

**ABC AUDIENCE AND CONSUMER AFFAIRS
INVESTIGATION REPORT**

Lateline story *Analysing The Australian Paradox*: experts speak out about the role of sugar in our diets and the ABC News online report *Australian Paradox under fire*: Health experts hit out at Sydney Uni sugar study.

13 April 2016

Complaint

Lateline breached the ABC's editorial standards for impartiality with its exclusive, critical focus on the Australian Paradox 2011 paper and failing to recognise updated and new data that supports the authors conclusions in that study. *Lateline* unduly favoured the perspective of that study's most prominent critic and adopted and promoted his critical assessment of the study. *Lateline* unduly favoured the perspectives of critics of the Australian Paradox, by presenting the strong criticism of data analytics expert Rory Robertson and a range of nutrition experts who all denounced its conclusions, and failed to present any dissenting view in support of the study.

Lateline breached the ABC's editorial standards for accuracy by misrepresenting key facts about the data relied upon by the study and the conclusions of the Australian Paradox. *Lateline* omitted information that supported the study.

Lateline inaccurately claimed the authors of the study had a conflict of interest by identifying and questioning their close association with the industry funded GI Symbol program and the revenue raised through that program.

Lateline allowed inaccurate allegations about the study's authors to be broadcast which had the affect of vilifying them.

Assessment

Audience and Consumer Affairs have carefully considered the complaint and information provided by *Lateline*, and reviewed a range of relevant reports, studies and associated information. We have reviewed the content and assessed it against the Corporation's editorial standards for *accuracy*, *impartiality* and *fair and honest dealing*.

Lateline is not a specialist science program. It is a news and current affairs program which has reported on a newsworthy scientific controversy. Audience and Consumer Affairs have not assessed the merits of the science that was the focus of the reporting, it has assessed the reporting against the editorial requirements of the ABC Code of Practice, which represent the recognised standards of objective journalism.

RR insert 1

In 2016, an independent investigation by **ABC Managing Director Mark Scott's Audience and Consumer Affairs** unit confirmed economist and science-integrity campaigner Rory Robertson's assessment that Professor Jennie Brand-Miller's (JBM's) ***Australian Paradox*** "finding" of a "**consistent and substantial decline**" in Australian (per capita) sugar intake between 1980 and 2010 is based on **misrepresented and unreliable - including faked - data** (see the following pages in this ABC A&CA *Investigation Report*).

Today, as **Vice-Chancellor of the University of Sydney, Mark Scott** has joined Brand-Miller and Charles Perkins Centre boss Stephen Simpson in dishonestly pretending that everything is fine: there is no *Australian Paradox* sugar-and-obesity fraud, and Brand-Miller has not been married to Dr John James Miller – for several decades, the Medical Director of Novo Nordisk Australasia - since the 1980s.

In fact, JBM for decades has dishonestly hidden her **profound Novo Nordisk financial conflict of interest** from the global scientific and diabetes communities, **publishing over 100 false and deliberately misleading conflict of interest disclosures** in formal journals. Further, **despite VC Mark Scott's dishonest denials**, JBM and corrupt colleagues Professors Stephen Simpson, Stephen Colagiuri and Stewart Truswell are in **severe breach of Sydney University's Research Code of Conduct** (see JBM's CV, John Miller's PhD and the University of Sydney's relevant definition of "corrupt conduct" on pp. 20-26 below, with further evidence provided in RR's *Submission to Canberra's 2023 Diabetes Inquiry*, found online at <https://www.australianparadox.com/pdf/Submission-HoR-DIABETES-INQUIRY.pdf>)

1.1 Lateline demonstrated a predetermined, biased perspective

Lateline is a national current affairs program that has a responsibility to present context and analysis of newsworthy issues that represent matters of public interest. Audience and Consumer Affairs are satisfied that *Lateline* identifying the nature and basis of its report to the complainant, in its email of 6 April, is not a breach of the Corporation's editorial standards.

It is an editorial requirement, under the Corporation's editorial standards for *fair and honest dealing* in section 5 of the ABC Code of Practice, for *Lateline* to inform participants of the general nature of their participation in a report. As *Lateline* was seeking Professor Brand-Miller's participation in the report, it was entirely appropriate for Ms Alberici to clearly explain to her the conclusions of the program's extensive research and analysis of this matter and to seek her participation in the report to respond.

Lateline's research, analysis and conclusions on this issue, which were clearly conveyed to Professor Brand-Miller for her response, are consistent with the principals of objective journalism.

We note the complainant's statement that *Lateline* had indicated to her "that it had undertaken its own exploration of the research. Yet the content of the program reiterates the same criticisms that RR raised in the Inquiry". Audience and Consumer Affairs have confirmed that those criticisms were consistently expressed to *Lateline* by a range of nutrition and data analytics experts familiar with the issue. We are satisfied that *Lateline* did not uncritically adopt the views of Rory Robertson, and that the program conducted extensive, independent research and analysis of the issues examined in the reports.

Audience and Consumer Affairs established that the program conducted significant research on the issue over an extended period of time and its analysis was backed by demonstrable evidence and based on the professional expertise and judgement of its editorial staff. Emma Alberici did not base this analysis on personal opinions and we are satisfied the program's assessment of the Australian Paradox 2011, which was put to the complainant for response within a reasonable time prior to broadcast, was not biased.

Audience and Consumer Affairs observe that the program explained to the complainant, in its email of 6 April, that its research confirmed the majority of her peers in nutrition research were highly critical of the Australian Paradox's conclusions and identified the growing weight of international scientific evidence that added sugars are a leading cause of obesity and type II diabetes. *Lateline* carefully considered the analysis of the existing data by a range of leading, credible nutritionists – some of whom appeared in the broadcast. None of these leading experts in nutrition agree that on the available data, an Australian Paradox can confidently be established.

Audience and Consumer Affairs is satisfied the perspectives presented in the report represented the mainstream consensus of credible nutritionists on the Australian Paradox and we are satisfied that this strong criticism of the study was newsworthy and a matter of public interest worthy of investigation. *Lateline* has explained that it made reasonable efforts to seek and present the perspectives of those willing to argue in favour of existing levels of added sugar in foods but could only find vested interests such as the Beverage Council, Coca-Cola or researchers funded by vested interests. We observe that Ms Alberici specifically invited the complainant to identify "which nutritionists/ scientists in Australia agree with the claims in your Australian Paradox paper?" and

that the complainant identified just one person, Professor Peter Howe, who published the paper as the editor of *Nutrients*.

The program has advised it made repeated attempts to invite Professor Brand-Miller, Dr Barclay and Professor Robert Clark to be interviewed to respond to the criticisms made about the Australian Paradox. Those invitations were not accepted. As the authors and chief defenders of the Australian Paradox, we are satisfied that it was reasonable and appropriate for the program to seek the complainant's personal participation in the report to address the criticisms.

The Australian Paradox is undoubtedly controversial and the strong critical reaction to it by the authors' peers was the newsworthy focus of the broadcast. Within that context, we are satisfied *Lateline's* presentation of this criticism followed the weight of evidence on this issue and we are satisfied there was no editorial requirement for the program to present dissenting views in support of the study's conclusions, given that its authors were afforded ample opportunity to participate in the report to respond to its critics and defend the credibility of their work.

1.1 Lateline restricted its content to The Australian Paradox 2011 paper and would not entertain new or updated data or information relevant in the matter.

Lateline has explained that it was relevant to focus exclusively on the 2011 paper because Professor Brand-Miller continues to promote it at conferences, it has been cited in the Federal Parliament in support of the sugar industry and appears on the Australian Beverages Council website as a justification for sugar laden products the Council represents and advocates. We are satisfied these facts make the Australian Paradox 2011 study newsworthy and a matter of public interest worthy of the program's critical focus.

The program has further advised that its careful consideration of updated or new data presented in support of the Australian Paradox 2011 paper, confirmed that data was not relevant to *Lateline's* investigation as it falls outside the 30 year timeframe of the original paper being analysed by the program: 1980-2010. For example, some new data identified in correspondence with Ms Alberici refers to Coca-Cola *Life* and Pepsi *Next* which were not launched until after the relevant time frame (1980-2010). Audience and Consumer Affairs understand the basis of the Australian Paradox was the notable increase in national rates of obesity against the national drop in sugar consumption between 1980-2010. Pepsi *Next* and Coca-Cola *Life* were introduced to the market in 2012 and 2013 respectively, making them irrelevant to the focus of this report.

Lateline has confirmed receipt of Professor Brand-Miller's advice that the consumption of added-sugars would be analysed in a paper by the ABS, examining in further detail the Australian Health Survey, and this analysis would support the findings in the Australian Paradox. *Lateline* understand this data refers to the period 2011-2012, which is outside the period during which Professor Brand-Miller says she established an Australian Paradox, and it is therefore irrelevant to the focus of *Lateline's* investigation.

We observe that in an email exchange between *Lateline* presenter Emma Alberici and Professor Brand-Miller on 26 February 2015, in response to Professor Brand-Miller's advice that she was not willing to be interviewed on the Australian Paradox until after a second paper was published, Ms Alberici asked Professor Brand-Miller – "does your response suggest that the findings in your original Australian Paradox paper are no longer valid?" Professor Brand-Miller responded – "I'm not sure why you have that impression. The findings in the Australian Paradox are more valid than ever."

Audience and Consumer Affairs are satisfied that the strong critical reaction to the 2011 paper, the controversy surrounding it and the fact that it continues to be referred to by vested interests confirms that it remains newsworthy and a matter of public interest worthy of critical examination by *Lateline*. We have concluded that there was no editorial requirement for the program to refer to new data or information that falls outside of the study's timeframe of 1980-2010.

1.1.3 Lateline did not present an independent dissenting perspective – all the experts interviewed supported the position of Lateline and RR.

Audience and Consumer Affairs have confirmed that *Lateline* invited Professor Brand-Miller, Dr Alan Barclay, Dr Michael Spence and Professor Robert Clark to be interviewed to respond to the criticisms about the paper in the broadcast. Those invitations were not accepted.

We are satisfied that as the authors of the paper, it was reasonable for *Lateline* to expect that Professor Brand-Miller or Dr Barclay would be willing to address the criticisms directed at it and to defend the credibility of the study in a meaningful way. *Lateline* has confirmed that it was unable to identify any credible nutritionist who supported the strength of the findings of the Australian Paradox.

Lateline has advised that it inquired with Professor Brand-Miller, who among her peers in nutrition science supported her Australian Paradox thesis, and she responded that "there are many" but specifically named only Professor Peter Howe. The program has explained that it contacted Professor Howe in 2015 and he refused to discuss the substantive nature of complaints about the Australian Paradox and refused to be interviewed.

Audience and Consumer Affairs note *Lateline's* advice to its audience that "*Lateline has been in contact with Professor Jennie Brand-Miller since early last year about that research. She hasn't been available for an interview, but she did answer some questions via email. Professor Brand-Miller said the findings in the 'Australian Paradox' paper were more valid than ever.*" *Lateline* has explained that it did not refer to Professor Brand-Miller's claim that she was willing to be interviewed once another paper on the Australian Paradox was published, that incorporated updated information, as the focus of this broadcast was clearly the paper published in 2011 and the data that underpinned it, not one that would be published sometime in the future.

Audience and Consumer Affairs is satisfied the broadcast presented a range of principal relevant perspectives on the critical reaction to the Australian Paradox 2011, and that it made reasonable efforts to seek and include the perspectives of the authors of that report to respond to that criticism.

2.1.1 FAOStat Data

Audience and Consumer Affairs understand that to a significant extent, the Australian Paradox 2011 rests on the use of United Nations Food and Agriculture Organisation (FAO) statistics which showed a fall in apparent sugar consumption in Australia. We also understand the FAO's annual data on Australian apparent consumption of sugar relied to a significant extent on data from an Australian Bureau of Statistics survey that had been discontinued in 1999, because the ABS had concluded that its historical methodology for counting added sugar was no longer reliable, given the fact that more and more sugars are now hidden in processed foods and it is therefore much more difficult to accurately measure personal consumption of sugar in Australia.

We have confirmed that in telephone calls with both the ABS head of health research and her deputy, *Lateline* established that the series was discontinued because the methodology was no longer considered reliable as an indicator of actual added sugar consumed. The ABS did not have the resources to establish a new methodology that could properly and reliably analyse consumption. This conclusion also brought into question the reliability of the data series the ABS had been producing over time, which the FAO relied upon for its conclusions on Australian sugar consumption.

We observe Professor Clark's acknowledgement that the ABS ceased its data collection in 1999 "due to an unfunded need to update the methodology to account for changing consumption and production factors that were not captured (and which could presumably affect the accuracy of data points in years approaching this cessation point)" and "from my email exchange with ABS, I believe the ABS data collection ceased due to lack of resources to address an emerging data reliability issue."

Audience and Consumer Affairs is also satisfied that *Lateline* made reasonable efforts to confirm that, despite the fact the FAO stopped receiving data from the ABS in 1999, it continued to publish a series for Australian sugar supply/consumption for the 2000s by re-producing the ABS series from the previous decade.

2.1.1.1 RR statements

We are satisfied that **Rory Robertson** represented a principal relevant perspective on the issues examined in the broadcast. We note that he is a senior economist with one of the country's leading banks who is a highly credible and respected data analytics expert. It is our view that his extensive research on this issue and critical assessment of the Australian Paradox, particularly the data relied upon by its authors, is based on and substantiated by demonstrable evidence and is compelling.

Audience and Consumer Affairs has confirmed that *Lateline* met the editorial requirement for accuracy by making reasonable efforts to examine and critically assess the research that underpinned Mr Robertson's claims, prior to broadcasting them. That research included his email correspondence with the FAO, where he sought to specifically verify the sources of information upon which the FAO relied for its sugar series for Australia.

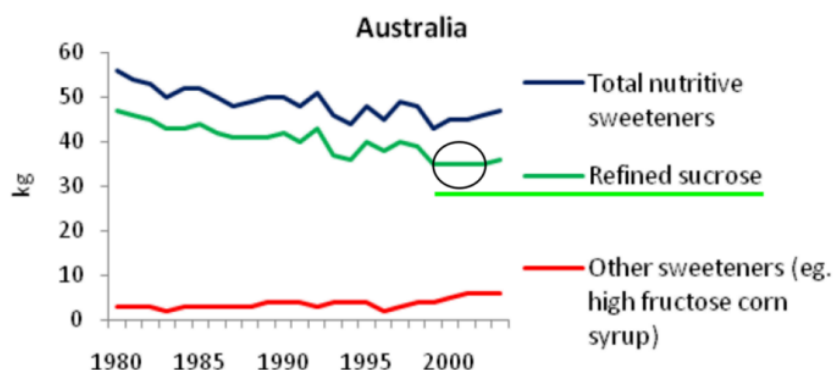
Mr Robertson established that the FAO's sugar series for Australia relied to a significant degree on ABS data for several decades until 1998-99, when the ABS discontinued its data collection on the grounds that it was unreliable. The responsible FAO researcher confirmed in writing to Mr Robertson that the FAO had used the last available figure of 35.7kg from its 1998-99 sugar series for Australia and continued to use it for subsequent years. That is, when the ABS stopped counting sugar after 1998-99, the FAO chose to continue publishing data, reproducing its 1999 figure again for 2000, and then continued publishing new data showing a figure of approximately 36kg per year. Audience and Consumer Affairs note that this absence of relevant, reliable data post 1999 appears to be confirmed in Figure 2 (A) of the Australian Paradox, in the form of the conspicuously flat line leading to 2003, where the series ends, despite the study spanning to 2010.

Despite the complainant's claim that **Professor Clark's investigation** "presents a comprehensive rebuttal of these allegations", we note his acknowledgement that the ABS ceased collecting data beyond 1999 because of its unreliability and his concern about the Australian Paradox authors' uncritical assessment "about the detailed methodology underpinning the FAO data in Figure 2, and had 'assumed' that it accounted for total sugar intake from their earlier research leading up to publication. I indicated that we both needed to check the facts."

RR insert 2

Australian Paradox “consistent and substantial” decline 1980-2010 based on ABS dead-end and fake FAO data

Awkwardly, authors’ sucrose – green – series “exists” in 2003 despite underlying dataset discontinued as unreliable by ABS after 1998-99!??



FW: quick question on basic australian sugar data

Inbox x

📄 📧



MorenoGarcia, Gladys (ESS) <Gladys.MorenoGarcia@fao.org>
to me, Kari ▾

Feb 13, 2012, 9:43 PM

☆

↶

⋮

Dear Rory

The “apparent consumption” or better ‘food availability’ can be found under Faostat Food Supply or Food Balance Sheet domains up to year 2007.

Food supply

<http://faostat.fao.org/site/345/default.aspx>

Food balance sheet

<http://faostat.fao.org/site/354/default.aspx>

In the case of Australia I have looked at the time series and there is some food of Sugar & syrups nes and Sugar confectionary the biggest amounts are under Refined Sugar where data is with symbol * but it is calculated with following note:

‘calc.on 37 kg.per cap. as per last available off. year level (1999)’

The figure for 1999 and for earlier years come from; ABS - APP. CONS. OF FOODSTUFFS.

Regards

Gladys C. Moreno G.

Statistician

C-428

Statistics Division

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Fax: 00 39 06 57055615

<http://www.fao.org/economic/statistics>

How come professional scientists were unaware - or deliberately didn’t say - that key series discontinued by ABS after 1998-99?!?



1997-98 AND 1998-99

4306.0

APPARENT CONSUMPTION OF FOODSTUFFS

AUSTRALIA

EMBARGO: 11:30AM (CANBERRA TIME) WED 25 OCT 2000

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pp. 21-22 <https://www.australianparadox.com/pdf/22Slideshowaustraliangoestoparadoxcanberrafinal.pdf>

p. 42 <https://www.australianparadox.com/pdf/Letter-to-Belinda-Hutchinson.pdf>

RR insert 3

Ignoring my correct critique, JBM, Simpson and Truswell chose to embrace scientific fraud, ignoring Prof Clark's AO's Recommendation to write credible new paper, instead choosing to place fake sugar data in AJCN

I have, however, identified a number of 'lessons learnt' from this case and I recommend that these be considered by the University and discussed with Professor Brand-Miller and Dr Barclay at Faculty level. In particular, I recommend that the University consider requiring Professor Brand-Miller and Dr Barclay to prepare a paper for publication, in consultation with the Faculty, that specifically addresses and clarifies the key factual issues examined in this Inquiry. This new paper should be written in a constructive manner that respects issues relating to the data in the Australian Paradox paper raised by the Complainant.

p. 4/86 <https://www.australianparadox.com/pdf/australian-paradox-report-redacted.pdf>

Dishonest DVC(R) Jill Trehwella and VC Michael Spence gave "green light" to go down that path of fraud by embracing Robert Clark AO's recklessly false (dishonest?) claim that I had no evidence FAO faked sugar data

The Australian Paradox paper: FAO Apparent Consumption of Sugar Data 2000-2003
[Figure 2]

The Complainant draws specific attention to FAO data points shown in the Australian Paradox paper Figure 2 for the years 2000-2003, beyond the time at which the ABS ceased to publish apparent consumption of sugar data. This is the so-called 'flat line' data, also described as 'falsified' and 'erroneous' data by the Complainant; the implication being that the FAO simply re-issued the 1999 figure for these years in the absence of new ABS data, and that Professor Brand-Miller and Dr Barclay should have realised and checked this issue as part of their due-diligence.

This one is stunning, reeking of shameful dishonestly by University of Sydney management: "The fix is in"

Statements made by the Complainant alleging that the United Nations FAO has falsified data are serious, and do not appear to be based on detailed evidence or inquiry (see analysis of evidence above).

After all, my formal Submission to University of Sydney Inquiry included email interaction with FAO's Gladys

LETTER 4

From: **MorenoGarcia, Gladys (ESS)** <Gladys.MorenoGarcia@fao.org>
Date: Mon, Feb 13, 2012 at 9:43 PM
Subject: **FW: quick question on basic Australian sugar data**
To: "strathburnstation@gmail.com" <strathburnstation@gmail.com>
Cc: "Rummukainen, Kari (ESS)" <Kari.Rummukainen@fao.org>

Dear Rory

The "apparent consumption" or better 'food availability' can be found under Faostat Food Supply or Food Balance Sheet domains up to year 2007.
Food supply
<http://faostat.fao.org/site/345/default.aspx>
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In the case of Australia I have looked at the time series and there is some food of Sugar & syrups nes and Sugar confectionary the biggest amounts are under Refined Sugar where data is with symbol * but it is calculated with following note:

'calc.on 37 kg.per cap. as per last available off. year level (1999)'

The figure for 1999 and for earlier years come from; ABS - APP. CONS. OF FOODSTUFFS.

Regards

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<http://www.fao.org/economic/statistics>

<https://www.australianparadox.com/pdf/FAOfalsifiedsugar.pdf>

p. 45 <https://www.australianparadox.com/pdf/Letter-to-Belinda-Hutchinson.pdf>

We note the complainant's reference to Professor Clark's view that *"On balance I believe it was reasonable for the authors to have included the FAO data for these years in Figure 2."*

Audience and Consumer Affairs cannot agree that this statement by Professor Clark confirms the data is accurate, or that it contradicts the written advice from the FAO to Mr Robertson. We are satisfied the FAO's advice to Mr Robertson that it used a simple algorithm for 1999-2003 that was based on 1999 data, not on genuine fresh observations of Australian apparent consumption, supports Mr Robertson's statements.

We are satisfied that *Lateline* made reasonable efforts to critically assess Mr Robertson's statements, which were clearly attributed to him in the report. The presentation of Mr Robertson's statements is in keeping with the Corporation's editorial standards for accuracy.

2.1.1.2 WR statements

We note the complainant's concern about the accuracy of the following statements by Wayne Ridders in the broadcast –

"Our research shows that the 'Australian Paradox' paper was based on inaccurate data."

Audience and Consumer Affairs are satisfied the presentation of this statement is in keeping with the Corporation's editorial standards for accuracy. This view was repeatedly expressed to *Lateline* during the production of the report, by a range of nutrition and data analytic experts who have examined the data upon which the Australian Paradox was based. The program's own extensive research also confirmed serious questions about the reliability of the data used in the study.

"We also discovered that Barclay's research was based on information that didn't include imported processed foods."

Audience and Consumer Affairs is satisfied that *Lateline* made reasonable efforts to ensure that Wayne Ridders was a highly credentialed expert who had dedicated significant time researching this issue. She was quoting the findings of her own peer reviewed paper, of which one of the complainants, Dr Barclay, was one of the peer reviewers. The statement was clearly attributed to Ridders as her own assessment.

Audience and Consumer Affairs note the complainant's reference to Professor Clark's Initial Inquiry Report, and its view that the Ridders statement regarding Dr Barclay's research was inaccurate. We also note the Initial Inquiry is not a peer reviewed document and its findings are the sole view of Professor Clark.

For these reasons, Audience and Consumer Affairs have concluded that the inclusion of Wayne Ridders analysis was in keeping with the Corporation's editorial standards for accuracy.

2.1.1.3 EA statements

We note the complainant's concern that the following statement from the broadcast is inaccurate –

EMMA ALBERICI: *But the ABS discontinued that study as unreliable, telling Lateline its methodology for counting sugar intake was no longer accurate. The increasing prevalence of processed foods made it too difficult for them to reliably count sugar consumption.*

For the reasons set out above, we are satisfied this statement is accurate and in keeping with the Corporation's editorial standards. As the presenter's statement makes clear, the ABS directly informed *Lateline* why it discontinued its study and our assessment of Professor Clark's view is that he agrees with that explanation.

We note the complainant's claim that the *Lateline* audience was not informed that the Australian Paradox 2011 relied on published FAOStat data, not exclusively ABS data. We also note the following statement from the broadcast -

EMMA ALBERICI: *The only source of data in the published paper actually relevant to the timeframe of the 'Australian Paradox' paper, between 1980 and 2010, is this chart from the United Nations Food and Agriculture Organization. Until 1999 the FAO, based in Rome, relied on data gathered by the Australian Bureau of Statistics, measuring actual sugar consumption.*

But the ABS discontinued that study as unreliable, telling Lateline its methodology for counting sugar intake was no longer accurate. The increasing prevalence of processed foods made it too difficult for them to reliably count sugar consumption.

The relevant, newsworthy issue being raised in this statement by the presenter is the fact that the FAO had relied on the ABS data, but that the ABS had discontinued its study as unreliable – bringing into question the reliability of the data published by the FAO that had been used to support the conclusions of the Australian Paradox.

We are satisfied there was no editorial requirement for the program, within this specific context, to also note that the FAO has additional data sources. The newsworthy issue being examined in this aspect of the report, and one that has been identified by numerous critics of the Australian Paradox 2011, was the efficacy of the ABS data published by the FAO and used by the authors to support their claims. The report then moves on to immediately explain how Rory Robertson contacted the FAO and was informed directly by that organisation that it had continued to use ABS data from 1999 into the 2000s.

We are satisfied this information regarding the ABS data was newsworthy and a matter of public interest. We are satisfied there was no editorial requirement, within the context of this report, for *Lateline* to inform the audience that the ABS discontinued all food availability data.

2.1.2 Misleading statement about author credibility

We note the complainant's concern about the following statement by the presenter regarding Professor Clark's Initial Inquiry –

EMMA ALBERICI: *It recommended Professor Brand-Miller and Dr Barclay publish a revised paper that clarifies the key factual issues examined in the inquiry. Almost two years later, that's yet to happen. Professor Brand-Miller says that's because she's waiting for new data from the Australian Bureau of Statistics that will analyse sugar consumption from those National Health surveys.*

We are satisfied the statement is factually sound and is not misleading.⁸ The complainant's explanation for the delay was made clear to the program's audience.

2.1.3 Inaccurate and misleading statement from Erratum

We note the complainant's concern that the following statement by the presenter is inaccurate and that the Erratum was required only to address a transcription error –

EMMA ALBERICI: *The correction failed to mention that the volume of sales of regular sugary drinks was up, not down. This includes higher sales of so-called sports drinks like Powerade and iced teas, as well as regular soft drinks like Coke, Fanta, Solo and Sprite.*

When Lateline asked Professor Brand-Miller which varieties had reduced sugar content, she explained that while formulas of the classic soft drink versions are the same, there are now new ones on the market like Coca-Cola Life, with 35 per cent less sugar, and Pepsi Next, with 30 per cent less. But neither of those drinks existed when the 'Australian Paradox' paper was written, much less over the 30 years it seeks to establish an Australian paradox.

Audience and Consumer Affairs are satisfied *Lateline* made reasonable efforts to ensure that the material facts were accurate and presented in context. We understand the relevant aspect of the paper that required correction claimed –

"Food industry data indicate that per capita sales of low calorie beverages doubled from 1994 to 2006 while (sugar) sweetened beverages decreased by 10 per cent."

It was subsequently established the claim that Australians were drinking 10 per cent less sugar sweetened soft drinks since 1994 could not be supported by the charts published in the Australian Paradox (Figure 5.), which clearly shows soft drink consumption had gone up by 30 percent.

Audience and Consumer Affairs observe that when Professor Brand-Miller was questioned about this claim on ABC Radio, she responded by suggesting *"It might be that a key word came out... a key word has come out, OK?"* and clarified that she had meant to say *"the amount of sugar that went into those soft drinks declined by 10 per cent"*.

However, we note the Erratum did not reference a decline in the amount of sugar in soft drinks as foreshadowed by Professor Brand-Miller, nor did it acknowledge the original error by stating, as Ms Alberici points out, that *the volume of sales of regular sugary drinks was up, not down.* The Erratum referred to the 10 percent decline in *market share*, as shown by figure 5 (B) which as Professor Clark noted *"shows a net decrease in market share of sugar sweetened beverages due to increased sales of other beverage types, that is of no consequence to the evaluation but which has considerably muddled the waters."*

For these reasons, we are satisfied that *Lateline* made reasonable efforts in keeping with the editorial requirement for accuracy.

2.1.4 Sugar sweetened beverages (SSBs) Sales, market share and sugar intake

We observe the full context of the *Lateline* statement that concerned the complainant –

RR insert 4

Australian Paradox paper must be formally retracted: silly-from-the-start “finding” of a “consistent and substantial decline” in sugar intake over 1980-2010 unsupported by JBM’s evidence in own published charts

Chart 1: Australian sugary drink sales (litres per person per year)

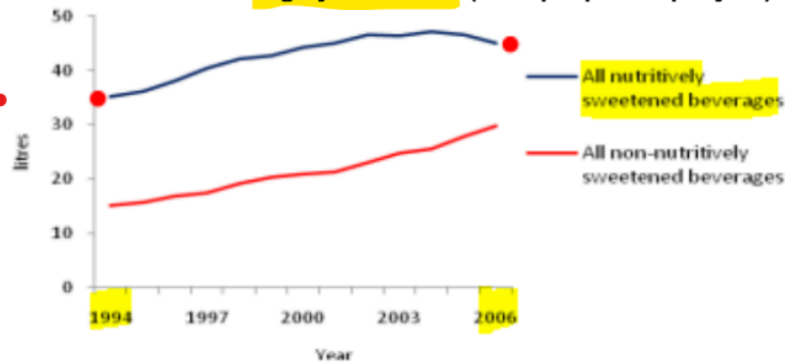
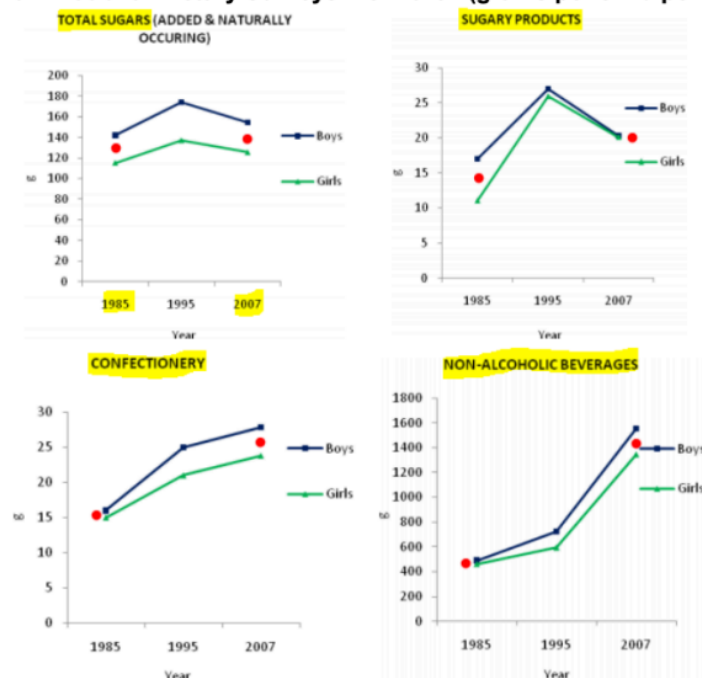
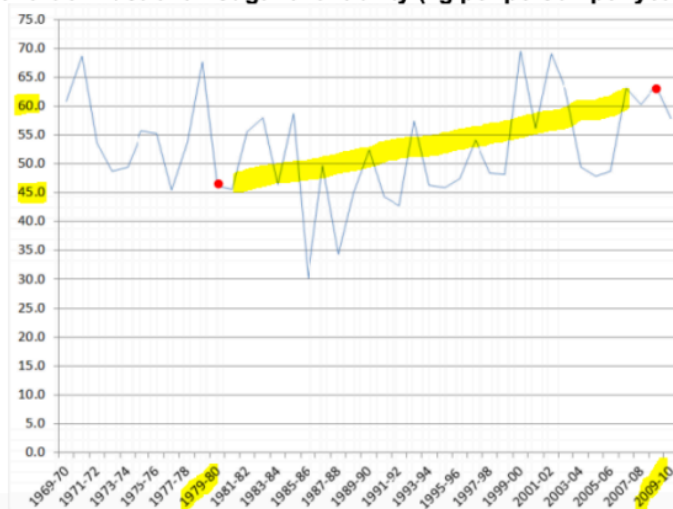


Chart 2: National Dietary Surveys – Children (grams per child per day)



Source: <http://www.australianparadox.com/pdf/OriginalAustralianParadoxPaper.pdf>

Chart 3: Australian sugar availability (kg per person per year)



Source: <http://www.australianparadox.com/pdf/nutrients-03-00491-s003.pdf>

<https://www.mdpi.com/2072-6643/3/4/491>

p. 25 <https://www.australianparadox.com/pdf/USyd-Misconduct-June19.pdf>

p. 41 <https://www.australianparadox.com/pdf/Letter-to-Belinda-Hutchinson.pdf>

RR insert 5

Key aspects of JBM and Stephen Simpson AC's infamous *Australian Paradox* sugar-and-obesity fraud (pp 32-38)

In her original *Australian Paradox* paper, world-famous "GI Jennie" Brand-Miller (JBM) insists that Australian added-sugar consumption per person suffered **"a consistent and substantial decline"** over the 1980-2010 timeframe, and so there existed **"an inverse relationship"** between Australians' (declining) sugar intake and (rising) obesity rates. Of course, that is nonsense.

JBM's infamous "paradox" is solved in coming pages by noting that several of JBM's own published charts show valid sugar indicators trending **up** not down over the 1980-2010 timeframe (p. 33), falsifying her "finding". So, we know JBM is incompetent.

Troublingly, JBM later told research-integrity Investigator Robert Clark AO that her preferred series – one discontinued as unreliable by the Australian Bureau of Statistics after 1998-99 (60 years after it began in 1938-39) and then faked by the United Nations' Food and Agriculture Organization (FAO) – is "robust and meaningful". I confirmed in writing with the FAO back in 2012 that the FAO had indeed faked JBM's preferred series after 1998-99 (see the chart on p. 34, below). Here is the multiple-email exchange that I had with FAO officials way back in 2012: <https://www.australianparadox.com/pdf/FAOfalsifiedsugar.pdf>

For a decade, JBM has known her key data are faked, and Stephen Simpson (SJS) has known those 2000-2003 data are faked. How do I know that they know? I told each of them in face-to-face conversations at an Obesity Australia annual summit at ANU in Canberra back in November 2013 (see letter p. 44 in BelindaHutchinson.pdf link earlier). Accordingly, the original *Australian Paradox* paper and subsequent *Paradox* papers still all exist only because Australia's finest and most-distinguished diet-and-health "scientist" and her dishonest Charles Perkins Centre boss Stephen Simpson AC are determined to recklessly pretend that modern doses of sugar consumption have nothing to do with our obesity and T2D epidemics.

Also outrageous is that three successive sets of dishonest University of Sydney management since 2012 have refused to stop the misconduct I'm highlighting, by refusing to simply instruct JBM and Simpson AC to formally retract their extraordinarily faulty papers (standard scientific practice). Instead, management chooses to dishonestly pretend a devotion to Research Excellence.

RED FLAGS: As an example of University of Sydney "Research Excellence", the original *Australian Paradox* paper is one of the greats. For starters, notice that JBM is the "Guest Editor" of the publishing MDPI journal:

Special Issue Editor

Prof. Dr. Jennie Brand-Miller E-Mail Website

Guest Editor

School of Molecular Bioscience, The University of Sydney, NSW 2006, Australia

Interests: all aspects of carbohydrates, including diet and diabetes; the glycemic index and insulin resistance; obesity; pregnancy



As Guest Editor, JBM self-published her own extraordinarily faulty paper, despite her submitting it five months late:

Received: 4 March 2011; in revised form: 14 April 2011 / Accepted: 19 April 2011 /

Deadline for manuscript submissions: closed (30 September 2010) Published: 20 April 2011

Then, stunningly, we are advised:

This study was a Masters of Nutrition and Dietetic project conducted by Laura Owens and co-supervised by AWB and JBM.

AWB is Dr Alan Barclay, another Charles Perkins Centre shonk who operated as JBM's sidekick for a decade or so and wrote harmful pro-sugar, high-carbohydrate nonsense-based advice for Diabetes NSW and ACT (aka Australian Diabetes Council).

Australian Diabetes Council, 26 Arundel Street, Glebe, NSW 2037, Australia;

E-Mail: awbarclay@optusnet.com.au

On JBM's conflicts of interests, there is no disclosure of her deep financial relationship with drug-seller Novo Nordisk:

AWB is a co-author of one of the books in The New Glucose Revolution book series (Hodder and Stoughton, London, UK; Marlowe and Co., New York, NY, USA; Hodder Headline, Sydney, Australia and elsewhere): Diabetes and Pre-diabetes handbook, and is a consultant to a not-for-profit GI-based food endorsement program in Australia.

JBM is a co-author of The New Glucose Revolution book series (Hodder and Stoughton, London, UK; Marlowe and Co., New York, NY, USA; Hodder Headline, Sydney, Australia and elsewhere), the Director of a not-for-profit GI-based food endorsement program in Australia and manages the University of Sydney GI testing service.

https://www.mdpi.com/journal/nutrients/special_issues/carbohydrates

All that before seeing that several valid sugar indicators in JBM's published charts (reproduced as Charts 1-3 overleaf) trend **up** not down. Again, JBM's own published charts falsify her silly "finding" of a "consistent and substantial decline". Further, notice on p. 34 below the **short, faked-flat line for "Refined sucrose" in Figure 2A (Australia) after 1999**, after the ABS discontinued its series as unreliable. That is, for JBM's preferred series there are no valid data between 1998-99 and 2010 – no data for more than one-third of the 1980-2010 timeframe. Again, that dead-ending-then-faked-then-non-existent series is the one that JBM dishonestly promoted as "robust and meaningful" to research-integrity Investigator Robert Clarke AO in 2014: p. 59 of 86 at <https://www.australianparadox.com/pdf/australian-paradox-report-redacted.pdf>

RR insert 6

Sydney University's Australian Paradox nonsense used by industry to mislead Australian Dietary Guidelines

National Healthcare

This was published 11 years ago

Research causes stir over sugar's role in obesity

Mark Methersell

March 31, 2012 — 3:00am

Save Share A A A

THE Sydney University nutritionist Jennie Brand-Miller holds out a tempting message for sweet tooths and companies such as Coca-Cola: sugar is not to blame for obesity in Australia.

The Australian Paradox is the title of a scientific paper Professor Brand-Miller and the Australian Diabetes Council research adviser Alan Barclay have written. It seeks to show that while obesity rates continue to swell, refined sugar consumption has fallen in recent years.

Although mainstream nutrition specialists have distanced themselves from the finding, the food industry, and Coca-Cola, have seized on the study to oppose tougher advice against sugar in the nation's diet bible.

The Australian dietary guidelines, which are in the process of finalisation and will be released later this year, are the subject of intense pressure from food companies urging a good word for their products.

Public health advocates are not happy with the way the food industry and particularly the sugar sector are, through their supporters, contesting the concerns about sugar and health.

The Queensland senator Ron Boswell went in to bat for the sugar industry in the Senate recently, deploring an article in the science journal *Nature* titled "The toxic truth about sugar". He said the article sought to "demonise" sugar by comparing it with alcohol.

Professor Brand-Miller was reported as being "disgusted" by the *Nature* article. In *The Australian Paradox*, she and Dr Barclay challenge the widely-held view linking sugar with obesity, saying statistics show obesity has risen three-fold while consumption of sugar has fallen 16 per cent in the 23 years to 2003.

In formal submissions, both the Australian Food and Grocery Council and Coca-Cola cite the study to counter the call in the draft dietary guidelines for a reduction in the consumption of sugary food and drink.

The study, however, has drawn a fiercely critical response from the economic commentator Rory Robertson, a born-again believer in a fructose-free diet, through which he says he shed 10 kilograms over eight months without extra exercise.

Mr Robertson says the paradox argument relies on misinterpreted statistics, some of which are no longer collected because of unreliability. In response, Professor Brand-Miller says Mr Robertson is not a nutritionist and does not understand nutrition.

Boyd Swinburn, an authority on obesity issues, has reviewed the arguments from both sides and comes out broadly in favour of Mr Robertson.

Professor Swinburn, who is the director of the World Health Organisation collaborating centre for obesity prevention at Deakin University, says the study's summary of the data as showing "a consistent and substantial decline in total refined or added sugar by Australians over the past 30 years" belies the facts "and is a serious over-call in my opinion".

His conclusion is that "the ecological trends of sugar and obesity are pretty well matched and I do not believe there is any paradox to explain".

Professor Brand-Miller told the *Herald* the emphasis on sugar in diets was "overblown" and not enough attention was given to the role of refined starches in obesity.

She and Dr Barclay are principals of the Sydney University-based Glycemic Index Foundation, a non-profit organisation that seeks to promote healthier carbohydrate foods - those that are digested slowly with benefits to blood glucose and insulin levels - among consumers and food suppliers.

The foundation is associated with low glycemic index (GI) products, including a "low GI cane sugar" brand manufactured by CSR, which is among companies that pay licence fees for a GI symbol on their products. The foundation says all proceeds are used to spread awareness about GI.

"This is not about commercial interests," Professor Brand-Miller says. "This is about a considered, expert opinion based on being a nutritionist for 35 years and having a sincere belief that sugar in moderation contributes to a safe and healthy diet."



Illustration: Cathy Wilcox



<https://www.smh.com.au/healthcare/research-causes-stir-over-sugars-role-in-obesity-20120330-1w3e5.html>

THE AUSTRALIAN

A spoonful of sugar is not so bad

By **LEIGH DAYTON** and **SCIENCE WRITER**

THE AUSTRALIAN
12:00AM JULY 9, 2011



BILL Shrapnel was not amused. He'd logged on to the National Health and Medical Research Council's website a few weeks ago and read the draft dietary guideline recommendations.

"My reaction was that the NHMRC is supposed to be the bastion of evidence-based nutrition," recalls Shrapnel, consultant dietitian and deputy chairman of the University of Sydney Nutrition Research Foundation. "But their dietary work is still laced with the dogma that diminishes our profession."

What raised Shrapnel's ire was the word sugars in recommendation No 3: "Limit intake of foods and drinks containing saturated and trans fats; added salt; added sugars; and alcohol." Limit sugars? "Show us the evidence," he says. "There isn't any."

Along with University of Sydney nutritionist Jennie Brand-Miller, Shrapnel takes the highly contentious position that sugar isn't a dietary evil, as dangerous to human health as saturated and trans fats, salt and alcohol.

As Shrapnel says, "Low sugar is not necessarily good and high sugar is not necessarily bad because sugar isn't the main game." Brand-Miller adds that "highlighting sugar only distracts people from the more important issues" such as high levels of consumption of recommendation No 3's fats, salt and alcohol.

Worse, both argue health policy - from public dietary advice to food regulation and marketing and industry standards - is not based on science but on myth. A case in point: the clamour over fast food advertising to children that took off after a report late last month in the online edition of The Medical Journal of Australia.

To bolster her claim that sugar is not inherently disease-producing, Brand-Miller points to findings of a review on carbohydrates and health published last year by the European Food Safety Authority Panel on Dietetic Products, Nutrition and Allergies.

The EFSA sought to tease out the effect of carbohydrates on several factors: the nutrient density or nutritional quality of foods; the body's ability to regulate blood sugar; blood fats; cardiovascular disease risk; type II diabetes; tooth decay; and body weight.

Among the findings, the EFSA panel concluded that while sugar does contribute to tooth decay, the risk of dental caries is also influenced by lifestyle factors such as brushing and flossing, exposure to fluoride, meal frequency and diet. Genes also play a role, along with illness, salivary flow and malnutrition. All up, the panel concludes there isn't enough information to set an upper limit for dietary sugars.

The EFSA review also finds that while high intakes of sugary soft drinks may contribute to weight gain, there isn't sufficient data linking added sugars and obesity to set an upper limit on sugar intake. The conclusion was bolstered by a report last month in The New England Journal of Medicine - funded by the US National Institutes of Health and others - that diet and lifestyle both contribute to long-term weight gain.

According to Brand-Miller, these findings sit neatly with data from the UN Food and Agriculture Organisation, national dietary surveys and industry. "Australians have been eating less and less sugar, and rates of obesity have been increasing," she says.

In other words, a healthy diet includes plenty of nutrient-rich foods, few nutrient-poor foods and a pinch of sugar to help it all go down. Sugar isn't the "white death" of lore. It's a dietary element that's packaged in foods, healthy and unhealthy alike.

That's a message most experts don't buy, including the NHMRC review panel and Robert Lustig, a pediatric endocrinologist with the University of California at San Francisco. "Saying sugar is not a problem would be laughable, if it weren't so dangerous," he claims.

According to Lustig, sugar is the driving force behind metabolic syndrome, a cluster of risk factors including, hypertension, cholesterol abnormalities, an increased risk for clotting and resistance to insulin, a hormone that regulates blood sugar, fats and proteins.

Brand-Miller rejects this. "Robert's views are based on studies that used extremely large amounts of fructose, not realistic amounts," she says.

Shrapnel goes further: "This guy is saying sugar causes metabolic syndrome. It doesn't. However, excess dietary carbohydrate, sugar or starch, can exacerbate some of the characteristics of the metabolic syndrome. That's very different."

But it's not just two against the world. Increasingly, public health experts such as the University of Melbourne's Rob Moodie are widening the diet debate.

"The claim that sugar is not a dangerous substance per se is right," says Moodie, who chaired the National Preventative Health Taskforce until it wound up last April. "But sugar is the major contributor to the energy or calorie overload. The whole debate is about portion size, the amount of food. There's not one evil or one magic bullet in this debate."

<https://www.theaustralian.com.au/news/health-science/a-spoonful-of-sugar-is-not-so-bad/news-story/1f78f8d76736b77a9abab0363504ccfe>

EMMA ALBERICI: *The 'Australian Paradox' paper relies on three main data sets to support its conclusions. Let's start with sugar-sweetened beverages, where a cursory glance of the author's own chart reveals sales are up 30 per cent, not down 10 per cent as is claimed in the paper. The red line represents the rise in sales of sugar-free drinks.*

(Excerpt from Background Briefing, ABC Radio National, 2014)

WENDY CARLISLE, REPORTER: *All right. But you don't say that in the paper. You say that...*

EMMA ALBERICI (voiceover): *When challenged about this mistake on ABC radio's Background Briefing, Jennie Brand-Miller admitted she'd made an error.*

JENNI BRAND-MILLER: *I'm saying that the amount of sugar that went into those soft drinks declined by 10 per cent.*

WENDY CARLISLE: *All right. But you don't say that in this paper. You say the food industry data show that per capita sales of sugar-sweetened beverages have decreased by 10 per cent.*

JENNI BRAND-MILLER: *I'll double-check it for you.*

WENDY CARLISLE: *All right. OK. Thank you.*

We note the following passage from the ABC News online report –

"But it turned out Professor Brand-Miller and Dr Barclay's data was not quite right. In fact, what they had reported as a fall in consumption of sugar was actually a significant rise. They had claimed sales of sugary sweetened beverages were down by 10 per cent, but the chart used in their own research actually shows a 29 per cent increase."

Audience and Consumer Affairs are satisfied that Lateline accurately presented in context the original error in the paper, identified by *Background Briefing*; and the action taken by the authors to correct that error. This was relevant for inclusion because the error was significant and was in fact used by the Australian Beverages Council: the error goes to the overall credibility of the paper.

However, the ABC News online report conflated 'sugar' with 'sugary drinks' in this statement: "what they had recorded as a fall in consumption of sugar was actually a significant rise". This statement has been clarified and now states: "what they had recorded as a fall in consumption of *sugary drinks* was actually a significant rise".

Given the focus of this broadcast was the Australian Paradox 2011 paper and the data relied upon by its authors, we cannot agree that there was any requirement for the program to refer to the research the complainant identified that was published in 2014.

2.1.4.2 New varieties and formulations

Audience and Consumer Affairs have reviewed the full email correspondence between Professor Brand Miller and Ms Alberici referred to here. We observe that Ms Alberici's question, inquiring about "which soft drinks are said to have less sugar in them", was a follow up question seeking to clarify information in an earlier response from Professor Brand Miller, where she referred to "the new reduced-sugar versions of many sugar-sweetened beverages (eg 6% in lieu of 12%)."

We note the initial question from Ms Alberici explicitly states – “We are analysing the paper on the public record, not new data you may have found from industry (vested interests) and now wish to introduce.” Despite that clear advice from Ms Alberici that the program’s focus was the data that supported the conclusions in the Australian Paradox paper published in 2011, Professor Brand Miller identified the new formulations for Pepsi Next and Coca-Cola life in her answer, which were launched into the market in 2012 and 2013 respectively, outside of the paper’s relevant timeframe of 1980-2010.

Given that when Ms Alberici posed her question on this issue, she clearly identified the fact that the program’s focus was exclusively on the 2011 paper that was a matter of public record, we are satisfied it was not misleading for the program to report the fact that Professor Brand-Miller provided reference only to new products that were not on the market during the time period covered in her paper. It is also relevant to note that Professor Brand Miller provided the example of Pepsi Next to Professor Clark to illustrate changes in sugar content of nutritively sweetened beverages.

2.1.5 National Nutrition Surveys data

Audience and Consumer Affairs observe that 7 of the 8 indicators of sugar consumption in the Australian Paradox’s two national nutrition survey charts (Figures 3 and 4) trend up, not down.

Lateline has explained that it carefully considered how the Australian Paradox relied on national nutrition survey data, and how the program made reasonable efforts to establish that data’s credible application in the study. The ABS advised *Lateline* that these surveys should not be compared because the methodology for each one is different and the conclusions drawn from such a comparison would have little meaning, explaining that the three surveys were never intended to be compared with each other as such comparisons could provide no substantive conclusion.

This assessment of the data was made by a number of experts interviewed during the report’s production.

The program also confirmed the widely acknowledged view that national health survey data from the ABS is not considered reliable in calculating sugar consumption because of its reliance on self reporting of that consumption, and most people are inclined to under report to a significant degree.

The program also examined *The Bridging Study – comparing results from the 1983, 1985 and 1995 Australian national nutrition surveys*, published by the Commonwealth Department of Health and Aged Care, which presents independent academic studies that sought to compare the three relevant health surveys. Audience and Consumer Affairs observe that the *Bridging Study* specifically identifies the flaws in trying to compare previous years as the methodology for each survey was different. The samples were different and the questions asked were different. There was also significant seasonal variation.

For these reasons, we are satisfied that *Lateline* made reasonable efforts in keeping with the editorial requirement for accuracy, and presented the information in context.

2.1.6 GI Symbol Program

Audience and Consumer Affairs note the complainant's concern regarding the references to "ordinary sugar", "raw sugar" and "even sugar itself" being licensed by the Glycemic Index Foundation. We observe the following context in which those references were presented -

EMMA ALBERICI: **Marion Nestle** says she was surprised to learn that nutrition scientists working with the university's Glycemic Index Foundation are receiving \$6,000 from food and drink companies, every time they stamp one of their items with a low-GI health tick: even those containing high levels of added sugar - even sugar itself.

It is clear that Ms Alberici's statement above was paraphrasing Marion Nestle's reaction to the GI symbol program, with Professor Nestle immediately following with her view of the program;

MARIAN NESTLE: Ah, I don't know what to say about the Glycemic Index (laughs). People don't eat individual foods. They eat mixtures of foods and that changes. When you mix foods, you get some kind of mixture of glycemic indices. But when I was in Australia, I was extremely amused to see a logo from the Glycemic Index Foundation on a pound of plain, ordinary sugar.

Marion Nestle is a renowned nutritionist. Her statement that she was "extremely amused to see a logo from the Glycemic Index Foundation on a pound of plain, ordinary sugar" was clearly attributed as her expert view, based on her personal examination of the product. We are satisfied that it was appropriate for the program to allow this expert to express her informed view.

Lateline has explained how it made every effort to seek the authors' participation in the report to respond to criticisms of the GI symbol program, but they declined.

In regard to Ms Alberici's statement from the News online report - "...some of the products that carry the tick include Milo, breakfast cereals and raw sugar", Audience and Consumer Affairs note that CSR LoGiCane, which carries the Low GI symbol, applies natural molasses extract to raw sugar. While we note this application "naturally increases sugar's resistance to digestion", we are satisfied the report's reference to "raw sugar" is in keeping with the Corporation's editorial standards for accuracy.

2.2 Lateline asserted false and/or misleading conflict of interest, and failed to check the facts

2.2.1 \$6000 payments

Lateline has explained to Audience and Consumer Affairs how it made reasonable efforts to confirm the accuracy of its references to the GI Foundation Symbol Program. The program identified the fact that the GI Foundation is based at the University of Sydney and is made up of a group of scientists whose money comes from food companies for GI testing and for working collaboratively with the food companies to further promote their products.

Audience and Consumer Affairs observe the following statements, provided by Lateline, from the GI program's website -

Welcome to the 'home of the glycemic index' - the official website for the glycemic index and international GI database which is based in the Human Nutrition Unit, School of Molecular Bioscience, University of Sydney. The website is updated and maintained by the University's GI Group which includes research scientists and dietitians working in the area of glycemic index, health

and nutrition including research into diet and weight loss, diabetes, cardiovascular disease and PCOS and headed by Professor Jennie Brand-Miller

*Sydney University GI Research Service (SUGIRS) has an established reputation for quality, speed and flexibility. **We can work with your company to develop new low GI products or help lower the GI of existing ones.***

*This certified symbol identifies foods that have been GI tested following the international standardised method. **Manufacturers pay the GI Foundation a licence fee to use the symbol on their products and this income is channelled back to education and research.***

If you are a food company or retailer and you have a product that you think may be eligible to carry the GI Symbol, we'd love to hear from you.

Audience and Consumer Affairs note that Professor Clark's consideration of conflicts of interest, in his Initial Inquiry Report, confirmed that the program's annual revenue does not exceed \$1 million, and that revenue is mostly spent on administrative costs and fees for 3-4 consultants, of which Dr Barclay is one.

Audience and Consumer Affairs has reviewed the transcript of *Lateline's* interview with Marion Nestle and is satisfied the program's attribution of her view is accurate and in keeping with the Corporation's editorial standards for accuracy.

We observe the complainant's request for a copy of a transcript of *Lateline's* interview with Marion Nestle. ABC News and current affairs programs do not provide copies of notes, documents or unedited transcripts produced during their newsgathering to complainants; however, this information has been reviewed independently by Audience and Consumer Affairs.

For these reasons, we are satisfied the reports references to the fees associated with the GI symbol program are accurate and presented in context.

2.2.2 Dr Alan Barclay

We are satisfied the references in the reports to Professor Clark's assessment of Dr Barclay accepting a fee from Coca-Cola are accurate and presented in context. The perceived concerns about the links between the Australian Paradox authors and the sugar industry, raised with the program numerous times during its research into this matter, are sufficiently newsworthy and a matter of public interest. The fact that Professor Clark noted this issue in his report was considered newsworthy and relevant to report.

2.3 Lateline allowed defamatory statements to be broadcast and published

2.3.1 RR statement

We are satisfied that Mr Robertson is entitled to express his genuinely held view that the data published by the FAO after 1999 is "faked", and that he was shocked that "the highest levels of nutrition science in Australia not only can publish whatever nonsense they want, but no-one really has helped me in promoting a retraction of the paper." Mr Robertson's comments on the "faked" data

are based on his research and direct inquiries with the FAO. The ABC's presentation of his principal relevant perspective is not in breach of the Corporation's editorial standards for accuracy.

We note these sentiments are not unique to Mr Robertson. Although they may have been expressed to the ABC in more moderate tones, these criticisms have been repeated by a range of expert nutritionists contacted by the program. As Ms Alberici informed the complainant in her email correspondence of 6 April, the range of expert nutritionists *Lateline* spoke to unanimously and "unequivocally rejected your Australian Paradox thesis as "flawed" "non-existent" and "not supported by the data" and "to be ignored".

The editorial standards for *harm and offence* do not preclude the ABC from reporting on controversial matters in the public interest. The Australian Paradox is a controversial paper on the public record and, as such, has been subjected to strong criticism and the expression of strong views. We are satisfied the statements that concerned the complainants were justified by the editorial context and were not presented gratuitously.

Nevertheless, Audience and Consumer Affairs have assessed those statements against the editorial standards for accuracy, in section 2 of the ABC Code of Practice. We are satisfied that *Lateline* made reasonable efforts to ensure that Mr Robertson had based his statements on his considerable research, and that it had established that his concerns regarding the data and the conclusions of the paper were shared by a range of informed professionals with an understanding of the issue. He was stating his own view that was clearly attributed, and it was presented by the program in context.

The complainant's reference to Professor Clark's assessment of Mr Robertson's view is noted.

2.3.2 MN statement

Audience and Consumer Affairs have confirmed that *Lateline* spoke at length to Professor Nestle both before and during its interview with her. The program discussed in detail her long held conviction against nutrition scientists receiving any funding from the food industry. We are satisfied that Ms Alberici's statement is an accurate assessment of Marion Nestle's view and that it was clearly and appropriately attributed.

We are satisfied the presenter's statement is in keeping with the Corporation's editorial standards for accuracy. As explained above, the ABC's standards for harm and offence do not preclude the ABC from reporting on controversial matters in the public interest. The statement of concern was justified by the editorial context and was not presented gratuitously.

2.1.4 Lateline misrepresented a radio interview

Audience and Consumer Affairs understand that Professor Brand-Miller was interviewed by Wendy Carlisle at the University of Sydney. *Lateline* is a television program that relies on the use of images to tell its stories and it is common journalistic practice to present re-enactments of events where no footage is available. We observe that aspect of the report clearly noted it was a re-enactment, and we cannot agree that the footage of Wendy Carlisle sitting at the console in the ABC Radio National studio while the relevant audio from the interview is played is materially misleading to the program's audience.

As previously noted, we are satisfied it was relevant and appropriate for the program to include reference to the *Background Briefing* interview because there has been sufficient doubt expressed

RR insert 8: University of Sydney's cabal of dishonest "scientists" and diabetes-drug seller Novo Nordisk

Please investigate University of Sydney's "Research Excellence" corruption, a scandal fuelling T2D epidemic and Novo Nordisk's T2D drug fraud

Evidence supporting all statements by Rory Robertson at www.australianparadox.com

A. Professor "GI Jennie" Brand-MILLER AO: Australia's globally famous diet-and-health "scientist" has spent decades falsely exonerating modern doses of sugar as a major driver modern obesity/T2D epidemics

1. *Australian Paradox* sugar-and-obesity fraud began with JBM's extraordinarily faulty "peer reviewed" original paper
2. Valid JBM sugar charts trend up 1980-2010, falsifying unsupported "finding" of "consistent and substantial decline"
3. JBM's preferred sugar series dead-ended 2003: discontinued as unreliable by ABS after 1999 then faked by FAO
4. In dishonest defence of false *Australia Paradox* "finding", several further papers were published avoiding key facts
5. Lied to formal Inquiry by Robert Clark AO, claiming shonky dead-ending ABS/FAO series "robust and meaningful"
6. Prof Clark Recommended JBM write a new paper overseen by "Faculty" (incl. boss SJS, below) that "specifically addresses and clarifies" key factual matters including RR's misrepresented-data critique above. Helped by USyd management (including via USyd security guard soiled onto RR; p. 74), JBM, SJS and Stewart Truswell published new sham paper that dishonestly avoided Clark's Recommendation and knowingly placed fake sugar data in *AJCN*
7. Beyond scientific fraud, JBM (99.99% likely) in stunning breach of *USyd's External Interests Policy* (p. 28), hiding millions of dollars of undisclosed household income/wealth via spousal link to Novo Nordisk's T2D Insulin/drug sales

Guide to arrows:

URM = University

Research Misconduct

\$\$\$\$ = Financial support from Novo Nordisk

Arrows show direction of benefit

URM

C. Professor Stephen Colagiuri on "money train" moonlighting for Novo Nordisk while University of Sydney's most-eminent diabetes careerist

1. Long-time paid part-timer for Novo Nordisk and various other drug companies
2. Co-author with JBM of millions-sold pop-sci Low GI Diet books falsely claiming "There is absolute consensus that sugar in food does not cause [T2] diabetes"
3. Helped exclude word "Carbohydrate" from *AUSDRISK* and *National Diabetes Strategy 2016-2020*; now assisting Novo Nordisk further by misrepresenting *Virita Health's* profoundly impressive clinical data, in *Diabetes Australia T2D Statement*
4. Aiding JBM's misconduct by helping her hide Novo Nordisk "External Interest"

URM

NOVO NORDISK (NN) long-time Medical Director Australasia is Dr John Miller, whose famous pro-sugar spouse Jennie Brand-MILLER promotes pro-NN false claim Carbohydrate Restriction does not fix T2D)

1. Novo Nordisk (NN) business model for decades has involved expanding sales of T1D medication Insulin to victims of modern T2D epidemic, despite T2D victims being readily fixed via no-sugar, Carbohydrate Restriction
2. Poor strategy: "Educate" T2D patients directly via evening events at local pharmacies (see *SMH* report, 2004)
3. Effective strategy: Financial support to "useful idiots" and otherwise corrupt "scientists" to encourage them to suppress medical facts: (i) T2D caused by excess sugar/carbohydrate; (ii) Carbohydrate Restriction fixes T2D
4. Stephen Colagiuri was paid to help exclude word "Carbohydrate" from Canberra's diabetes documents; most recently he has misrepresented key clinical facts re "Virita approach", in *Diabetes Australia's Statement* on T2D
5. NN provided "easy money" to Obesity Australia/The Obesity Coalition as Charles Perkins absorbed OA - with SJS as Chair - while SJS protecting Mrs John Miller's pro-NN *Australian Paradox* fraud, expanding it into *AJCN*

URM

B. Professor Stephen J. Simpson AC; Academic Director, Charles Perkins Centre

1. As dishonest boss of Charles Perkins, SJS is devoted to suppressing "Virita approach" that in US is delivering mass T2D-reversal, collapsing use of T1D drug Insulin by T2D victims (~70%)
2. SJS's 30-Diet Lifespan fraud misrepresents results **career-defining 900-mouse** experiment
3. Pushes low-protein high-carb diet that fuels T2D in Indigenous and aged-care communities
4. Promoted misrepresented results involving **715 mice** to rob taxpayers of \$13m via NHMRC
4. SJS as "Faculty" head protected JBM's fraud, and helped JBM to place fake data in *AJCN*
5. As SJS dishonestly protected JBM's fraud, JBM's husband's firm Novo Nordisk financially supported SJS's **career-expanding** move into Chair of Obesity Australia/The Obesity Coalition
6. SJS also assisting JBM's research misconduct by helping hide her (their) "External Interest"

URM

URM

D. Professor Stewart Truswell; main scientific author of *Australian Dietary Guidelines* (ADGs) since he wrote ADGs for/in/with our Department of Health in 1978 and 1979

1. Influential ST dominated "health" space for decades via confident false claim "saturated fat in meat, eggs and dairy causes heart disease". That sci-nonsense still dominates ADGs
2. ~45 years ago, ST ominously advised novice colleague JBM that sugar not a dietary evil
3. At a Coca Cola "science" event, ST told me I was "making a mountain out of a molehill" fussing about JBM misrepresenting up versus down and promoting fake data in her faulty *Australian Paradox* paper. I advised he help JBM formally retract hopelessly flawed paper
4. Instead, ST helped JBM expand her fraud, helping JBM place fake sugar data into *AJCN*
5. ST also supporting JBM's misconduct by helping hide Novo Nordisk "External Interest"

URM

RR insert 9

Australian Paradox episode is classic case-study in incompetence, scientific fraud and harm to public health

The crazy propensity of Charles Perkins' boss Stephen Simpson, Stewart Truswell and three successive sets of Vice-Chancellors and Deputy Vice-Chancellors (Research) to dishonestly protect obviously false "finding" shown pp. 41-49.

The Australian Paradox: A Substantial Decline in Sugars Intake over the Same Timeframe that Overweight and Obesity Have Increased

by  Alan W. Barclay ¹ and  Jennie Brand-Miller ^{2,*} 

¹ Australian Diabetes Council, 26 Arundel Street, Glebe, NSW 2037, Australia

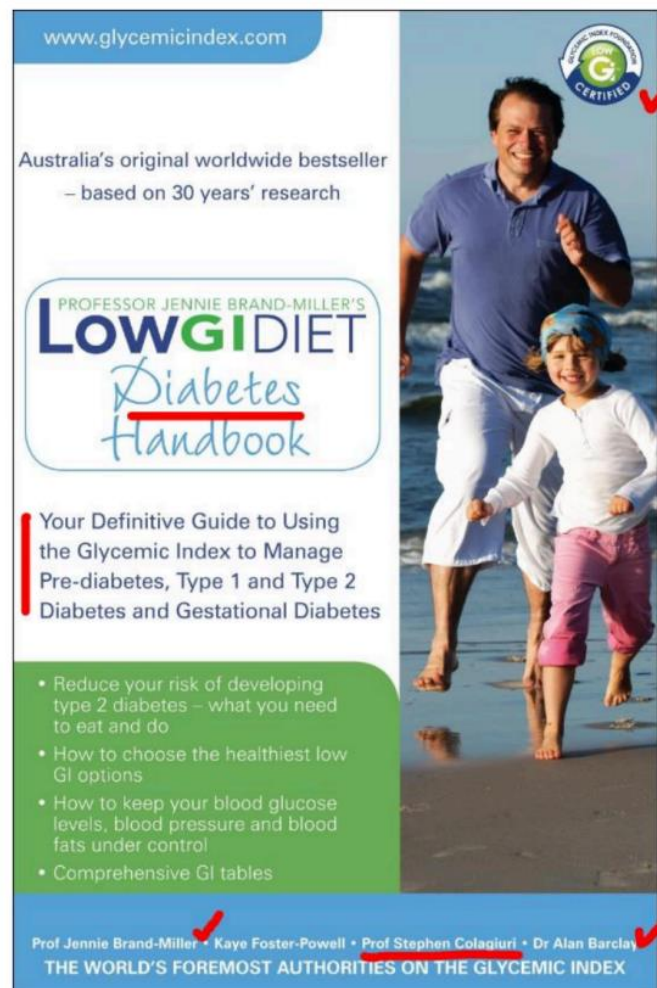
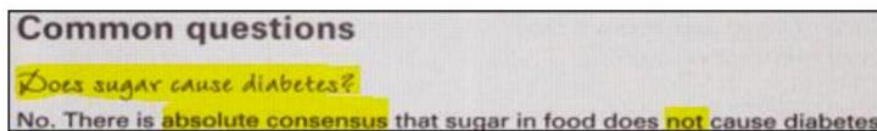
² School of Molecular Bioscience and Boden Institute of Obesity, Nutrition and Exercise, University of Sydney, NSW 2006, Australia

* Author to whom correspondence should be addressed.

Nutrients **2011**, *3*(4), 491-504; <https://doi.org/10.3390/nu3040491>

<https://www.mdpi.com/2072-6643/3/4/491>

Novo Nordisk loves "useful idiots" falsely exonerating excess sugar/carbs as cause of T2D/obesity epidemic



<https://www.hachette.com.au/stephen-colagiuri/low-gi-diet-diabetes-handbook>
<http://www.australianparadox.com/pdf/diabetes.pdf>

<https://www.australianparadox.com/pdf/Big-5-year-update-Feb-2017.pdf>

RR insert 10

University of Sydney protecting famous pro-sugar JBM despite 100+ false/deceptive conflict of interest statements

CURRICULUM VITAE

JANETTE (JENNIE) CECILE BRAND-MILLER



SUMMARY

Professor Jennie Brand-Miller holds a Personal Chair in Human Nutrition in the Charles Perkins Centre and School of Life and Environmental Sciences at the University of Sydney in Sydney. She is recognised for her work on **carbohydrates in health and disease**, particularly the application of the glycaemic index of foods to **diabetes and obesity**. She is a Fellow of the Nutrition Society of Australia and the Australian Institute of Food Science and Technology. She is a recipient of the *Chunies Ross Medal* for contributions to science and technology in Australia, the Australian Institute of Food Science and Technology *Award of Merit* and Membership of the *Order of Australia*. Her research has been translated into bestsellers (3.5 million copies worldwide) in 12 languages. She compiled the first tables of composition of Australian Aboriginal bush foods - the largest wild food database in the world - and has a passionate interest in paleolithic nutrition. Her past roles include Chair of the National Nutrition Committee of the Australian Academy of Science and President of the Nutrition Society of Australia. She directs a successful glycaemic index testing service at the University of Sydney and is the founding President of the Glycemic Index Foundation, a not-for-profit company which administers a food symbol program for consumers in collaboration with Diabetes Australia. Jennie is also a proud recipient of two Nucleus® bionic ears.

ORCID ID: 0000-002-6797-8754

SCOPUS ID: 25228623800

RESEARCHER ID Web of Science: A-6835-2013

Key words: Carbohydrates, diabetes prevention, diabetes management, obesity, pregnancy, insulin resistance, glucose metabolism, clinical trials, human milk oligosaccharides.

WEBSITES

<http://sydney.edu.au/science/people/jennie.brandmiller.php>
<http://glycemicindex.com>
<http://gisymbol.com>


John Miller

Medical Director at Novo Nordisk Pharmaceuticals Pty Ltd

Greater Sydney Area · [Contact info](#)

50 connections

[Connect](#) [Message](#) [More](#)

Experience

Medical Director

Novo Nordisk Pharmaceuticals Pty Ltd

Medical Director

Novo Nordisk Australasia
1978 - Present · 45 yrs 2 mos

Brand-Miller CV 2017

PERSONAL DETAILS

Name Janette (Jennie) Cecile Brand-Miller
Birth certificate Janette Cecile Pearce
Birth date 30 May 1952
Address 1A Hinkler St Greenwich 2065, Sydney Australia
Phone + 61 9351 3759, + 61 417 658 695
Email jennie.brandmiller@sydney.edu.au
Marriage John James Miller
Children Ryan James Honeyman Miller b. 10 July 1983
Alexandra Emily May Miller b. 3 January 1988

EDUCATION

Schooling Randwick Public School 1956 - 63
SCEGGS Darlinghurst 1963 - 70
Undergraduate Bachelor of Food Technology,
University of New South Wales 1971-74
Postgraduate Doctor of Philosophy
University of New South Wales 1976-78

QUALIFICATIONS

BSc (Hons 1, Food Technology, University of New South Wales 1975
PhD, University of New South Wales 1979
Fellow, Australian Institute of Food Science and Technology 1988
Fellow, Nutrition Society of Australia 2006
AM, Member of the Order of Australia

PROFESSIONAL SOCIETIES

Fellow, Nutrition Society of Australia
Fellow, Australian Institute of Food Science and Technology
Professional member, American Diabetes Association (from 1990)
Member International Diabetes Federation (from 2003)
Member, Australian Society for the Study of Obesity (from 2000)
Member, Australian Diabetes Society (from 1995)
Member, Institute of Food Science and Technology (USA)
Member, American College of Sports Medicine (2011)

Brand-Miller CV 2017

EMPLOYMENT HISTORY

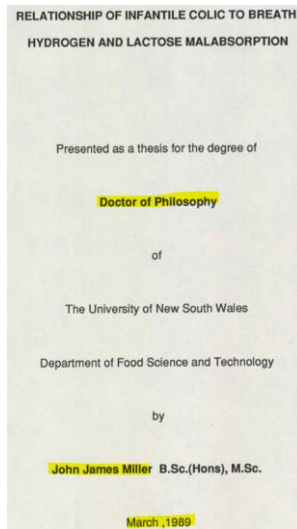
1976-1978 Lecturer in Nutrition and Physiology at the Ryde College of Catering Studies and Hotel Administration, and the Food School, East Sydney Technical College.
1978-1986 Lecturer and Senior Lecturer in Human Nutrition, School of Public Health and Tropical Medicine/Commonwealth Institute of Health, University of Sydney
1987-1994 Senior Lecturer in the Human Nutrition Unit, Department of Biochemistry, University of Sydney
1995-2002 Associate Professor in Human Nutrition, Department of Biochemistry and School of Molecular and Microbial Biosciences, University of Sydney
2003-2013 Personal Chair, Professor of Human Nutrition, School of Molecular and Microbial Biosciences, University of Sydney
2014-2017 Professor of Human Nutrition, Charles Perkins Centre and School of Life and Environmental Biosciences, University of Sydney

Brand-Miller CV 2017

Project/Role	Client/Institution	Period	Value
NHMRC APP1006769	Fiatorone-Singh Brand-Miller (CIB)	2011-2014	\$572,734
University of Sydney	Dietary interventions in pregnancy to reduce child obesity: a randomized controlled trial	Brand-Miller (CIA) Tapsell Moses	2009 \$50,000
NHMRC Project	Testing the protein leverage hypothesis in humans	Simpson Conigrave Caterson Brand-Miller (CID)	2007-2009 \$806,585
NHMRC Project	Sialic acid in infant nutrition and brain development	Wang Brand-Miller (CIB)	2004-2006 \$402,750
NHMRC Project	High glycaemic index diets and fat accumulation	Denyer Brand-Miller (CIB)	1998-2000 \$147,694.00

<https://www.australianparadox.com/pdf/CV-Prof-Jennie-Brand-Miller-2017.pdf>

RR insert 11: Unambiguous evidence from various official documents confirm that Dr John J. Miller – who became for decades the Medical Director Australasia for diabetes drug seller Novo Nordisk – back in 1989 completed his UNSW PhD using University of Sydney Nutrition Unit facilities - gifted by department head (and his wife's boss) Prof. Stewart Truswell - while his wife Dr J. C. Brand (aka Prof. Jennie Brand-Miller) formally supervised his PhD



Relationship of infantile colic to breath hydrogen and lactose malabsorption

Author:
Miller, John James

Publication Date:
1989

DOI:
<https://doi.org/10.26190/unsworks/12434>

ACKNOWLEDGEMENTS

Many people made possible the research described in this thesis, not least the 250 mothers and babies who participated in the studies.

I gratefully acknowledge the support, guidance and editorial assistance of my supervisor, Dr. G. H. Fleet, and my co-supervisor, Dr. J. C. Brand, Human Nutrition Unit, University of Sydney. Professor R. A. Edwards provided the opportunity and encouragement to undertake a Ph.D. programme and Mr. M. V. Cass, Managing Director, CSL-NOVO Pty. Ltd., made it possible to continue the programme. Mr. M. S. Sharpe, Managing

- Professor A. S. Truswell for permission to use the facilities of the Human Nutrition Unit, University of Sydney,

Lastly, I thank my wife, Jennie, for her advice

<https://www.australianparadox.com/pdf/PhD-Dr-John-James-Miller-UNSW.pdf>



John Miller

Medical Director at Novo Nordisk Pharmaceuticals Pty Ltd
Greater Sydney Area - [Contact info](#)
50 connections

[Connect](#) [Message](#) [More](#)

Experience



Medical Director
Novo Nordisk Pharmaceuticals Pty Ltd



Medical Director
Novo Nordisk Australasia
1978 - Present - 45 yrs 2 mos



Novo Nordisk
Pharmaceuticals Pty Ltd

RR insert 12: JBM's 2017 CV and Low GI Diet books help identify shonky cabal of Truswell, Simpson and Colagiuri

Brand-Miller CV 2017

RESEARCH LEADERSHIP

Jennie heads a team of 10-12 staff and students whose research has focused on carbohydrates in health and disease. In the past 20 years, she has received more than \$27 million in competitive funding. As a measure of research recognition, she receives ~2-4 invitations to international and national meetings each year, many as a keynote or plenary speaker. She has given seminars at Harvard School of Public Health (Boston), The Royal Society of Medicine (London), Cambridge University, and the University of Copenhagen. She has participated in scientific debate at international meetings, including the Federation of the American Societies for Experimental Biology (FASEB 2001) and several meetings of the American Diabetes Association Meeting (most recently ADA2014 and ADA2016).

Her long term collaborations with specialist physicians include Professor Stephen Colagiuri (UNSW, University of Sydney), A/Professor Peter Petocz (Macquarie University), Professor Tania Markovic, Dr Glynis Ross and Dr Adrienne Gordon at Royal Prince Alfred Hospital, and Dr Patricia McVeagh, The Children's Hospital Westmead.

Overseas, she had formed collaborative links with Professor Walt Willett, Harvard School of Public Health, Professor David Ludwig, Director of the Obesity Program, The Children's Hospital, Boston, and Professors Arne Astrup and Anne Raben, University of Copenhagen.

RESEARCH THEMES

Carbohydrates

My overarching theme is carbohydrates in nutrition with an emphasis on the implications of differences in postprandial glycaemic and insulin responses to common foods. The work is relevant to the treatment and prevention of diabetes, obesity, cardiovascular disease, cognition, pregnancy outcomes and sports performance.

Although the glycaemic index (GI) was a concept introduced by Professor David Jenkins and Thomas Wolever at the University of Toronto in 1981, my group has played a major role in demonstrating the reliability and clinical applications of the GI to diabetes, obesity, polycystic ovarian syndrome, and other conditions. Our research proved that the GI was a reproducible measure that predicted acute postprandial glycaemia, in single, mixed meals and across the day. Our commercial GI testing service serves the needs of the food industry as well as researchers around the world.

Diet and diabetes

This research focusses on improving glycaemic control in type 1 and type 2 diabetes, and diabetes in pregnancy. In 2001, our group completed the first long-term study comparing carbohydrate exchange diets with low GI diets in children with type 1 diabetes (n = 104). This 12-month, randomised controlled parallel study found improvements in glycated hemoglobin without an increase in hypoglycaemic events, when children ingested a diet based on low GI foods compared with a diet based on carbohydrate exchanges.

We initiated the first studies comparing low GI and conventional healthy diets for glycaemic control and glucose tolerance in adults with type 2 diabetes and, later women with gestational diabetes. We demonstrated that pregnant women with diabetes in pregnancy were 50% less likely to require insulin if they were given instructions to follow a low GI diet vs a conventional diet.

Brand-Miller's books laid the groundwork for further successful diet books such as the *CSIRO Total Wellbeing Diet*. In 2014, Brand-Miller and the GI Foundation formed a 50:50 business partnership with CSIRO to launch an online high protein-low GI weight loss program (www.totalwellbeingdiet.com).

BIBLIOMETRICS

My scholarly output is 291 publications (Web of Science) and my H-index is 56 (Scopus) and 62 (Google Scholar).

In Scopus, my total citations are 13768 by 8596 documents (29 August 2017).

My name is variously listed in scientific databases, as follows:

- Brand-Miller, Janette C.
- Miller, J. B.
- Brand, Janette C.
- Brand-Miller, Janette
- Brand Miller, J. C.
- Brand-Miller, Jenney
- Brand-Miller, Jennie
- Brand, Jennie C.
- Brand-Miller, Jennie Cecile
- Miller, Jennie Brand
- Miller, J. C.B.
- Brand Miller, Janette C.
- Brand, J.
- Brand-Miller, J.
- Miller, Janette Brand
- Brand, J. C.
- Brand Miller, Jennie C.
- Brand-Miller, Jennie C.
- Brand, Janette
- Brand-Miller, Jeannie
- Brand-Miller, J. C.
- Brand Miller, J.
- Brand-miller, Jennie

ACKNOWLEDGMENTS

My first professor, Ron Edwards gave me my first taste of confidence; my next professor, Stewart Truswell, gave me more still. Dr Dorothy Mackerras showed me how to write an NHMRC application. Professor Wayne Bryden encouraged me to apply for Associate Professorship when it was the last thing on my mind. Professor Graeme Clark gave me the gift of hearing. Professor Stephen Simpson has stood quietly by me through the challenges of the last few years.

16

JBM's Australian Paradox sugar-and-obesity fraud is based on misrepresented and unreliable (including faked) data

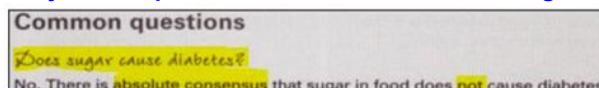
Challenging the dogma

In 1995, we showed that postprandial glycaemic responses to foods containing refined sugar were similar to that of fruits and juices containing naturally-occurring sugars. In 2011, we compiled published data suggesting that refined sugar intake had declined steadily in Australia over the course of 3 decades, during which the prevalence of obesity tripled. Because this work challenged the prevailing paradigm that refined sugar was uniquely related to trends in obesity, this research was widely reported (including in the Australian Parliament) and mass media (*60 minutes*, *Background Briefing* and *Lateline*). The follow-up paper (22) published in 2017 provided new lines of evidence and confirmed the downward trend. In the 4 months after publication, it generated 18,486 downloads.

Research translation

Early in her career, Brand-Miller recognised that research did not finish with the publication of a scientific paper. Although there are many pathways to the translation of research into improved health, she took several critical first steps in that direction via innovation and commercialisation. The first was a collaboration with a dietitian and an endocrinologist to write a book that helped consumers put low GI diets into practice. These books were the first best-selling diet books to be based on robust scientific evidence with 3.5 million copies in sales, including 1 million copies in Australia and 1 million in the USA.

Further, for decades during her career as Australia's most-influential diet-and-diabetes "scientist", JBM enjoyed substantial household income via her Novo Nordisk financial partner. While recklessly promoting false claims re sugar, low-carb diets, obesity and T2 diabetes, JBM dishonestly hid her profound conflict of interest from global scientific and diabetes communities



RR insert 13

Governance crisis: USyd VC Mark Scott faking enforcement of *External Interests Policy* and *Research Code of Conduct*

Re: Letter to USyd's Belinda Hutchinson AC on harmful misconduct by Prof. Stephen Simpson AC and his Charles Perkins Centre "scientists" 



← **Vice Chancellor** <vice.chancellor@sydney.edu.au>
to me, Chancellor, Research ▾

Tue, Jun 27, 3:46 PM



Dear Mr Robertson,

Thank you for your emails of 14 and 21 June 2023 in relation to the work of researchers at the University of Sydney's Charles Perkins Centre.

You have referred in your emails to your previous complaints about Professors Jennie Brand-Miller, Stephen Simpson, Stewart Truswell and Stephen Colagiuri and have expressed your dissatisfaction with the University's assessment of your allegations. To address your continuing concerns you have proposed an independent investigation, and have suggested that this could be undertaken by way of a Senate inquiry.

It is not clear from your emails whether you have in mind an inquiry by the University's Senate or a Parliamentary inquiry. Either way, we do not agree that any such inquiry is warranted.

We are satisfied that the University has robust policies and procedures regulating the conduct of research in accordance with the requirements of the Australian Code for the Responsible Conduct of Research 2018 (the Australian Research Code), and that your previous complaints have been appropriately and thoroughly examined.

We have been advised that your emails of 14 and 21 June 2023 and accompanying documents do not include any new information that warrants investigation.

As you know, the Australian Research Integrity Committee (**ARIC**) provides an avenue of review of institutional processes for dealing with allegations of breaches of the Australian Research Code, and it is open to you to contact ARIC (aric@arc.gov.au) to request a review of any of the issues you have not previously pursued through that mechanism.

Regards,

Belinda Hutchinson and Mark Scott

Belinda Hutchinson AC
Chancellor
THE UNIVERSITY OF SYDNEY
Level 5, Michael Spence Building | The University of Sydney | NSW | 2006
T +61 2 9351 5701
[E chancellor@sydney.edu.au](mailto:chancellor@sydney.edu.au) W <http://sydney.edu.au>

Acknowledging the traditional owners upon whose ancestral lands the University of Sydney campuses stand.

This email plus any attachments to it are confidential and are subject to a claim for privilege. Any unauthorised use is strictly prohibited. If you receive this email in error, please delete it and any attachments.

Mark Scott AO | Vice-Chancellor and President
The University of Sydney
Office of the Vice-Chancellor and President
Level 4, Michael Spence Building | The University of Sydney | NSW | 2006
+61 2 9351 5051
vice.chancellor@sydney.edu.au | sydney.edu.au

----- Forwarded message -----

From: **Vice Chancellor** <vice.chancellor@sydney.edu.au>

Date: Mon, Aug 28, 2023 at 10:23 AM

Subject: Re: Letter to Belinda Hutchinson: Top US journal AJCN confirms key aspect of epic diabetes fraud protected by USyd VC Mark Scott & ABC reporter Norman Swan

To: rory robertson <strathburnstation@gmail.com>

Cc: Chancellor University of Sydney <chancellor@sydney.edu.au>

Dear Mr Robertson,

We refer to your email of 22 August 2023 to the Chancellor concerning Professor Jennie Brand-Miller and other researchers based at the University of Sydney's Charles Perkins Centre. The Chancellor has asked us to reply on her behalf.

You have not raised any new matters warranting further consideration and the University does not have anything further to add to the information set out in previous replies to you.

Regards,

Office of the Vice-Chancellor and President

The University of Sydney
Office of the Vice-Chancellor and President
Level 4, F23 Michael Spence Building | The University of Sydney | NSW | 2006
vice.chancellor@sydney.edu.au | sydney.edu.au

RR insert 14

Governance crisis: USyd VC Mark Scott faking enforcement of *External Interests Policy* and *Research Code of Conduct*

15 Public declaration of external interests

Staff members or affiliates whose external, personal or financial interests actually, or potentially, impact or might be perceived to impact upon the objectivity of any academic presentation or publication in which the staff member or affiliate is involved must ensure that the presentation or publication is accompanied by a public declaration of the relevant interest.

16 Failure to declare

- (1) Failure fully to disclose information about a conflict of interests may constitute misconduct and result in disciplinary action being taken by the University.
- (2) Failure fully to disclose and appropriately manage a conflict of interests may be regarded as corrupt conduct under the *Independent Commission Against Corruption (ICAC) Act 1988*.

p. 6 <https://www.sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2011/75&RendNum=0>

The four Charles Perkins Centre “scientists” I’ve named all have seriously breached *Research Code of Conduct*

20 Definition of research misconduct

- (1) Research misconduct is a serious breach of this policy which is also:
 - (a) intentional;
 - (b) reckless; or
 - (c) negligent.
- (2) Examples of conduct which may amount to research misconduct include any of the following on the part of a researcher:
 - (a) fabrication, falsification, or deception in proposing, carrying out or reporting the results of research;
 - (b) plagiarism in proposing, carrying out or reporting the results of research;
 - (c) failure to declare or manage a serious conflict of interests;
 - (d) avoidable failure to follow research proposals as approved by a research ethics committee, particularly where this failure may result in unreasonable risk to humans, animals or the environment, or breach of privacy;
 - (e) wilful concealment or facilitation of research misconduct by others;
 - (f) misleading attribution of authorship;
 - (g) intentional, unauthorised taking, sequestration or material damage to any research-related property of another;
 - (h) deliberate conduct of research without required human ethics committee approval;
 - (i) conduct of research involving animals without required animal ethics committee approval;
 - (j) risking the safety of human participants or the wellbeing of animals or the environment; and
 - (k) deviations from this policy which occur through gross or persistent negligence.

p. 24 <https://www.sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2013/321&RendNum=0>

p.18 <https://www.australianparadox.com/pdf/Submission-HoR-DIABETES-INQUIRY.pdf>

about the credibility and conclusions of the paper; and the initial error was significant and was in fact used by the Australian Beverages Council.

We are satisfied the aspect of the Radio National interview that was used in the broadcast was newsworthy, relevant to the issues examined in the broadcast and was presented in context. For these reasons, we have concluded this aspect of the report is in keeping with the editorial standards for *accuracy* in section 2 of the ABC Code of Practice.

Audience and Consumer Affairs note the complainants were afforded ample opportunity to participate in the broadcast to respond to this specific issue, but declined.

The complainant's comments regarding Professor Brand-Miller's experience with Wendy Carlisle and Radio National's *Background Briefing* program are noted. As those events and the associated broadcast fall well outside of the six week timeframe for submitting a complaint about ABC content, Audience and Consumer Affairs is unable to investigate or respond to those matters.

2.5 Lateline misrepresented the conclusions of The Australian Paradox 2011

Audience and Consumer Affairs observe the following statement that concerned the complainant from the ABC News online report *Australian Paradox under fire: Health experts hit out at Sydney Uni sugar study* –

Imagine if the amount of sugar you consumed in things like soft drink had nothing to do with how much weight you put on. Remarkably that is what two of Sydney University's leading researchers found in their 2011 study, The Australian Paradox.

Audience and Consumer Affairs have concluded that this statement does not accurately convey the conclusions of the Australian Paradox. The study does not conclude that *"the amount of sugar you consumed in things like soft drink had nothing to do with how much weight you put on"*. This statement exaggerated the complainant's conclusions and is not in keeping with the Corporation's editorial standards for accuracy. The statement has now been corrected and an Editor's Note appended to the story.

Audience and Consumer Affairs observe the following statement that concerned the complainant from the ABC News online report *Australian Paradox under fire: Health experts hit out at Sydney Uni sugar study* –

Recently, Professor Brand-Miller presented her theory about the harmless nature of added sugar at Sydney University's annual gathering of the world's best science students. "Something to think about. If it's not the sugar, what is it?" she said.

Lateline has identified the following statements by Professor Brand-Miller, from articles in *The Australian* newspaper in 2011, as the basis for the above statement in the report –

"Unlike saturated fats, trans fats, salt and alcohol, sugar doesn't actually do any direct harm to the human body," said Professor Brand-Miller, author of The Low GI Diet and recipient this month of an Order of Australia. <http://www.theaustralian.com.au/national-affairs/weight-a-minute-dont-blame-sugar/story-fn59niix-1226080214264>

According to Brand-Miller, far too much discussion about diet is out of date, in part as the NHMRC guidelines are out of date. She argues there's growing evidence that - unlike saturated and trans fats,

salt and alcohol - eating added sugar is not inherently dangerous. "It doesn't actually do any direct harm to the human body. It doesn't raise blood cholesterol or raise blood pressure or cause cancer," says Brand-Miller, known for her book *The Low GI Diet*.
<http://www.theaustralian.com.au/news/health-science/a-spoonful-of-sugar-is-not-so-bad/story-e6frg8y6-1226090126776>

Audience and Consumer Affairs is satisfied that *Lateline* made reasonable efforts to substantiate its claim that Professor Brand-Miller has publicly expressed a view on "the harmless nature of added sugars", and we have concluded the above statement is in keeping with the Corporation's editorial standards for accuracy.

Dr Barclay not contacted by Lateline

Lateline has explained that it initially addressed its correspondence to Professor Brand-Miller as the lead author and that at no point did she suggest the program contact Dr Barclay. Subsequently, from 6 April, *Lateline* sent emails to both of the complainants and continued to receive responses only from Professor Brand-Miller, who referred to "we" in declining the requests for interview.

Conclusion

For the reasons set out above, Audience and Consumer Affairs is satisfied that the *Lateline* TV report was in keeping with the Corporation's editorial standards for accuracy, impartiality, fair and honest dealing and harm and offence.

An editor's note has been posted on the ABC News online report *Australian Paradox under fire: Health experts hit out at Sydney Uni sugar study* to alert the ABC audience to the inaccurate statement - *Imagine if the amount of sugar you consumed in things like soft drink had nothing to do with how much weight you put on. Remarkably that is what two of Sydney University's leading researchers found in their 2011 study, The Australian Paradox.* The error has also been posted on the Corporation's online corrections and clarification's page.

The statement "*But it turned out Professor Brand-Miller and Dr Barclay's data was not quite right. In fact, what they had reported as a fall in consumption of sugar was actually a significant rise. They had claimed sales of sugary sweetened beverages were down by 10 per cent, but the chart used in their own research actually shows a 29 per cent increase*", has now been clarified and amended to read "*a fall in consumption of sugary drinks was actually a significant rise.*"

Notwithstanding these statements, for the reasons set out above, Audience and Consumer Affairs is satisfied the ABC News Online report is otherwise in keeping with the Corporation's editorial standards for accuracy, impartiality and fair and honest dealing.

The ABC Editorial Policies is available online at the attached link;
<http://about.abc.net.au/how-the-abc-is-run/what-guides-us/our-editorial-policies/>

Should you be dissatisfied with this response, you may be able to pursue your complaint regarding the on-air *Lateline* report with the Australian Communications and Media Authority
<http://www.acma.gov.au>

8 September 2016

Dedication

Charlie Perkins was born in Alice Springs near the red centre of Australia in June 1936. I was born there 30 years later in March 1966. I dedicate my decade's worth of efforts exposing the Charles Perkins Centre's disastrous high-carbohydrate advice for diabetes to my now-dead parents. My wonderful, kind indefatigable mother, **Elaine Lucas** (14 March 1937 to 14 March 2021) nursed Aboriginal and other Australians in remote places - including Katherine, Alice Springs, Balcanoona, Woorabinda and Baralaba - from the early 1960s to the late 1980s, while my father, **Alexander "Sandy" Robertson** (2 October 1933 to 26 April 2015) grew up on a farm near Peebles in Scotland, and in the Scots Guards, then shipped briefly to Melbourne and Coogee in Sydney, before working with cattle, sheep and wheat across country Australia for half a century. He taught me (and my brother and sister) much about what is right and much about what is wrong, often by example. (A longer piece on Dad's life and times can be found in one of the links below.)

I also have firmly in mind people like Bonita and Eddie Mabo, Faith Bandler, Charlie Perkins (who Dad often said he knew briefly - so too his brother Ernie - in The Territory over half a century ago), Waverley Stanley and Lou Mullins of Yalari, and especially Noel and Gerhardt Pearson, all of whom worked or are working indefatigably for decades to improve the lot of their mobs, their peoples left behind. Finally, I wonder whatever happened to the many Aboriginal boys and girls I met across country Australia when I was a boy, especially the big Woorabinda mob with whom I shared classrooms and sports fields back in Baralaba, central Queensland, in the late 1970s. Much of the news over the years has been tragic and depressing. <https://www.australianparadox.com/baralaba.htm>

Please note: In this and other documents, I have detailed influential incompetence and much worse in nutrition and health "science", and by Group of Eight university senior management. Importantly, if you read anything here or elsewhere from me that is factually incorrect or otherwise unreasonable, please contact me immediately and, if I agree, I will correct the text as soon as possible. This all matters because up to two million or more hapless Australians today already have T2D, the number growing rapidly. Many of these vulnerable Australians can expect mistreatment, misery and early death, harmed by high-carbohydrate T2D advice promoted by Australian governments and a range of respected entities, all advised by highly influential but inept and/or corrupt Group of Eight science careerists. The unfolding diabetes tragedy can be seen most clearly in the quiet suffering of short-lived Indigenous Australians.

Using the word "corrupt", I rely on an **Oxford definition** - "having or showing a willingness to **act dishonestly** in return for money or personal gain" (including protecting reputations) - and **Sydney University's policy**: "Failure fully to disclose and appropriately manage a conflict of interests may be regarded as **corrupt conduct** under the Independent Commission Against Corruption (ICAC) Act 1988" <https://www.sydney.edu.au/policies/showdoc.aspx?recnum=PD0C2011/75&RendNum=0>

Finally, I confirm again that I am happy to be interviewed publicly on all matters covered in all the material I have published here and elsewhere.

Best wishes,
Rory

--

rory robertson +61 (0)414 703 471
economist and former-fattie
<https://twitter.com/OzParadoxdotcom>

I have written to University of Sydney Vice-Chancellor Mark Scott, asking him to please stop Charles Perkins Centre research misconduct that is working to suppress medical science's most-effective fix for type 2 diabetes, thus promoting misery and early death for millions of vulnerable Australians: <https://www.australianparadox.com/pdf/RR-letter-to-new-USyd-VC-Scott-July-2021.pdf>

Here's me, Emma Alberici and ABC TV's *Lateline* on the University of Sydney's Australian Paradox: <https://www.youtube.com/watch?v=OwU3nOFo44s>

Here's the diet advised by Dr Peter Brukner, formerly the Australian cricket team's doctor: <https://www.australianparadox.com/pdf/PeterBrukner.pdf>

A life in our times: Vale Alexander "Sandy" Robertson (1933-2015): <http://www.australianparadox.com/pdf/AlecRobertson-born2oct33.pdf>

Comments, criticisms, questions, compliments, whatever welcome at strathburnstation@gmail.com

www.strathburn.com

Strathburn Cattle Station is a proud partner of YALARI, Australia's leading provider of quality boarding-school educations for Aboriginal and Torres Strait Islander teenagers. Check it out at <http://www.strathburn.com/yalari.php>