Dear Mr. Young,

I am writing on behalf of the Association of Health Care Journalists, the nation's largest organization of health reporters and editors, to protest an FDA practice that has recently drawn renewed attention in the national media. The issue is “close-hold embargoes,” under which the agency will release embargoed information only to reporters who agree not to contact outside sources before the embargo lifts.

We have long objected to this practice as a hindrance to reporters' ability to fully inform the public. When AHCJ raised concerns in 2011, agency officials and journalists held valuable discussions and Meghan H. Scott, then the acting associate commissioner for external affairs, agreed in writing: “A journalist may share embargoed material provided by the FDA with non-journalists or third parties to obtain quotes or opinions prior to an embargo lift provided that the reporter secures agreement from the third-party to uphold the embargo.”

We understood this to be FDA policy. So we are distressed that the FDA has reneged on this agreement, as described in a recent Scientific American article. In January 2014, a select group of reporters were given a scoop on a new public health ad campaign – provided they agreed to forgo seeking outside reaction before the embargo lifted. Then in April 2014, another limited group of reporters was invited to an FDA embargoed briefing on new rules on electronic cigarettes, again on the condition that they parrot what FDA said and not ask anyone else about it before the embargo lifted.
Embargoes are a system based on mutual trust. The group releasing information or data picks the date and time that it will be made public, and reporters are given a sneak peek and an opportunity to interview experts as long as they agree to delay their stories until the embargo lifts. This allows for more complete stories. Every major medical journal allows such reporting. Anything else reduces reporters to stenographers.

What is the FDA’s policy on embargoes? In the future, will you adhere to the promises made in 2011?

Please get back to us within two weeks so that we may provide an update to our membership.

Sincerely,

Karl Stark,
President, Association of Health Care Journalists

cc: Kevin Griffis, assistant secretary for public affairs, HHS
    Bill Hall, deputy assistant secretary for public affairs, public health, HHS
    Mark Weber, deputy assistant secretary for public affairs, human services, HHS