

On Fri, Nov 29, 2013 at 6:23 PM, Jill Trehwella <jill.trehwella@sydney.edu.au> wrote:

Dear Mr Robertson

I am writing in relation to your letter to the University's Academic Board of 11 November 2013, your email of 17 November 2013 headed "Quick quiz on research integrity" and to your other recent emails and postings concerning "The Australian Paradox" by Professor Jennie Brand-Miller and Dr Alan Barclay and Professor Brand-Miller's work in connection with the Glycemic Index Research Service.

In these communications you have restated a number of complaints that were the subject of correspondence to which I responded last year. However, you have also raised new complaints of falsified data, fraud, misrepresentation and conflicts of interest. I have therefore decided to appoint an investigator to conduct an initial inquiry in accordance with clause 23(1)(e) of the University's *Research Code of Conduct 2013*. The appointee will be a senior scientist from outside the University whose function (as specified in clauses 23 (7) of the Research Code of Conduct) is to provide me with a report stating whether or not a prima facie case has been established and recommending how the matter should proceed. A copy of the Research Code of Conduct is **attached** for your information.

I will write to you again as soon as the appointment of the external investigator has been finalised. In the meantime, please note clause 23(3) of the Research Code of Conduct, which provides that "[a]s far as possible all affected persons will be afforded confidentiality". Consistently with this clause, the University conducts initial inquiries on a confidential basis, and I would ask that you also keep the matter confidential during this process. I have written to you previously asking you to refrain from publishing potentially defamatory claims, and would also ask that you refrain from further publication of your allegations during the investigation process.

Yours sincerely,

PROFESSOR JILL TREWHELLA | Deputy Vice-Chancellor (Research)

THE UNIVERSITY OF SYDNEY

Room 646, Jane Foss Russell Building G02 | The University of Sydney | NSW | 2006

T +61 2 8627 8150 | F [+61 2 8627 8151](tel:+61286278151)

E jill.trehwella@sydney.edu.au | W <http://sydney.edu.au>

fyi: Responding to Professor Trehwella's confirmation of a formal investigation into "research misconduct" surrounding the extraordinarily faulty *Australian Paradox* paper

Dear Professor Trehwella,

Thanks for your confirmation that the Academic Board has received my letter, and that the University of Sydney's senior management has, finally, decided to stop pretending there is no problem with the University's extraordinarily faulty *Australian Paradox* paper: <http://www.australianparadox.com/pdf/quickquizresearch.pdf>

Professor Trehwella, my apologies for waking senior management from its extended slumber on this slowly inflating scandal. I note that I started writing to you - as "Deputy Vice-Chancellor (Research)" - on these serious matters in March 2012. It has taken over 18 months of vigorous prodding to prompt you to start this long-overdue investigation.

Professor Trehwella, I think we can agree that my Quiz in the link above has exposed you as rather negligent in this serious matter. You have resisted a proper response for an unreasonably long time. Therefore, with respect, you are, in my opinion, exactly the wrong person to be overseeing any investigation. I have little confidence in your judgement or in your determination to oversee what I regard as a proper investigation.

I'm sorry to say that I fear a whitewash. I fear a whitewash, Professor Trehwella, because you are highly conflicted. You are highly conflicted because what I consider to be your reckless indifference - since March 2012 - about the need for

competence and integrity to be given priority in science is central to my observations of "research misconduct", as defined by the National Health and Medical Research Council (NHMRC): Sections 1-10 in <http://www.australianparadox.com/>

That is, your "do nothing except pretend there is no problem and hope the problem goes away" approach - as Deputy Vice-Chancellor (Research) - on the *Australian Paradox* scandal since March 2012 has made a key contribution to the extent of misconduct I have observed, including: (i) "recklessness or gross and persistent negligence"; (ii) "serious consequences, such as false information on the public record"; and (iii) "failure to declare and manage serious conflicts of interest" (Sections 7 and 10 at <http://www.nhmrc.gov.au/files/nhmrc/publications/attachments/r39.pdf>).

For example, just this Monday in Sydney, a scientist with a global profile, Dr John Sievenpiper, featured the clownish *Australian Paradox* paper as part of his Coca-Cola sponsored "webinar" presentation on why modern sugar consumption is not really a problem for public health. Trying to encourage a proper focus on scientific integrity at the event, I relayed to him in the Q&A session the current status of the University of Sydney's paper and its authors: <https://engage.vevent.com/index.jsp?eid=3045&seid=12>

At the end of the formal session, widely respected Professor Stewart Truswell complained to me on his way out that I was making a mountain out of a molehill with my complaints about this paper. I explained, again, that I was doing nothing more than insisting that obviously faulty work by influential if unreliable scientists should not be allowed, time and time again, to misinform the critical public debate on the origins of obesity and type 2 diabetes.

Professor Trehwella, you should have tidied up this mess over a year ago. Yet instead you have allowed the University of Sydney's nonsense-based paper to be used to misinform Coca-Cola information sessions, to be used to misinform Federal Parliament, to be used to misinform listeners of prime-time ABC radio, and to be used to misinform readers of newyorktimes.com and readers of BioMed Central, to name just some of the examples of which I am aware.

Professor Trehwella, when my observations on <http://www.australianparadox.com/> are confirmed by a serious investigation, I assume your position will become untenable - if indeed it is not already - and the University of Sydney will remove you from your post. Accordingly, I think it is obvious that you are exactly the wrong person to begin overseeing this investigation, the investigation that you resisted for such an unreasonably long period of time.

In the rest of this letter, I discuss some key issues you raised with me and other relevant matters, with a view to informing those members of the Academic Board who have not followed closely this slowly inflating *Australian Paradox* scandal.

1. After a long policy of "do nothing except pretend there is no problem", now an investigation

Professor Trehwella, I must say that I was amused by your attempt - in the final sentence of your note - to impose some sort of "code of silence" on me, just because you have started to do your job. I was always unlikely to agree to your request, given that it is only my persistence on this matter that stopped you from sweeping it under the carpet forever.

And as I said, the false *Australian Paradox* "finding" - that there is "an inverse relationship" between sugar consumption and obesity - keeps turning up in the public debate. With the University of Sydney's senior management asleep at the wheel in terms of correcting the false information its scientists plonk into the public debate, it remains up to others to draw attention to the falsity of *Australian Paradox* claims, in order to minimise its damage to public health.

Also, it strikes me that I would feel like quite a dill if I stopped highlighting the facts while you continue to allow your underperforming scientists to claim falsely - via a University of Sydney website - that I am incompetent in my assessment of their clownish paper: <http://www.glycemicindex.com/> ; <http://www.australianparadox.com/pdf/JBM-AWB-AustralianParadox.pdf> ; <http://www.australianparadox.com/pdf/nutrients-03-00491-s003.pdf>

On the quality of your judgement, Professor Trehwella, I still chuckle when I recall you claiming - apparently seriously - that the spectacularly faulty *Australian Paradox* paper had been exposed to competent quality control according to "internationally accepted standard practice": p. 9 in <http://www.australianparadox.com/pdf/Sept2012-Conversations.pdf>

So why is the paper still dominated by basic errors, including simple arithmetic errors, bizarre confusion about up

versus down and embracing falsified data as fact? I also recall you stamping your feet and insisting: "If you wish to engage me again on this topic, please do so by sending me a reprint of a publication that you have had accepted by a peer reviewed journal" (p. 9).

That is, after I had written repeatedly to the University to advise you and the rest of its senior management that the University's quality-control process is hopelessly broken, you - the Deputy Vice-Chancellor (Research) - instructed me to get lost until I formally publish something - anything - using the system that I repeatedly had advised is broken!

That's almost as silly as you standing there with my 52-page *Australian Paradox 101 Slideshow* claiming that I was "raising serious, unsubstantiated allegations against these researchers" (p. 5). Well, yes, unsubstantiated except for the 52-page document you were holding in your hands!

Even after having taken a few days to think about it, I'm still surprised by your characterisation of what I am saying as "new". After all, over a year ago, in September 2012, you and I discussed my 52-page document *Australian Paradox 101: A disturbing episode involving the University of Sydney's deeply flawed obesity study, academic negligence, a serious but undisclosed conflict of interest and possible scientific misconduct* (see previous link).

Soon after, I appeared in Parliament House, Canberra, in October 2012 - in a debate on *The place of sugar in Australia's Dietary Intake Guidelines* - presenting on the topic of *Australian Paradox 101: A disturbing episode involving the University of Sydney's deeply flawed obesity and sugar study, academic negligence, a serious but undisclosed conflict of interest and possible scientific*

fraud: <http://www.australianparadox.com/pdf/22Slideshowaustraliangoestoparadoxcanberrafinal.pdf>

Indeed, Professor Trehwella, you and others at the University of Sydney back then had been shown those documents by me so many times that one of your unreliable authors waded into a public debate to accuse me of being a criminal "Troll": <https://theconversation.com/energy-drinks-and-sudden-death-us-regulators-investigate-10813>

Professor Trehwella, my guess is that many of the 1000 or so observers whose Inboxes have been battered by my regular updates - since March 2012 - on this matter will be amused by your assessment that my observations are "new". I think, actually, what is new is that someone on the Academic Board who received my letter three weeks ago chose to encourage you to stop ignoring the guts of what I have been saying for over a year: <http://www.australianparadox.com/pdf/AustParadoxfalsifieddata.pdf>

2. University of Sydney pumping false information into public debate on the origins of obesity and type 2 diabetes

While I am pleased that finally you have started to do your job, Professor Trehwella, I must say again that it is proving rather difficult to stop the University of Sydney's underperforming scientists from pumping false information into the critical public debate on the origins of obesity and type 2 diabetes, together the greatest public-health challenge of our times: <http://www.australianparadox.com/pdf/diabetes.pdf>

I began writing to you and others over 18 months ago because I was outraged that the extraordinarily faulty *Australian Paradox* paper - promoted with help from the University of Sydney's trusted stamp of academic and scientific credibility and integrity - was being used as an intellectual spearhead by the University of Sydney's Glycemic Index enterprise and its friends in the sugary food and drink industries to try to kill the National Health and Medical Research Council's planned toughening of dietary advice against added sugar: <http://www.smh.com.au/national/health/research-causes-stir-over-sugars-role-in-obesity-20120330-1w3e5.html> ; <http://www.theaustralian.com.au/news/health-science/a-spoonful-of-sugar-is-not-so-bad/story-e6frg8y6-1226090126776> ; <http://www.smh.com.au/business/pesky-economist-wont-let-big-sugar-lie-20120725-22pru.html>

Professor Trehwella, over the past year and a half, while in charge of ensuring competence and integrity in University of Sydney research, you simply stood by and watched as I appealed time and time again about your scientists pumping false information into a critical public debate. You simply yawned and told me to get lost, as the University of Sydney's nonsense-based paper misled Federal

Parliament: http://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/9526da6b-9674-4509-a6d5-a7115a7c1f1a/0338/hansard_frag.pdf;fileType=application%2Fpdf

More recently, one of your high-profile if unreliable scientists misinformed Australians directly on sugary softdrinks and

obesity on ABC national radio in primetime: ("10 times") <http://www.abc.net.au/worldtoday/content/2013/s3868327.htm> ; (more like) <http://assets.coca-colacompany.com/ba/22/39fae0564dcda20c694be368b8cf/TCCC 2010 Annual Review Per Capita Consumption.pdf>

And in a move that I found simply amazing, given my efforts since March 2012, your underperforming authors in September 2013 began defending their extraordinarily faulty paper as flawless with a straight face in a second "peer reviewed" journal, with any "peer review" allowing their latest contribution to be "Accepted" the day after it was "Received": <http://www.biomedcentral.com/1471-2458/13/898> ; <http://www.australianparadox.com/pdf/GraphicEvidence.pdf>

3. An interesting day at last week's Obesity Australia conference at ANU in Canberra

Last Thursday, I was thrilled to meet, at the Australian National University, both Professor Stephen Simpson, head of the University of Sydney's new \$500 million Charles Perkins Centre for the study of obesity, diabetes and related maladies, and Professor Jennie Brand-Miller, the lead author of the *Australian Paradox* paper - also the "Guest Editor" MDPI's *Nutrients* - and the boss of the University of Sydney's pro-sugar Glycemic Index business.

I have written elsewhere about my meeting with Professor Simpson. We had a couple of good discussions and I think the future of the CPC is bright once we get over this serious problem of an extraordinarily faulty yet "peer-reviewed" paper self-published by a CPC-featured scientist, a high-profile paper that has become both an academic disgrace and a menace to public health: <http://www.australianparadox.com/pdf/LettersCPCProfSimpson.pdf>

By contrast, my 10 minutes with Professor Jennie Brand-Miller near the coffee urn left me somewhat stunned, for two reasons. First, I was really surprised how much I liked her - immediately and despite everything. I liked her straight away, and I told her so. She was relaxed, pleased that her paper has become high profile, and was keen that we should "agree to disagree". I said clearly that I wasn't going to do that.

The thing that really shocked me was JBM's apparently genuine opinion that her extraordinarily faulty paper is flawless! There is no reason to correct anything, no reason to retract anything. It's only me who thinks the paper has problems. Maybe we all need to do my *Australian Paradox* quiz - above - again to cross-check whether I'm mistaken on everything. What do you think? Obviously I don't think so.

Awkwardly, I was left to wonder how much involvement Professor Brand-Miller actually had with the production and defence of her paper, beyond contributing her name and a place for it to be published: see (xx) on page 20 of <http://www.australianparadox.com/pdf/GraphicEvidence.pdf>

Meanwhile, JBM's co-author Dr Alan Barclay seems to have been rather busy defending their *Australian Paradox* paper, in particular trying to remove the words "Australian Paradox" from the title of another paper critical of their paper: <http://www.biomedcentral.com/1471-2458/13/668/prepub>

4. A need to consider both relevant codes of conduct

Professor Trewhella, thanks for sending me a copy of the University of Sydney's *Research Code of Conduct 2013*: <http://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2013/321&RendNum=0>

I agree that the University's senior management and its unreliable scientists should follow carefully any and all codes of conduct by which you all are bound. But please note that I have documented "research misconduct" according to the definition in the National Health and Medical Research Council's *Australian Code for the Responsible Conduct of Research*: see Sections 1-10 in <http://www.australianparadox.com/>

I doubt that is a game-changer, since a quick scan suggests that the University of Sydney's new code of conduct on "research misconduct" is similar to the NHMRC's code of conduct: <http://www.nhmrc.gov.au/files/nhmrc/publications/attachments/r39.pdf>

I have focused on the NHMRC's code of research conduct because the NHMRC allocates a large amount of research funding to Australian Group of Eight universities each year. I'm concerned about the University of Sydney's waste of taxpayer money via its lack of competent quality control in "peer reviewed" research when it matters. That is, if we

cannot trust publicly funded research, because some of it is worse than useless, then taxpayers' money is being wasted. And now that the University of Sydney has recklessly defended at least one obviously faulty high-profile paper as top-notch "peer reviewed" science, the whole Group of Eight research "brand" has been devalued.

In my opinion, it's outrageous that Group of Eight universities advertise the claim that they are especially deserving of extra taxpayer funding - much more so than supposedly inferior universities - when it turns out that at least one Group of Eight university has no competent quality control over research when it

matters: <http://www.australianparadox.com/pdf/quickquizresearch.pdf> ; <http://www.go8.edu.au/university-staff/go8-policy-and-analysis/2013/discussion-paper-the-role-and-importance-of-research-intensive-universities>

5. University of Sydney's scientists and senior management are central figures in episode of research misconduct

Professor Trewhella, my strong sense is that the University of Sydney has little or no interest in correcting the public record on this important public-health matter. That has been my experience over the past year and a half. And that is what I am (still) complaining about.

My claim is that two University of Sydney scientists - Professor Jennie Brand-Miller and Dr Alan Barclay - operating the University of Sydney's pro-sugar Glycemic Index business were stamping sugar and sugary products as Healthy - <http://www.logicane.com/Partners> ; (scroll down) <http://www.gisymbol.com/products-2/> - while wearing their "scientist" hats to falsely exonerate added sugar as a menace to public health. Despite my repeated appeals, the University's senior management - in particular, yourself and Vice-Chancellor Dr Michael Spence - recklessly took no action for over a year and a half, despite me explaining the problem in great detail again and again and again, etc.

In my opinion, it is outrageous for a university to be collecting revenue from stamping sugar and sugary treats as health foods while falsely exonerating sugar as a menace to public health via clownish yet "peer reviewed" self-published papers, with management telling a whistle-blower to get lost because everything is fine. To me, this episode, in public health terms, is the equivalent of a university collecting revenue from stamping cigarettes as healthy while its scientists operating that business falsely exonerate - on the scientific record - tobacco as a menace to public health: <http://www.youtube.com/watch?v=xDaYa0AB8TQ&feature=youtu.be> ; <http://www.rethinksugarydrink.org.au/facts> ; and <http://care.diabetesjournals.org/content/33/11/2477.full> ;

While we can debate the extent to which sugar is the "next tobacco", there is no room, in my opinion, for anyone competent to argue that the *Australian Paradox* paper is not spectacularly faulty.

Professor Trewhella, I can tell you that about 26,000 unique visitors have taken 57,000 visits to my <http://www.australianparadox.com/> website in 2013 so far. I have no real benchmarks for comparison, but to me that seems a lot. Note that I have no advertising. Visitors have been interested mainly in assessing my observations about competence and integrity in high-profile science at the University of Sydney. Unfortunately, the University's reputation for competence and integrity in research has gone to custard on your watch, in the period since March 2012 while you chose to do nothing but pretend there was not a problem while hoping the serious problem would go away.

Professor Trewhella, since my observations detailing the *extent* of the persistent negligence, false information on the public record and mismanaged University of Sydney conflicts of interest involving its Glycemic Index business have you as a central character, perhaps it would be appropriate for you to stand down as Deputy Vice-Chancellor (Research) until after a public investigation of this matter has been completed?

6. What about a proper public investigation of the *Australian Paradox* scandal?

The extraordinarily faulty nature of the *Australian Paradox* paper shows that taxpayers cannot trust the University of Sydney's "peer reviewed" published research. So, why should taxpayers trust its secret investigation into research misconduct, a belated investigation forced on it by my sheer persistence in this matter? As I said, I fear a whitewash.

Accordingly, I will continue to argue for a public investigation. Ideally, such an investigation would feature investigators

of the calibre of Professor Stephen Simpson (Head of the University of Sydney's Charles Perkins Centre), Dr Stephen Grenville (former Deputy Governor of the Reserve Bank of Australia), Peter FitzSimons and Kate McClymont (both Fellows of the University of Sydney Senate), and Alan Kohler, Peter Martin and Ross Gittins (each widely admired experts on time-series data, reading simple charts and understanding the public's "right to know", amongst other things).

I do not know if any or all of that "dream team" are available, but I think such a group would have the skills and experience to balance the University of Sydney's ongoing desire to mollycoddle its underperforming scientists and senior management, against the public-health need for false information to be removed from the public record, and the need for taxpayers not to fund research that lacks competent quality control when it matters at Group of Eight universities.

Whatever the nature of the investigation, I continue to think that the sooner the extraordinarily faulty *Australian Paradox* paper is retracted, the better it will be for the slow-moving University of Sydney's reputation for competence and integrity in science. On the need for retractions of faulty papers to maintain the integrity of the scientific record, I have noted previously that I admire recent decisive action by University of Queensland's Vice-Chancellor, Professor Peter Høj:

...It is therefore with much disappointment that I inform you that the University has seen it necessary to seek a retraction of a paper ...Following extensive investigations, we do not have confidence in the research integrity of the paper ...UQ has asked the journal that published the paper to retract it ...By having the paper retracted, UQ enables the global scientific community to learn that the research reported in the paper has no place in the body of scientific knowledge, and so cannot be used as a basis for further research. I can assure you that UQ places the highest importance on upholding the integrity of our research and will not only continue to do so with vigilance but also seek to identify further measures to strengthen that endeavour: <http://retractionwatch.com/2013/09/03/aussie-university-asks-for-retraction-investigates-former-neurology-researcher-for-fraud/>

Professor Trewhella, the CEO of the MDPI stable of journals including *Nutrients* in which the *Australian Paradox* paper is published - Mr Dietrich Rordorf: <http://www.mdpi.com/about/team> - has informed me that "If the Publisher receives an official note from either the university or the academic editor to retract the paper, the paper will be taken down". <http://retractionwatch.com/2013/08/22/journal-to-feature-special-issue-on-scientific-misconduct-seeks-submissions/>.

That is, this long-standing problem can be solved to my satisfaction – and with a big win for scientific integrity – simply by the University of Sydney sending an email to Mr Rordorf. I “get” why some may not find that option appealing, but please be mindful that up to 300 journalists have been tracking developments in this matter; by now, some of them are fascinated, some are flabbergasted, some are bored and some are annoyed, perhaps even with me.

My guess is that one fine day this slowly inflating *Australian Paradox* scandal will explode. In my opinion, it would be smart for the University of Sydney to seek to begin damage control about now. In any case, Professor Trewhella, members of the Academic Board, and observers, I shall continue to argue near and far for the retraction of the University of Sydney's "shonky sugar study". And until that happens, I shall continue to argue for a public investigation. <http://retractionwatch.com/2013/12/03/why-growing-retractions-are-mostly-a-good-sign-new-study-makes-the-case/>

Finally, if somehow I have misread important aspects of the situation at the University of Sydney, I would be pleased if someone took the time to point them out to me. Certainly, no-one has done so during the extended period since March 2012. Accordingly, I think my case for retraction of the *Australian Paradox* paper is strong and the counter-case is weak.

Regards,

Rory

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rory robertson
economist and former-fattie

Are you getting fat and sick? Want to stop trends in your family and friends towards obesity, type 2 diabetes, heart disease and cancer? Well, it's time to stop eating and drinking sugar:

<http://www.youtube.com/watch?v=xDaYa0AB8TQ&feature=youtu.be>

Join the push to give all kids a fairer start in life: <http://www.australianparadox.com/pdf/Sugary-Drinks-Ban.pdf>

Click and scroll down for a time-tested diet to reverse obesity and type 2 diabetes:

<http://www.australianparadox.com/pdf/why-we-get-fat.pdf>

And here's why it works:

<http://garytaubes.com/wp-content/uploads/2012/02/WWGF-Readers-Digest-feature-Feb-2011.pdf>

Outsized rates of sugar consumption – alongside alcohol and tobacco – are a major driver of the **unacceptable "gap" in life expectancy between Indigenous and non-Indigenous Australians**: see the bottom row of Box/Table 2 in <https://www.mja.com.au/journal/2013/198/7/characteristics-community-level-diet-aboriginal-people-remote-northern-australia>

Isn't it ironic (or worse): **the Charles Perkins Centre's highest-profile obesity and diabetes experts** have devoted themselves to falsely exonerating sugar as a menace to public health:

<http://www.australianparadox.com/pdf/diabetes.pdf> ; <http://www.smh.com.au/national/university-sets-up-500m-centre-for-obesity-research-20130724-2qjq8.html>

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

www.strathburn.com

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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>