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Scientist Pleads Guilty of Receiving Illegally Imported Avian Flu Virus

A plea for help from a U.S. veterinary scientist working overseas has led to criminal charges against two researchers and five biotech company officials. The case is seen as the latest warning from the U.S. government about the serious repercussions of importing pathogens without proper permits.

On 8 September, John Rosenberger, a microbiologist at the University of Delaware, Newark, agreed to a fine of up to \$250,000 and 6 months of home detention after pleading guilty to receiving and concealing a poultry virus smuggled into the country from Saudi Arabia. In the preceding months, five former officials of Maine Biological Laboratories (MBL) in Winslow,

which also received the smuggled virus and developed a vaccine for it, pleaded guilty to committing mail fraud, lying to federal agencies, and concealing samples of the pathogen. And on 9 September, Mark Dekich, an employee of a Saudi poultry company who is charged with sending the virus, was indicted on charges of smuggling and making false statements to federal agencies. The case is before U.S. District Court in Bangor, Maine.

According to court documents, Dekich asked for Rosenberger's help in 1998 in identifying the subtype of avian influenza afflicting his company's chicken flocks. After receiving the sample, Rosenberger asked one of his lab employees to ship it to a U.S. Department of Agriculture lab in Ames, Iowa, labeling it as an isolate obtained from



Fowl shipment. Prosecutors claimed John Rosenberger's actions threatened U.S. poultry flocks.

U.S. Department of Agriculture lab in Ames, Iowa, labeling it as an isolate obtained from

Delaware. The federal lab identified the virus as subtype H9N2—a strain not known to be fatal to humans. After doing work on its sample, MBL shipped two batches of the vaccine to the Saudi company for \$850,000, falsely labeling them as a vaccine for Newcastle disease.

The microbiologist's offense "was serious in that it knowingly introduced a pathogen into the country that could endanger commercial flocks," says George Dilworth, assistant U.S. attorney for Maine. "Anybody in a similar position should know they risk serious repercussions if they engage in such conduct."

Rosenberger's prosecution is yet another warning that researchers must pay closer attention to regulations governing the handling of microbial samples, says Janet Shoemaker, director of public affairs at the American Society for Microbiology. "There is good reason for the government to be concerned about such violations from the public health point of view," she says.

The University of Delaware says it wasn't aware of the case before Rosenberger pleaded guilty but that it has since begun an audit of laboratory procedures. Rosenberger is currently on leave and is due to retire in January after 23 years at the university.

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