr Wells’s article, under cover of a letter in which he said:

> As you know our aim has been to present this finding in a sober way to prevent any unnecessary hysteria which could have a damaging effect on our exports if importing countries were to misunderstand the situation.²⁰⁶

2.110 In the course of September the Epidemiology Department of the CVL began to issue weekly summaries of suspected BSE cases, identifying the number of these which were confirmed.

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¹⁹⁸ DM01 tab 17
¹⁹⁹ YB87/9.9/4.1
²⁰⁰ YB87/9.16/1.1
²⁰¹ YB87/9.21/1.1
²⁰² S56 Fraser para. 7
²⁰³ YB87/10.6/1.1–1.3
²⁰⁴ YB87/9.24/2.1
²⁰⁵ YB87/10.12/4.1
²⁰⁶ YB87/9.30/1.1
Mr Wilesmith’s summaries for the month of September 1987 gave the following information:

<table>
<thead>
<tr>
<th>Date</th>
<th>Suspected Cases</th>
<th>Confirmed Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.9.87</td>
<td>66</td>
<td>8</td>
</tr>
<tr>
<td>18.9.87</td>
<td>73</td>
<td>13</td>
</tr>
</tbody>
</table>

* DM01 tab 17

**October 1987**

2.111 In October information about BSE was circulated widely by the CVL and MAFF.

2.112 On 5 and 6 October the NPU’s first analysis of a BSE-infected brain, using the western blotting technique, gave evidence of abnormal prion protein. Dr James Hope told the Inquiry that it was immediately clear that BSE was a prion disease. At meetings the following week, Dr Hope discussed with senior officials at the CVL experiments to characterise the bovine prion gene.

2.113 In mid-October Mr Suich of MAFF’s Animal Health Division distributed a question and answer brief for dealing with press and public enquiries about BSE. It was proposed that the brief be circulated to all regional press and information officers. Mr Suich apologised for the fact that, as he had recently discovered, similar information had already been given to the NFU to allow its county secretaries to handle enquiries. He added that ‘quite clearly the first priority ought to have been to brief our own press branch’.

2.114 Mr Suich also responded to expressions of doubt about the wisdom of issuing figures which ran the risk of confusing people, by observing that this risk was less serious than concealment.

2.115 On 17 October Mr Derek Andrews (later Sir Derek) succeeded Sir Michael Franklin as Permanent Secretary at MAFF.

2.116 On 23 October Farmers Weekly, Farming News and Farmers Guardian carried articles on BSE, which were followed two days later by an article in the Sunday Telegraph.

Incurable Disease Wiping Out Dairy Cows

A mystery brain disease is killing Britain’s dairy cows, and vets have no cure.

The disease, bovine spongiform encephalopathy, is believed to have affected 51 herds in 14 counties, mainly in the south of England, with one case in Cumbria. Nearly 90 cows have died or been destroyed.
This is the first time the disease has been identified and scientists are racing against time to contain it. It has been positively identified in herds in Kent, Somerset, Wiltshire, Devon and Cornwall, and vets are sure that suspected cases in nine other counties will be confirmed.

The first cases were noticed in May, but at first vets diagnosed known diseases. The symptoms were nervousness and agitation. Cows began to walk clumsily and some collapsed and died.

Laboratory tests showed that the affected animals – Friesian and Holstein cattle which provide most of Britain’s milk – were brain-damaged.

A Ministry of Agriculture spokesman said government vets were baffled. No one knows where the disease came from, what causes it or how to cure it . . .

If the disease cannot be contained quickly the Ministry may have to make it ‘notifiable’. Farmers would then be compelled to report all outbreaks and the cattle would be destroyed immediately.

A Ministry spokesman said: ‘This option is open to us but there are no plans to do this at the moment. Investigations are at an early stage.’

2.117 On 27 October Dr Cawthorne minuted all Superintending VIOs and SVIOs with information notes on BSE. He wrote to Regional Veterinary Officers in similar terms and provided identical copies of the information notes. He advised them of the need to stay within the guidelines issued to MAFF press officers in dealing with enquiries from the public. Recipients were advised that:

It is essential not to refer to the condition as bovine scrapie. While the clinical and pathological changes may provide evidence of its similarity to diseases caused by unconventional infectious agents such as scrapie in sheep, it is important to emphasise that the aetiological basis of BSE remains unknown and no connection with encephalopathies in other species, including scrapie in sheep, has been established.212

2.118 On 30 October Mr Suich wrote to a number of British Embassies enclosing the briefing notes being used by MAFF’s Information Division when responding to enquiries about BSE. He requested that these should be used not to initiate discussion but defensively. He observed:

. . . the fact that it so far appears to be a uniquely British disorder could prejudice our cattle exports if it is publicised in inaccurate or exaggerated terms. It would be particularly misleading if it were to be described as ‘scrapie in cattle’. Scrapie is a disease of sheep, the existence of which in British flocks is an impediment to our export trade, but although it is also an encephalopathy there is no evidence that BSE is attributable to the same cause as scrapie and it is important to distinguish between the two conditions . . .

A point to emphasise, if you are pressed on numbers of cases, is that while it may be suspected in over 100 herds and distributed over a wide area, it has been confirmed in only 25 animals, out of a total UK cattle population of just over 12.5 million. Moreover, cases tend to be in individual animals rather
than whole herds being affected. There is no evidence that it is transmissible to humans or that the meat or milk from animals with BSE are affected.\textsuperscript{213}

\textbf{2.119} The last day of October saw the eventual publication of Mr Wells’s paper in the \textit{Veterinary Record}. It was co-authored by Mr Scott, Mr Johnson, Mr R F Gunning, Mr R D Hancock, Dr Jeffrey, Mr Mike Dawson, and Mr Bradley. The article was entitled ‘A novel progressive spongiform encephalopathy in cattle’.\textsuperscript{214}

\textbf{2.120} Mr William Gardner, who was at that time a Divisional Veterinary Officer in Scotland, told us that reading this article first made him aware of BSE.\textsuperscript{215}

\textbf{2.121} Mr Sibley of the BCVA told us that the paper in the \textit{Veterinary Record} was also the first large-scale publicity that the veterinary profession received about BSE. He noted, however, that it contained no requests for submissions of cases nor pleas to veterinarians for vigilance in detecting the disease.\textsuperscript{216}

\begin{itemize}
\item Mr Wilesmith’s summaries for the month of October gave the following information:
\end{itemize}

\begin{table}[h]
\begin{tabular}{|c|c|c|}
\hline
Date & Suspected Cases & Confirmed Cases \\
\hline
2.10.87 & 82 & 16 \\
9.10.87 & 88 & 16 \\
16.10.87 & 93 & 21 \\
23.10.87 & 111 & 25 \\
30.10.87 & 120 & 29 \\
\hline
\end{tabular}
\end{table}

\textbf{November 1987}

\textbf{2.122} Although the \textit{Veterinary Record} article on BSE had now been published, the earlier paper on the nyala by Dr Jeffrey remained in abeyance. Mr Bradley indicated to Dr Jeffrey and the co-authors that the title ‘Scrapie-like Disorder in a Nyala’ might prevent approval being obtained for publication. The authors indicated that they did not wish to change the title, so Mr Bradley forwarded the draft paper to Dr Shreeve.\textsuperscript{217} He submitted it to Dr Watson in this form.\textsuperscript{218} A week later, Dr Watson wrote to Mr Bradley suggesting the title be amended to ‘A Spongiform Encephalopathy in a Nyala’.\textsuperscript{219} Mr Bradley referred this suggestion to Dr Jeffrey, who agreed to it, and the article was submitted for publication.\textsuperscript{220}

\textbf{2.123} On 10 November 1987, Mr Rees chaired a meeting at SVS Headquarters in Tolworth, Surrey, with colleagues from the CVL and MAFF’s Animal Health Division. Mr Wilesmith provided an update on the epidemiology.

\textbf{2.124} Paragraph 3 of the minute of this meeting under ‘Future Action’ reads:

\textsuperscript{213} YB87/10.30/1.1
\textsuperscript{214} \textit{Veterinary Record}, vol. 121, 31 October 1987, p. 419
\textsuperscript{215} S277 Gardner para. 9
\textsuperscript{216} S421 Sibley para. 3(vii)
\textsuperscript{217} YB87/11.5/1.1
\textsuperscript{218} YB87/11.15/1.1
\textsuperscript{219} YB87/11.11/2.1
\textsuperscript{220} YB87/11.17/1.1
It was agreed that the brief for the Parliamentary Secretary would recommend an unattributable press briefing. If it took place, it would lay emphasis on the actual confirmed cases rather than the total confirmed/suspect picture. It would also point to the probability that the increasing numbers were not due to recent spread but the identification of the disorder through greater awareness. The point was also made that we would need to be able to respond to questions about the consumption of milk and meat.221

Guidance to Environmental Health Officers

2.125 On 12 November, Mr Bradley told Dr Watson about a telephone call that he had received from a Mr Coultous, an Environmental Health Officer at Huntingdon District Council. Mr Coultous had asked what action should be taken in relation to a BSE-infected carcass, when the head had been collected by the VIC, with regard to meat inspection and public health. Mr Bradley advised Mr Coultous ‘it should be treated as any other case on its merits’. He also told Mr Coultous that the CVL had no information that would induce them to direct otherwise.222

2.126 Mr Coultous had suggested that the CVL prepare an article for the Environmental Health Journal which had wide circulation among Environmental Health Officers and which Mr Bradley noted ‘might head off a lot of enquiries (or make more?)’.223 Mr Coultous had told Mr Bradley that particular interest would be shown on the subject of meat inspection and BSE when its frequency became known in the meat trade. Mr Bradley suggested to Dr Watson that, ‘Perhaps we should wait and see a while; it is still a sleeping dog so far as I am aware.’224 Dr Watson minuted Dr Iain Crawford, Director of the VFS, on 13 November to inform him of the interest and adding that he thought that publicity in the Environmental Health Journal should be avoided ‘at least for the present’.225 Mr Crawford replied on 17 November 1987 noting that:

I agree that we should avoid any publicity on BSE in the Environmental Health Journal. The meat inspection procedures as currently laid down are to protect the consumer from any risk associated with disease in the carcass. As there is still so much still unknown about BSE, we would find ourselves in a difficult position if there should be any widespread publicity for action in the abattoir in the case of animals known to be affected with the condition.226

2.127 On 14 November The Economist carried an article on BSE which included a discussion of the various theories of the nature of slow virus diseases.227
Arguing Till the Cows Come Home

Bovine spongiform encephalopathy (BSE) twists the tongues of vets and wrecks the brains of cows. It is also new and baffling. Since the first case of the disease was diagnosed in December 1986, it has struck down 120 animals from 71 herds, mostly in the south of England. Experts from Britain’s Ministry of Agriculture think the disease might be one of a puzzling group of disorders caused by slow viruses.

If the men from the ministry are right, the cows are in trouble. The best known slow-virus disease is scrapie, which affects sheep and goats. Like all slow-virus diseases, scrapie is fatal. Although it seems that neither scrapie nor BSE is passed on to people, humans suffer from their own varieties. The most infamous example is kuru, which cannibals in Papua New Guinea get from eating each other’s brains. Others include Creutzfeldt-Jakob syndrome and Gerstmann-Straussler syndrome, both mercifully rare. All these diseases gradually destroy the nervous system. Some of the symptoms of slow-viruses – staggering gait, forgetfulness and loss of movement – are reminiscent of Alzheimer’s disease. Alzheimer’s is not caused by a slow virus, but it seems to affect the brain in similar ways.

Mr Wilesmith’s summaries for the month of November gave the following information:

<table>
<thead>
<tr>
<th>Date</th>
<th>Suspected Cases</th>
<th>Confirmed Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.11.87</td>
<td>128</td>
<td>32</td>
</tr>
<tr>
<td>13.11.87</td>
<td>181</td>
<td>42</td>
</tr>
<tr>
<td>20.11.87</td>
<td>225</td>
<td>44</td>
</tr>
<tr>
<td>27.11.87</td>
<td>243</td>
<td>53</td>
</tr>
</tbody>
</table>

*DM01 tab 17

December 1987

2.128 In November and December the first experiments involving the transmission of BSE to mice were initiated by Dr Fraser at the NPU in collaboration with CVL scientists.\(^228\) Infected material from cows’ brains was injected into the brains of mice. Nearly a year later, in September 1988, Dr Fraser wrote to Dr Watson to inform him that he had achieved transmission of BSE to mice, thereby confirming that BSE was a TSE.\(^229\)

2.129 On 1 December Mr Bradley minuted Dr Watson setting out policy options in relation to the obtaining of submissions of brains of cattle suspected of suffering from BSE, and the pathological examination of them. He commented that the epidemiological objectives included monitoring the incidence of BSE, both within herds and nationally, and the development of aetiologic hypotheses that could be tested.

2.130 One option advanced was making BSE notifiable. As to this, he commented:
This would secure theoretically the highest proportion of submissions. It would be costly to administer and may need legislative action. The Veterinary Field Service would be involved. We would need to be geared up to dealing with the increased input of specimens that might initially be expected. This would mean more staff being deployed towards BSE and less elsewhere. Since we have no way of knowing the future submission rate and it might fall, investment might become a white elephant. When a diagnosis is made what would be done about it? How would a farm be reclassified as a BSE negative farm? By making the disease notifiable it may be ascribing a priority to BSE which it does not merit and which might interfere with trade in animals, cattle products, embryos and semen to the detriment of the industry and the country’s balance of payments. For a disease with less than 100 cases diagnosed out of a population of 12 million notification seems a draconian step to take. If taken it might imply to the general public we know something they don’t like the meat or milk is a source of danger for humans.\textsuperscript{230}

Mr Wilesmith’s summaries for the month of December gave the following information:

<table>
<thead>
<tr>
<th>Date\textsuperscript{a}</th>
<th>Suspected Cases</th>
<th>Confirmed Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.12.87</td>
<td>303</td>
<td>91</td>
</tr>
<tr>
<td>11.12.87</td>
<td>315</td>
<td>95</td>
</tr>
<tr>
<td>18.12.87</td>
<td>346</td>
<td>107</td>
</tr>
<tr>
<td>30.12.87</td>
<td>370</td>
<td>132</td>
</tr>
</tbody>
</table>

\textsuperscript{a} DM01 tab 17

\textbf{January 1988}

2.131 Mr Rees chaired a meeting on 8 January to consider options. This is considered in more detail in Chapter 5. Making the disease notifiable without any other measures was not considered to be a viable proposition.\textsuperscript{231}

2.132 In January 1988 Mr Bradley issued policy guidelines to members of the BSE Group on presentations and publications. The guidelines aimed to ‘control’ rather than to ‘prevent’ presentation of the CVL’s work. Mr Bradley noted that policy discussions were at a ‘delicate stage’ and that Mr Rees wished to be:

\ldots kept well informed of desires, intentions, and invitations so that we are not the ones to upset the delicate situation by presentation of new information at an inappropriate time. Senior management are well aware of the need to ‘publish’ and if we proceed as indicated I trust all will go smoothly.\textsuperscript{232}

2.133 The same month Mr Mike Dawson reported on the findings of a molecular biology experiment which had been carried out in close cooperation with Dr Hope and others at the NPU. The NPU had characterised BSE as a TSE partly on the basis that SAFs similar to those found in scrapie-infected sheep and rodents had been

\textsuperscript{230} YB87/12.1/2.2  
\textsuperscript{231} YB88/1.8/2.3  
\textsuperscript{232} YB88/1.18/1.1
found in the brains of BSE-infected cattle. As a result the CVL provisionally categorised BSE as a TSE.\textsuperscript{233}

\begin{itemize}
  \item Mr Wilesmith’s summaries for the month of January gave the following information:
  \begin{table}[h]
  \centering
  \begin{tabular}{|c|c|c|}
    \hline
    Date\textsuperscript{a} & Suspected Cases & Confirmed Cases \\
    \hline
    7.1.88 & 398 & 157 \\
    15.1.88 & 415 & 186 \\
    22.1.88 & 445 & 214 \\
    \hline
  \end{tabular}
  \caption{Jan 1988 summary}
  \end{table}

\textsuperscript{a} DM01 tab 17

\textbf{February 1988}

\textbf{2.134} In February Mr Suich circulated a draft submission to update the Parliamentary Secretary on BSE which recommended a slaughter and compensation policy. Mr Suich noted that the Ministry’s policy to that point had been to provide low-key factual information to the veterinary profession and the farming industry in order to forestall inaccurate reports and to encourage the reporting of suspect cases.\textsuperscript{234}

\textbf{2.135} On 16 February Mr Cruickshank copied a slightly amended version of this draft submission to colleagues in MAFF and also to Mr George Thomson in DAFS, Mr R Bollington in WOAD and Mr D Hirrell at DANI. This appears to have been the first submission on BSE formally copied to officials in Northern Ireland.\textsuperscript{235}

\begin{itemize}
  \item Mr Wilesmith’s summaries for the month of February gave the following information:
  \begin{table}[h]
  \centering
  \begin{tabular}{|c|c|c|}
    \hline
    Date\textsuperscript{a} & Suspected Cases & Confirmed Cases \\
    \hline
    1.2.88 & 467 & 229 \\
    5.2.88 & 473 & 236 \\
    12.2.88 & 490 & 258 \\
    19.2.88 & 510 & 264 \\
    \hline
  \end{tabular}
  \caption{Feb 1988 summary}
  \end{table}

\textsuperscript{a} DM01 tab 17

\textbf{March 1988}

\textbf{2.136} By March 1988 Dr Jeffrey’s paper had been cleared for publication in \textit{Veterinary Pathology} under the title ‘Spongiform Encephalopathy in a Nyala’. The article finally appeared in print in September 1988.\textsuperscript{236}

\begin{itemize}
  \item Mr Wilesmith’s summaries for the month of March gave the following information:
  \begin{table}[h]
  \centering
  \begin{tabular}{|c|c|c|}
    \hline
    Date\textsuperscript{a} & Suspected Cases & Confirmed Cases \\
    \hline
    1.3.88 & 537 & 283 \\
    5.3.88 & 543 & 291 \\
    12.3.88 & 550 & 299 \\
    19.3.88 & 557 & 307 \\
    \hline
  \end{tabular}
  \caption{Mar 1988 summary}
  \end{table}

\textsuperscript{a} DM01 tab 17

\textsuperscript{233} S71 Bradley para. 94
\textsuperscript{234} YB88/2.10/1.3–1.4
\textsuperscript{235} YB88/2.16/1.1–1.10; the submission that went to the Minister is discussed in Chapter 5
\textsuperscript{236} \textit{Veterinary Pathology}, vol. 25, 1988, p. 398
Discussion

2.137 We have set out the evidence about dissemination of information in some
detail because we have not found it possible to reconcile this with the oral evidence
given to us by some witnesses. The contemporary documents suggest that up to July
1987 there was a policy of restricting, even within the State Veterinary Service, the
dissemination of any information about the new disease. During the month of July,
wider dissemination was permitted at specialist meetings, but an embargo was
maintained on any general publication which drew attention to the similarities
between BSE and scrapie.

2.138 This evidence conflicts with that of witnesses who suggested that any
restrictions on dissemination of information were designed to do no more than
ensure that the information given was accurate. We are in no doubt that the
contemporary documents paint the more accurate picture.

2.139 The events that we have described evidence a tension between:

i. the desire on the part of the pathologists at CVL, and Mr Wells in particular, to
be the first to publish a scientific paper describing, on the basis of satisfactory
data, the discovery of the new disease and its characteristics;

ii. anxiety lest reports of the emergence of the disease would damage the export
market in cattle, semen and embryos;

iii. the need to encourage reporting of possible cases of BSE in order to establish
the scale of the epidemic and to confirm its characteristics; and

iv. the duty to disclose to the outside world scientific information that had serious
potential implications.

Failure to involve the Neuropathogenesis Unit

2.140 The leading expertise in the field of research into scrapie in the United
Kingdom was at the Neuropathogenesis Unit (NPU). The CVL did not invite the
NPU to collaborate in research into BSE until June 1987. Had they sought their
assistance immediately, we think it likely that the scientists at the NPU would have
confirmed the pathological similarities between BSE and scrapie by February 1987.

2.141 Dr Hope told us that he could have identified the presence of the abnormal
form of prion protein in BSE brain sections within a day. 237 Dr Fraser and Dr Moira
Bruce told us that the pathological evidence available by the end of February gave

\[ \text{Date} \times \text{Suspected Cases} \times \text{Confirmed Cases} \]

\[ \begin{array}{ccc}
4.3.88 & 543 & 325 \\
11.3.88 & 550 & 345 \\
18.3.88 & 567 & 372 \\
24.3.88 & 600 & 388 \\
\end{array} \]

237 T23 p. 90
very strong indications of a TSE. 238 Unfortunately, because the CVL’s contacts with the NPU were limited and informal, Dr Hope was unaware of the discovery of the new disease and Dr Fraser did not receive sufficient data in June to satisfy him as to its nature (see paragraph 2.62).

2.142 The scientists at the CVL were unaware of the refinement by Dr Hope of the western blotting technique, which permitted rapid identification of the presence of protease-resistant prion protein (PrP). They were, however, well aware that the NPU was pre-eminent in the field of scrapie research. It must have been plain that the NPU was in a position to give valuable guidance on the significance of the pathology of the early cases of this new disease in cattle.

2.143 Mr Wells told us that working with the NPU did not feature at the time in discussions at all. The CVL was defining a disease in the field and not at that stage contemplating a ‘burgeoning research programme’. 239

2.144 There was plainly excitement at the CVL at the possibility that they had identified an important new disease in cattle. This had occurred shortly after a somewhat critical inspection report of the CVL generally, when low morale and staff shortages had been a problem. 240 We suspect that natural scientific rivalry may have made the pathologists reluctant to invite the involvement of the NPU at an early stage.

2.145 In a statement to us, 241 Dr Alan Dickinson, who was then the Director of the NPU, expressed the view:

At the earliest stage of the BSE outbreak, when cases with symptoms suggesting a scrapie-like disease had been found, I consider that the matter should have been referred to the NPU for rapid confirmation of diagnosis and we should have been given control of the necessary research and been in the forefront of advising on the actions to take . . . However, in the event CVL did not take the earliest opportunity to notify me of the BSE outbreak and discuss where control of the research should be placed for the most expert handling.

This illustrates the possibility of rivalry between the NPU and the CVL as to who should be in the driving seat in controlling the research to be carried out into BSE. It also illustrates, however, the fact that the NPU was best placed to assist with an early diagnosis of the nature of the disease.

2.146 We think that an initiative to involve the NPU should have come from Dr Watson, Director of the CVL. He pointed out to us that he discussed BSE with Dr Kimberlin of the NPU at the joint Research Club meeting on 29 May. 242 We believe that, rather than this informal conversation in May, a formal approach for assistance in diagnosis should have been made to the NPU at the outset. Dr Watson told us that he considered this, but that it would have been premature at a time when only two or three cases had been identified. 243 We do not agree. A disease in cattle

238 T23 pp. 100–1
239 T26 p. 96
240 M36 tab 1
241 S74 Dickinson A paras 83–4
242 T29 p. 84
243 T29 pp. 82–3, S70F Watson para 119
with similarities to scrapie called for the involvement of the NPU. Dr Watson should have ensured that they were involved from the outset of 1987.

2.147 At this time the Director of Research at the CVL and Dr Watson’s Deputy Director was Dr Brian Shreeve. He has told us that because of the close involvement of Dr Watson and the appointment on 3 June 1987 of Mr Bradley as CVL Research Coordinator on BSE, he had very little role to play in relation to BSE research and largely concentrated on his other duties as a result. We initially expected that Dr Shreeve would have discussed with Dr Watson the research needed to resolve the uncertainties that existed when BSE was first identified, and that he would have canvassed the merit of seeking assistance from the NPU. However, Dr Watson has since confirmed that he was taking the lead in relation to BSE, and in these circumstances we would not have expected Dr Shreeve to have taken a separate initiative.

2.148 If the NPU had been involved from the outset, Mr Wells would have had its endorsement of his conclusions in February. In the event, he did not receive that endorsement until July. Confirmation in February 1987 by the NPU that the new disease appeared to be a TSE could well have accelerated the perception within MAFF of the need to disseminate information about the disease.

Delay in informing the Veterinary Investigation Centres

2.149 Mr Wells, when urging against what he considered to be premature disclosure of the discovery of a possible new disease in cattle, suggested ‘we do not need to know the prevalence of the disorder at present’. While this may have been true from the viewpoint of the pathological investigation, Mr Bradley and Dr Watson perceived the desirability of ascertaining the extent of the incidence of the disease by encouraging the reporting of possible cases (see paragraphs 2.27–2.29).

2.150 No decision was taken to circulate within the VI Service the short paper that Mr Wells had prepared for that purpose until the middle of May. Dr Watson was unable to recollect the reason for the delay. He told us that he was not against the publication in Vision. His thinking at the time was that they should get the information out, and Vision was a means of doing it within the Service. Dr Williams told us that he was involved in discussions from March onwards about informing VIOs of BSE. He agreed that the information needed to be communicated though he doubted whether Vision was the most effective means of achieving this. He understood that delay in publication was because Mr Wells and Dr Peter Dawson expressed the view that any publication would be premature. Mr Rees said that he had had no involvement in discussions about the publication in Vision.

2.151 Dr Watson has provided us with further information about the decision not to publish Mr Wells’s article in March. He stated that, contrary to Mr Rees’s recollection, he did discuss the article with him. Mr Rees was particularly concerned
that such an early publication might affect our export trade, with no proper justification for the alarm that would be caused.\textsuperscript{249}

2.152 Dr Watson also said that he was influenced by Mr Wells’s concern that publication would be uninformative and unhelpful, and that early publication might damage the work of the CVL in discovering the nature of the new disease.\textsuperscript{250}

2.153 Thirteen years on it is not surprising that memories are hazy and that witnesses’ accounts are in conflict. Mr Rees had become involved in decisions on publication about BSE by 14 May (see paragraph 2.34 above). We do not, however, think that he was responsible for the decision not to publish an article in Vision in March. We have concluded that Dr Watson was responsible for this decision and that in reaching it he was influenced by Mr Wells’s vehement plea against publication.

2.154 We do not consider that Dr Watson should have acceded to Mr Wells’s objection to the publication in Vision. The object of that publication was to inform the VI Service of the clinical symptoms of the disease and of the CVL’s desire to receive details of any similar cases. It was highly desirable that the CVL should receive such information – not so much to assist in the identification of the nature of the disease, but to learn of the extent of its incidence. Members of the VI Service needed to be told of the CVL’s interest if the passive surveillance system was to be at its most effective.

2.155 We do not see how the proposed publication in Vision in March could have damaged the work of the CVL in ‘discovering the nature’ of the new disease. We feel that Mr Wells’s anxiety was that it might damage the CVL’s prospects of being the first to publish the discovery of a new disease. Dr Watson should not have permitted this concern to prevail over the desirability of effective surveillance.

2.156 Turning to the position after March, Mr Bradley’s minute of 14 May records that an article to be published in Vision was to be cleared by, among others, Mr Williams. Mr Williams expressed reservations about the use of Vision for this purpose and the next day Mr Bradley minuted that, ‘By agreement with The Director [Dr Watson] we will circulate the proposed “Vision” notice to VICs in England and Wales only as a separate Directive providing it is otherwise approved by Line Management.’\textsuperscript{251} Dr Williams has stated that his reservations about the use of Vision arose because he felt that a publication solely devoted to BSE would be more effective:

\begin{quote}
I was aware that in some instances Vision articles were not receiving immediate attention from VI Os because of their routine nature and because often the articles related to matters of little interest to particular centres.\textsuperscript{252}
\end{quote}

2.157 We found this unconvincing. Individual issues of Vision had in the past been used exclusively for the purpose of informing VI Service staff about new bovine diseases and was the obvious means of informing VICs in Great Britain about BSE.

\textsuperscript{249} S70F Watson paras 7–8
\textsuperscript{250} S70F Watson para 4
\textsuperscript{251} YB87/5.15/1.1
\textsuperscript{252} S328A Williams para. 7
2.158 Dr Watson’s evidence and a minute from Mr Bradley dated 22 May 1987 suggest that the reasons for issuing a separate directive was to restrict publication to England and Wales rather than give it wider circulation via Vision. Dr Watson explained that publication in Scotland was considered unnecessary because there were no cases of BSE there and the Scottish VICs were not part of MAFF, but reported to the Scottish Colleges of Agriculture. Recently he has elaborated this point. He has said that it was not for the CVL to make policy decisions about publication of information to VICs in Scotland. That was the responsibility of the ACVO for Scotland, the CVO and ultimately the Scottish Office.

2.159 We have concluded that the decision not to publish in Vision was taken in order to prevent information about the new disease being passed to VICs in Scotland. There was no justification for this. The fact that no case had been reported in Scotland was no reason why Scottish VICs should not be told of the cases discovered in England. On the contrary, we think that it was desirable that they should have this information, so that they would recognise the importance of reporting any similar cases in Scotland. Far from following a policy of denying them this information, Dr Watson and Dr Williams should have been keen that they receive it.

2.160 The decision not to use Vision was taken in the context of a policy to restrict dissemination of information about BSE. We believe that Dr Williams’s suggestion that Vision should not be used and Dr Watson’s agreement with that suggestion were part of the implementation of that policy. In reaching this conclusion we have been influenced by other actions that accorded with this policy, which we discuss below. For the reasons we have given we consider that neither Dr Watson nor Dr Williams should have impeded the publication in Vision.

2.161 Dr Watson has made the point that it was not for him to suggest whether or not publication about BSE should take place in Scotland. He has also urged that he was not involved in any ‘formal’ policy to restrict dissemination of information. The policy of restricting dissemination about information was not a ‘formal’ policy, and we are satisfied that it was the policy which Dr Watson joined in implementing. In supporting Dr Williams’s suggestion that Vision should not be used, Dr Watson was supporting that policy.

Restrictions on dissemination of information by VI Service staff

General suppression of information

2.162 Dr Williams decided that an instruction should be added to the directive to VI Service staff not to discuss BSE with or consult workers at Research Institutes or University Departments. He told the Inquiry that he felt that information should not be transmitted at that stage because MAFF’s knowledge of the disease was imperfect; he was concerned that some of the VICs could only provide very limited information on the clinical aspects of the disease; and the information in the draft by Messrs Wells and Dawson (see paragraph 2.43) was insufficient for briefing Research Institutes and University Departments. He felt it was important, therefore,
that statements intended for a wider audience should be cleared at Directorate level in order to preserve quality control. Dr Watson has informed us that he understood Dr Williams’s concerns about disseminating information to other Research Institutes. He commented that if they had involved other institutes at such an early stage, new potential cases of BSE might not have been referred to the CVL, but to other institutes. This would have prevented the CVL from building up a history of the disease as quickly as it did. The end result would have been that several institutions would have had very little knowledge of BSE, rather than the CVL having as much knowledge and information as was available. Such an outcome would have been a disaster, as it would have prevented the CVL from learning about the disease as quickly as it did, and thus enabling everyone to deal more quickly with the crises that eventually emerged.

2.163 We find this reasoning unconvincing. If members of the VI Service had been instructed to notify cases of the new disease to Tolworth, we do not see how it would have impeded research at the CVL if they had also been permitted to discuss the disease with other research establishments.

2.164 In commenting further on this issue, Dr Watson has said that there were very few experts in this field. The only real experts in the UK were at the NPU and the Royal Veterinary College, and they had been consulted at an early stage by Mr Wells. Had the information about the new disease been circulated widely at an early stage, it was likely, according to Dr Watson, that it would have encouraged other Research Institutes and University Departments to take an interest in it. However, MAFF would have had little or no control over the research being carried out by other Research Institutes and University Departments; the timing of the release of information, and its content, would have been decided by those Institutes or Departments. We found this reasoning equally unconvincing. It seems to us that it would have been desirable for other Research Institutes and Universities to have taken an interest in the new disease. We see no good reason why the CVL should have wanted any control over the research carried out by them or over the release of information in relation to it. The argument merely reinforces our belief that MAFF wished to control the release of information about BSE.

2.165 We are therefore unable to accept the explanation given by Dr Williams and Dr Watson for the embargo on discussing the new disease with Research Institutes and Universities. Dr Williams gave the following reasons at the time:

   Because of the nature of the disorder, its political implications and possible effects on exports.

We believe that this was the true explanation, and a further example of the implementation of the policy of restricting dissemination of information about the new disease.

2.166 We are satisfied that Dr Williams should not have suggested a ban on discussing the new disease with research establishments and that Dr Watson should not have acceded to this suggestion. We consider that advancement of knowledge about the new disease would have been best promoted by encouraging collaboration and competition among scientists.
2.167 The third example of the policy of suppression of the dissemination of information about the new disease was the withdrawal of permission for the publication in the *Veterinary Record* of Mr Hancock’s and Miss Paull’s letter. Dr Williams’s letter to Mr Hancock evidenced discussion between Mr Rees, Dr Williams and Dr Watson stating that:

. . . because of the possible effects on exports and the political implications it had been decided, at this stage, no account should be published. 257

Neither Mr Rees, nor Dr Williams, nor Dr Watson recollected this discussion.

2.168 Mr Rees commented:

. . . it is obvious that the letter does not record the full reasons for the decision. 258

He went on to comment:

. . . in a broad sense we all had the same attitude to publications at this time i.e. that if the CVL were not happy that there was sufficient information, then premature publication could cause unjustified damage to the industry. 259

2.169 Dr Watson made very similar comments. He went on to add that the decision not to publish was that of Mr Rees. He could not remember his attitude to that decision, but he would not have thought it unreasonable. He took seriously the concern of his staff that information should not be released that was inaccurate and speculative.

2.170 Dr Williams said that his letter:

. . . represents a simplification of the reasons behind the decision and must be seen in the context of the lack of information available at the time. 260

He added that the decision on policy was taken by Mr Rees and Dr Watson. He did not enjoy the expertise or the seniority to oppose their decision. 261

2.171 We are satisfied that there was good reason for Mr Gallagher and his colleagues to conclude that they were faced with a ‘total suppression of all information’. 262 According to Mr Sibley, the chairman of the British Cattle Veterinary Association:

Throughout most of 1986 and 1987 most veterinary surgeons in practice, who were in the front line of disease diagnosis and control, were ignorant of the presence of this disease, and were not informed of its clinical signs or its significance as a potential national disease problem. 263

257 YB87/5.13/1.1
258 S126F Rees para. 6
259 S126F Rees para. 11
260 S328B Williams para. 8
261 S328B Williams para. 10
262 YB87/06.19/6.1
263 S421 Sibley para. 3(v)
2.172 Mr Sibley wrote to us to express his criticism of the failure on the part of MAFF to inform the veterinary profession of the emergence of BSE. He stated:

Better and more formal communication with veterinary practices and practitioners would have allowed a two way flow of information where all parties would have gained and BSE control might have been more effective from an earlier stage.264

2.173 Mr Rees, in his evidence, questioned Mr Sibley’s standing to speak for the veterinary profession as a whole and disagreed with his suggestion that MAFF had not done enough to bring the emergence of BSE to the attention of veterinarians in private practice. His evidence was that the normal communications between farmers and private veterinarians and between private veterinarians and VICs, in effect the passive surveillance system, would suffice to bring cases of BSE to the notice of the CVL.265

2.174 We do not agree with Mr Rees. Unless private veterinarians and farmers were informed of the clinical symptoms of BSE, alerted to the importance of identifying cases of the new disease and urged to report suspect cases to VICs, there was likely to be significant under-reporting of cases of BSE. Mr Rees himself attributed the increase in numbers of cases reported at around the end of 1987 to increased awareness of the disease (see paragraph 2.124). Even if, as we believe, this was true only in part, those numbers suggest that a substantial number of cattle must have died from BSE without the significance of their illness being appreciated and without the State Veterinary Service being informed of it. MAFF could have told farmers and private veterinarians, and indeed members of the Veterinary Field Service, about BSE in a variety of ways: ADAS Bulletins, or newsletters sent out by VICs; an article in the Veterinary Record asking for cases to be reported; or a request to the National Farmers’ Union for assistance in conveying the message to farmers.

2.175 The evidence demonstrates a clear policy of restricting the disclosure of information about BSE. The position was accurately summarised by Mr Bradley in his BSE update of 30 June 1987, when he stated that apart from knowledge communicated within MAFF on a need-to-know basis, other knowledge was ‘gleaned by the grapevine’.266

2.176 The ultimate responsibility lay with Mr Rees. The contemporary documents show that Dr Watson and Dr Williams gave effect to that policy without any record of dissent. Had they not been prepared to support the policy, they should have sought to dissuade Mr Rees from pursuing it. Had they done so, and been overridden by him, that is something that they would be likely to remember. Our conclusion is that they supported his policy. All three have sought to justify the policy on the basis that not enough was known about the disease to justify publication. We consider that lack of knowledge was the principal reason why publication should have been permitted, at least within the veterinary profession. We consider that Dr Watson and Dr Williams should have urged the merits of publication and Mr Rees should not have resisted it.

264 S421 Sibley para. 6
265 T98 pp. 18–28
266 YB87/7.3/1:1
Embargo on references to scrapie

2.177 Once Mr Gallagher’s amended article had been published in the *Veterinary Record*, on 11 July 1987, publication by SVIOs of similar notes in their newsletters was permitted. What was not permitted at that stage was any wider publication that pointed out similarities with scrapie. This was true not just of BSE, but of Dr Jeffrey’s paper on the nyala.

2.178 The memorandum circulated by Mr Bradley about Dr Jeffrey’s nyala paper stated that the CVO had not authorised the publication and that:

> It is unlikely that approval will be given to publish if comparisons are made with scrapie or this is mentioned.\(^{267}\)

2.179 Mr Rees told us that he was unaware of the memorandum, that he had been misunderstood and that Mr Bradley’s memorandum was incorrect:

> At no stage did I prohibit all references to scrapie.

> What I was concerned about was the right balance, and not over-emphasising the similarities without pointing out the differences that at that stage we did not know to scrapie. And you have referred to the differences of opinion both at Weybridge [ie, the CVL] and in other places as to the true aetiology of this condition.

> I think it was not until August that the pathologists at the CVL and the NPU agreed on the pathology. We had not at that stage gone very far with our investigation into the aetiology and the epidemiology. So drawing too close a comparison at that stage would have been misleading.\(^{268}\)

2.180 Mr Wells understood in June 1987 that his draft article for the *Veterinary Record* would only be approved for publication if all reference to scrapie was deleted. He believed that this was the requirement of Mr Rees who was concerned about any scientific statement – however tentative – of an association of BSE with scrapie.\(^{269}\)

2.181 Once again Mr Rees told us that this was a misunderstanding. There was no policy of rejecting any reference to scrapie. Those who were dealing with the draft knew perfectly well what his view was. The senior veterinary staff at Tolworth agreed with his viewpoint.\(^{270}\)

2.182 Dr Williams supported Mr Rees’s evidence. In a written statement he said he was not aware of a policy prohibiting references to scrapie in publications or presentations. However:

> My understanding was that the CVO had prohibited BSE being referred to as ‘bovine scrapie’.\(^{271}\)
2.183 Dr Peter Dawson told us that he was aware of the CVO’s line in relation to scrapie and any implication which it might or might not have had in relation to exports. When asked precisely what that line was, he said he found that difficult. He knew that the CVO was opposed to describing the disease as ‘bovine scrapie’. The prohibition was in respect of a ‘direct comparison with scrapie’.

2.184 We have not found the evidence of either Dr Williams or Dr Peter Dawson to be reliable on this point. Had Mr Rees’s objection been simply to the use of the term ‘bovine scrapie’, neither Mr Wells’s nor Dr Jeffrey’s paper would have been objectionable to him. It was Dr Peter Dawson who, on instructions from Mr Rees, put a line across Mr Wells’s paper which censored all reference to scrapie.

2.185 Mr Rees said that he had no recollection, after 12 years, of reading this paper or drawing a line beyond which he would not sanction the draft. We see no reason to doubt the contemporary evidence that this line reflected Mr Rees’s decision on publication. Nor do we doubt that the refusal to permit Dr Jeffrey’s paper on the nyala to be published, because of its reference to scrapie, reflected Mr Rees’s policy.

2.186 In short, we do not accept the evidence of Mr Rees or those who appear to support him. Furthermore, at the time when publication of Mr Wells’s and Mr Jeffrey’s papers was refused, there was no reason to consider either to be unbalanced or unscientific.

2.187 The most notable – and alarming – aspect of BSE was that its victims had a histopathology that was very similar to that of scrapie-infected sheep. We believe that it was Mr Rees’s policy up to August 1987 that this feature of the disease should not be made public.

2.188 The pathological similarity to scrapie was a fact. The similarity did not prove that BSE was scrapie in cattle, or that the nyala had contracted scrapie. It was, however, cause for concern that BSE might be transmissible in the same way as scrapie. Mr Rees confirmed that he did not want people to jump to the conclusion that BSE had the same unattractive attributes as scrapie until there were reasonable grounds for reaching that conclusion. The only way to avoid this, however, was to prevent communication of the facts that might lead people to jump to that conclusion. It was that which Mr Rees sought to do.

Should the CVO have restricted dissemination of the information?

2.189 We sympathise with Mr Rees’s anxiety to protect the British agricultural industry from a reaction that was irrational or disproportionate. Any foreign trade embargo in the early days of BSE might well have seemed that. At the same time, however, it might not have been irrational or disproportionate for individual purchasers of British cattle breeding stock to seek alternative sources of supply unless and until the doubts raised by the emergence of BSE were favourably resolved. The withholding of information robbed those who would have had an interest in receiving it of the chance to react to it, whether in a rational or irrational fashion.
2.190 More particularly, the embargo on anything that drew a comparison between BSE and scrapie had the result of preventing the publication of material which would have drawn the emergence of BSE to the attention of veterinarians in private practice and to farmers. Mr Rees should not have imposed this embargo.

2.191 The effect of the restrictions on dissemination of information about BSE was probably to delay the stage at which the wider public became aware of the emergence of BSE by some months. While a case might have been made for restricting information for a short initial period to within the State Veterinary Service in order to make a thorough appraisal of the facts, we do not consider that the positive censorship that persisted until August 1987, in respect of reference to the similarities between BSE and scrapie, could be justified.

2.192 The consequences of the restrictions on dissemination of information about BSE in the early days may well have been significant. It must, as we have observed, have resulted in a significant degree of under-reporting. Mr Sibley expressed the view that:

The rate of referral would have been considerably higher had veterinary surgeons been informed of the presence of the disease from the outset.  

This is clearly correct. We believe that the disquiet, both within and without MAFF, which led ultimately and indirectly to the slaughter and compensation policy, was stimulated by the growing number of cases reported and the awareness of their nature. Had both of these factors occurred earlier, remedial measures might also have been advanced.

2.193 So far as reaction on the part of foreign importers is concerned, Mr Rees’s apprehensions were not realised. One British farmer in Portugal decided not to import cattle from Britain when he heard of BSE. When writing to the British Embassy in Lisbon about this on 2 February 1988, Mr Suich of MAFF observed:

In the European Community context it is only the Dutch who have so far shown an interest in BSE. No other Member State or the Commission has, as yet, suggested that it is worthy of discussion in Brussels.

2.194 It does not seem to us likely that if the emergence of BSE and its similarity to scrapie had been publicly disclosed a few months earlier than the end of October, that is, when the numbers of confirmed and suspected cases were more modest, any adverse trading consequences would have followed. It is a matter of regret that cases of BSE in Portugal, Switzerland and France may well have had their origin in the export from Great Britain of cattle infected with the disease. However, it would not be fair to conclude that these can be specifically attributed to the delay in making public the details of the emergence of the disease.

2.195 We have considered whether the CVO delayed unduly in waiting until June and July 1987 before informing the MAFF Permanent Secretary (Sir Michael Franklin) and, through Mr Suich, Ministers of the emergence of BSE. We raised this question with Sir Michael. He did not consider that he should have been informed earlier than he was. At the time that he was informed, the disease had been
confirmed in seven herds.\textsuperscript{275} Mr Cruickshank had been aware of the disease from the outset. With hindsight it is easy to suggest that the potential seriousness of the disease was such that the Permanent Secretary and Ministers should have been informed earlier. We do not, however, consider that Mr Rees is to be criticised for choosing this point in time as the stage at which the matter should be placed before the Permanent Secretary and Ministers.

2.196 What of the reaction of Mr Bradley, Dr Watson and Mr Crawford to Mr Coultous’s enquiry and the suggestion of an article in \textit{Environmental Health Journal}? (see paragraph 2.126 above) This raised the question of whether carcasses of BSE-affected cattle should be condemned as unfit for human consumption. That is a question we consider in Chapter 5. Until the issue was resolved MAFF was not in a position to give advice on the matter to Environmental Health Officers. In the circumstances we consider that the reaction to Mr Coultous’s suggestion for an article was reasonable.

\textbf{Compulsory notification}

2.197 On 14 June 1988 Mr John MacGregor signed the Bovine Spongiform Encephalopathy Order, the provisions of which included a compulsory notification requirement in respect of suspected cases of BSE. When recommending this provision to Mr MacGregor, Mr Rees had commented that the Government would be seen to be taking positive steps, while providing a better overall picture of the spread of the disease by reducing the number of unreported cases.\textsuperscript{276}

2.198 This led us to question why a compulsory notification requirement had not been introduced very much sooner. Mr Sibley asserted in his written statement:

\begin{quote}
Once practitioners became familiar with the disease through experience and knowledge gleaned from publications and personal contacts, many cases presented to them were dealt with directly and without referral to the VI Service. There was no incentive to refer and indeed it generated a cost to the practice and the client. The disease could be diagnosed on clinical signs reasonably reliably and carried a hopeless prognosis. There was little point in involving the VI Centre with diagnosed cases and these went unrecorded. It was only when the disease was made officially notifiable in June 1988 that the incidence was truly known.\textsuperscript{277}
\end{quote}

2.199 Mr Rees did not agree with Mr Sibley. He said that up to December 1987, 20 per cent of the cases reported proved to be negative. This was a fair indication that there was not under-reporting. In 1987 there had been insufficient cases to establish the criteria of the disease necessary to make a notification requirement effective. None of this was very impressive. We do not see how the pattern of reported cases, or the proportion that proved negative, enables one to draw any conclusions as to the extent to which cattle showing symptoms of BSE may have been slaughtered prior to the requirement to notify. Nor were the clinical symptoms so uncertain or ill-defined as to render the imposition of a notification requirement impractical or ineffective.\textsuperscript{278}
2.200 We are satisfied that there was substantial under-reporting before the introduction of compulsory notification. We had evidence of this from a number of sources, but it suffices to refer to a passage in the evidence given by Mr Kevin Taylor (of MAFF’s Notifiable Diseases Section):

Now clearly, when you have voluntary notification, which is what we had up until 21 June, however well it is publicised, the number of cases which come to the attention of the State Veterinary Service, because they were heavily involved at that time, is only a proportion of the cases which are actually occurring.

We had anticipated on the basis of the information coming to the VI Service and to the CVL that when the disease was made notifiable we would be dealing with about 60 suspect cases every month.

Of course, we immediately had 60 a week, and that is a measure, if you like, of the under-reporting which was going on beforehand.279

2.201 Mr Rees told us that he was not aware that compulsory notification had ever been introduced for the sole purpose of gathering information about a disease.280 The evidence of Mr Taylor was that there were precedents for requiring notification as a stand-alone measure.281 Normally, however, compulsory notification is introduced as an ancillary requirement to other action.

2.202 Compulsory notification in respect of BSE only received serious consideration once the stage was reached where slaughter and compensation was being contemplated. It is a draconian measure to introduce for the purpose of fact-finding alone. Mr Bradley drew attention to a number of problems that would flow from such a policy in his minute of 1 December 1987.282 Only some of these were presentational. We believe that Mr Taylor was right to question the desirability of making a disease notifiable without doing anything else.283

2.203 We would not criticise Mr Rees and his colleagues for failure to recommend compulsory notification as a stand-alone measure. The incidence of reported cases of BSE grew so rapidly in the course of 1987 that we do not think there was any stage at which it would have been reasonable to consider notification without also considering compulsory slaughter. Whether there was undue delay in considering the two together is a question which we address in Chapter 5.

279 T122 pp. 14–15
280 T98 pp. 54–5
281 T122 p. 14 – see S92G Taylor paras 3–6 for a correction to this evidence
282 YB87/12.1/2.1
283 T122 p. 16