

HIV transmitted by bone graft

Helmut L Karcher, *Munich*

A leading transplantation centre in Germany must pay compensation to a man who developed AIDS after receiving a bone graft from a donor who was a drug misuser.

The Medical University of Hanover was sentenced to pay DM300 000 (£108 000, \$176 000) in compensation to a 58 year old man. In January 1985 the man, who had a clavicle fracture, received a transplanted lyophilised bone chip from a donor who was a drug misuser, and who had died from drug overdose. The donor was not tested for HIV—at the time there were only around 150 cases of AIDS in Germany. At least two more patients, out of 12 who received bone transplants from the same donor, later died from AIDS.

The Superior Court of Hanover decided there was no doubt that the plaintiff had been infected with HIV via the bone graft. Although the judges conceded that in 1985 it was not known that viral diseases could be transmitted by lyophilised bone grafts, the court insisted that the donor's drug addiction should have been a warning signal to doctors. Medical consultants in court also confirmed that in 1985 there was already a rising debate going on whether AIDS could be transmitted by other media than blood. □