

In 2001, the daughter of a UK victim and her partner used their expertise and their own funds to make a moving and informative video about arachnoiditis.

In the course of their extensive research for the programme, they approached Glaxo (now Glaxo Smith Kline Beecham) and were given more or less verbatim the same statement the company had been issuing for years.

Again, they maintained

"It should not be overlooked that, by definition, people who had myelograms were already back-sufferers."

There were two papers in the medical literature in 2001. Shah et al ([\[1\]](#)) described MRI features of arachnoiditis after myelography, citing an incidence of 1% post oil-based dye.

Silva et al ([\[2\]](#)) reported a case of constrictive Pantopaque-related arachnoiditis causing syringomyelia and paraparesis.

Meanwhile, in New Zealand, the support group ASAMS lobbied the government and succeeded in instigating a report by the New Zealand Health Technology Assessment (NZHTA).

This report was the first of its kind anywhere in the world.

Written by Peter Day and his associates ([\[3\]](#)) and commissioned by the New Zealand Ministry

of Health, the report noted the dearth of research into arachnoiditis to date.

Day also commented:

"The oily contrast medium (containing iophendylate) have (sic) been implicated in arachnoiditis."...

but they suggested that evidence was

"largely documented in animal experimental studies where much higher volumes than those injected into humans were employed."

They noted that there were only a few reported cases from millions of procedures undertaken, and cited the 1992 Hughes and Isherwood paper (112) which stated that occurrence of arachnoiditis increased with poorly performed procedures and subarachnoid bleeds.

It seems unlikely that Day had access to data that has since come to light in the report by Susan Parisian, now available online on various websites including www.burtonreport.com and which was an invaluable source of information for this article.

The report concluded,

"The true incidence of arachnoiditis due solely to the presence of Myodil...is unknown."

In March, 2001 UK Radio 4 You and Yours programme ran a segment on adhesive/Adhesive Arachnoiditis, the transcript of which later became available online.

Amongst the guests was Roger Radford, a journalist suffering from arachnoiditis, Ursula Coxhead of the Myodil Action Group and Tim Collins, MP.

Mr. Collins said:

"One of the most terrifying things about this whole saga is that people continue still to be diagnosed as suffering from this (arachnoiditis)."

He went on to remark:

"There are a lot of people, perhaps in the system, who would rather the full truth of what occurred didn't come out."

In May 2001, Derek Morrison's court case in Australia was unfortunately unsuccessful, partly due to the testimony of a Dr. Petty who did not even acknowledge an association between Myodil and arachnoiditis, throwing the responsibility for Mr. Morrison's condition onto a ruptured disc causing inflammation.

The judge found the doctor who performed the myelogram was in breach of duty by failing to inform the patient, or his doctor (who had requested the test) that dye had been retained and that this constituted a risk of arachnoiditis.

The court applied the Rogers v Whitaker test of 'material risk' i.e. a material risk being one which a reasonable person in the patient's position would be likely to regard as significant, or which the medical practitioner is, or ought reasonably to be, aware would be of significance to the particular patient.

The court extended the principle of duty to warn of material risks in further proposed treatment, noting that the possible risk of developing arachnoiditis following failure to remove Myodil had been known for some years and that the product package insert mentioned its occurrence.

Accordingly the court found that the doctor had breached his duty to warn by failing to advise the patient of the risk of arachnoiditis.

However, the Court found that

"Notwithstanding breach of duty, as found or assumed without finding, the plaintiff has failed to establish that any such breach of duty caused or materially contributed to the harm alleged. On that account, the plaintiff fails to make out his case." ([\[4\]](#))

[\[1\]](#) Shah J, Parmar H, Prasad S, Varma R *Australas Radiol* 2001 May; 45(2): 236-9
Arachnoiditis associated with arachnoid cyst formation and cord tethering following myelography: magnetic resonance features.

[\[2\]](#) Silva JA, Taricco MA, Brito JC, Neves VD, Farias RL *Arq Neuropsiquiatr* 2001 Sep; 59 (3-A): 619-22 [Constrictive arachnoiditis after pantopaque myelography causing syringomyelia and paraparesis: case report.]

[\[3\]](#) Day PL NZHTA Report 2001 Arachnoiditis: A brief summary of the literature.

[\[4\]](#) Supreme Court of New South Wales (NSWSC) Morrison v Wong & Anor [2001] NSWSC 304 (4 May 2001)