

Hilary Butler,
25 Harrisville Road,
Tuakau, 2121
9th May, 2016

To the Editor: New Zealand Herald.

Subject: Official complaint regarding three Herald articles, under the New Zealand Press Council's principles¹, which the Herald is subject to².

This complaint is based on breaches of principle numbers 1, 4 and 5:

Principle 1: Accuracy, Fairness and Balance

Publications should be bound at all times by accuracy, fairness and balance, and **should not deliberately mislead or misinform readers by commission or omission**. In articles of controversy or disagreement, **a fair voice must be given to the opposition view**.

Exceptions may apply for long-running issues where every side of an issue or argument cannot reasonably be repeated on every occasion and in reportage of proceedings where balance is to be judged on a number of stories, rather than a single report.

Principle 4: Comment and Fact

A clear distinction should be drawn between factual information and comment or opinion. An article that is essentially comment or opinion should be clearly presented as such. **Material facts on which an opinion is based should be accurate**.

Principle 5: Columns, Blogs, Opinion and Letters

Opinion, whether newspaper column or internet blog, must be clearly identified as such unless a column, blog or other expression of opinion is widely understood to consist largely of the writer's own opinions. **Though requirements for a foundation of fact pertain**, with comment and opinion balance is not essential. Cartoons are understood to be opinion. Letters for publication are the prerogative of editors who are to be guided by fairness, balance, and public interest. Abridgement is acceptable but should not distort meaning.

Remedy is sought under Principle 12

Principle 12: Corrections

¹ <http://www.presscouncil.org.nz/principles>

² https://nzherald.custhelp.com/app/answers/detail/a_id/187

A publication's willingness to correct errors enhances its credibility and, often, defuses complaint. **Significant errors should be promptly corrected with fair prominence. In some circumstances it will be appropriate to offer an apology** and a right of reply to an affected person or persons.

The articles subject to complaint are:

- 1) Article on the Herald website³, 1 May 2014, titled: "**12 questions, Polly Gillespie**"
- 2) Opinion column on the Herald website⁴, 2 May 2016, titled: "**Polly Gillespie: Losing my sister to the flu**"
- 3) Polly Gillespie subsequently followed with a third article on the Herald Website⁵, 4 May 2016, titled: "Polly Gillespie: Messages of support over flu death" the content of which reinforces the complaints lodged regarding the previous two articles.

The first two pieces have multiple errors of fact.

Error of fact	Counterfactual	Evidence
1. <i>Sister died when she was 38</i>	Jeanette was born in August 1959 and was 41 years old when she died	Death certificate ⁶ , Obituary ⁷ Hamilton cemetery database ⁸
2. <u>She caught the flu and died five days later...</u>	Jeanette died after 5 days of Staphylococcus aureus pneumonia, renal failure and coagulopathy	Death certificate
3. <i>It was the most horrendous thing - you bleed out of your orifices, your eyes and ears, your hands go black...</i>	These are symptoms of sepsis caused by Staphylococcus aureus, not influenza.	

³ http://www.nzherald.co.nz/entertainment/news/article.cfm?c_id=1501119&objectid=11247023

⁴ http://www.nzherald.co.nz/lifestyle/news/article.cfm?c_id=6&objectid=11630214

⁵ http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11633435

⁶ Certified Death Certificate (attached)

⁷ Nelson, C. S. (2001). Obituary: Jeanette Lea Gillespie. *Geological Society of New Zealand Newsletter*, 124, 58-60. (attached)

https://securepages.co.nz/~gsnz/siteadmin/uploaded/gs_downloads/Newsletter/GeoSoc_Nos121-151_2000-March2010.zip

⁸ Hamilton Cemetery Database, see attached printout.

Error of fact	Counterfactual	Evidence
4. <i>In October 2000 <u>my sister died of influenza in Waikato hospital</u></i>	Jeanette died of Staphylococcus aureus septicaemia, pneumonia, renal failure and coagulopathy, not influenza.	Death certificate.
5. <i>my sister's <u>sudden fatal bout of influenza</u></i>	She did not die of a sudden fatal bout of influenza. Influenza is not mentioned in the death certificate at all.	Death certificate
6. <i>She got sick on the Tuesday and was dead on the Saturday.</i>	Jeanette died on the 4 th of October 2000, a Wednesday. She was cremated on the Saturday.	Death certificate, Cemetery record

Discussion (12 questions article⁹):

“She caught the flu and died five days later. It was the most horrendous thing - you bleed out of your orifices, your eyes and ears, your hands go black. Everyone must get that influenza vaccine.”

1. I have no doubt that Polly did observe a horrendous death, but it was not due ‘the flu.’
2. Polly Gillespie claims Jeanette Gillespie caught the flu and died five days later. This is implausible. The death certificate says she had Staphylococcus aureus sepsis, pneumonia, renal failure and coagulopathy for five days. If she was admitted to hospital with Staphylococcus aureus sepsis, pneumonia, renal failure and coagulopathy and died five days later, AND this was triggered by influenza she must have been infected sometime earlier and got progressively sick without seeking medical treatment. If that was the case, then her failure to seek medical assistance was a major contributory factor to her subsequent death. However, there is no medical evidence that she had an underlying influenza infection.
3. Juxtaposing death from the flu to symptoms of septicaemia caused by Staphylococcus leaves the reader with the impression that bleeding out of orifices, eyes and ears, and hands going black are symptoms of influenza... they aren’t. They are symptoms of fatal bacterial sepsis.
4. Juxtaposing symptoms of a disease unrelated to influenza to implore readers to get an influenza vaccine could be seen as well intentioned, but in this case, is a deplorable emotional and, unethical plea that should be corrected.

⁹ http://www.nzherald.co.nz/entertainment/news/article.cfm?c_id=1501119&objectid=11247023

Polly Gillespie states in “12 questions”, that her sister was 38 years old.

10. When have you been at your lowest, and how did you survive?

The saddest times for me have been through the death of someone I've loved. We lost our first baby, a little boy, with a very late miscarriage and that was unbelievably sad. I wanted to die of grief. I just threw myself into walking, looking after my body, going to a naturopath and looking forward. My sister Jeanette died of the flu when she was 38 and that was incredible sadness. She was a runner, a vegetarian, doing a doctorate at Waikato university. She caught the flu and died five days later. It was the most horrendous thing - you bleed out of your orifices, your eyes and ears, your hands go black. Everyone must get that influenza vaccine.

FACT: Polly Gillespie has previously told a less emotive version of this story in 2014¹⁰, in which the age of her sister was reported as in “the early 30s”. Jeanette Gillespie was in fact, 41 years old as per her death certificate, published obituary and Hamilton City Council Cemetery records, all of which have been sighted.

In her opinion piece¹¹, Polly Gillespie stated the following:

Assertion No. 1:

Twelve questions: **She caught the flu and died five days later.**

Opinion piece: **In October 2000 my sister died of influenza in Waikato hospital.**

FACT: An official copy of the death certificate (which the family will have copies of) states cause of death as:

First/given name(s) Surname/family name	Jeanette Lea Gillespie
<i>(If different from above)</i> First/given name(s) at birth	-
<i>(If different from above)</i> Surname/family name at birth	-
Date of death	4 October 2000
Place of death	Waikato Public Hospital Hamilton
Cause or causes of death	Severe Sepsis - Staph Aureus 5 Days Pneumonia 5 Days Acute Renal Failure/Coagulopathy 5 Days
<i>(as specified in doctor's certificate or coroner's order)</i>	

¹⁰ <http://www.stuff.co.nz/entertainment/celebrities/9985837/Gossip-Zac-opens-up-about-...2/05/2016>

¹¹ http://www.nzherald.co.nz/lifestyle/news/article.cfm?c_id=6&objectid=11630214

Some may argue that the death certificate does not contain all the relevant information. However, there are guidelines for doctors, which describe the required details. The medical certificate of causes of death (BDM50)¹² records the following, which was instituted in 1998 and would have applied in 2000;

"Cause of death

Cause or causes of death (as specified in BDM50 or the coroners' certificate) are recorded on the Register as free text. The form elicits hierarchical information about the causes of death at four levels:

- Direct cause (the disease, injury, or complication directly leading to the death).
- Antecedent causes (any morbid conditions giving rise to the direct cause).
- Underlying conditions (if any).
- Other significant conditions contributing to the death, but not related to the disease or condition causing it.

Agent /mechanism

If the death was the result of an injury, the certifying practitioner records, on the BDM50, a free-text description of how and where the injury occurred. If the death was the result of an infectious disease, the name of the disease is recorded."

Jeanette Gillespie's detailed death certificate records four causes of death, which do not include influenza.

This and the fact that there was very little influenza in 2000, and no record of death due to influenza in a 40-45 year old female in any official database discredits Polly's claim that she watched her sister die from influenza - the facts clearly demonstrate that she didn't.

Assertion No. 2:

Opinion Piece: *my sister's **sudden fatal bout** of influenza ... She got sick on the **Tuesday** and was **dead** on the **Saturday**.*

FACT: Jeanette Gillespie got sick, was admitted to hospital (presumably on Friday) and died five days later on Wednesday 4th October. She was buried on Saturday 7th October, as per the Hamilton City Council's online¹³ cemetery records.

¹² http://www.dol.govt.nz/publications/nohsac/techreport2/038_content.asp

¹³ PDF'd from the Hamilton City Council's cemetery search. <http://www.hamilton.govt.nz/our-services/do-it-online/cemetery-search/Pages/default.aspx?surname=gillespie&page=2>

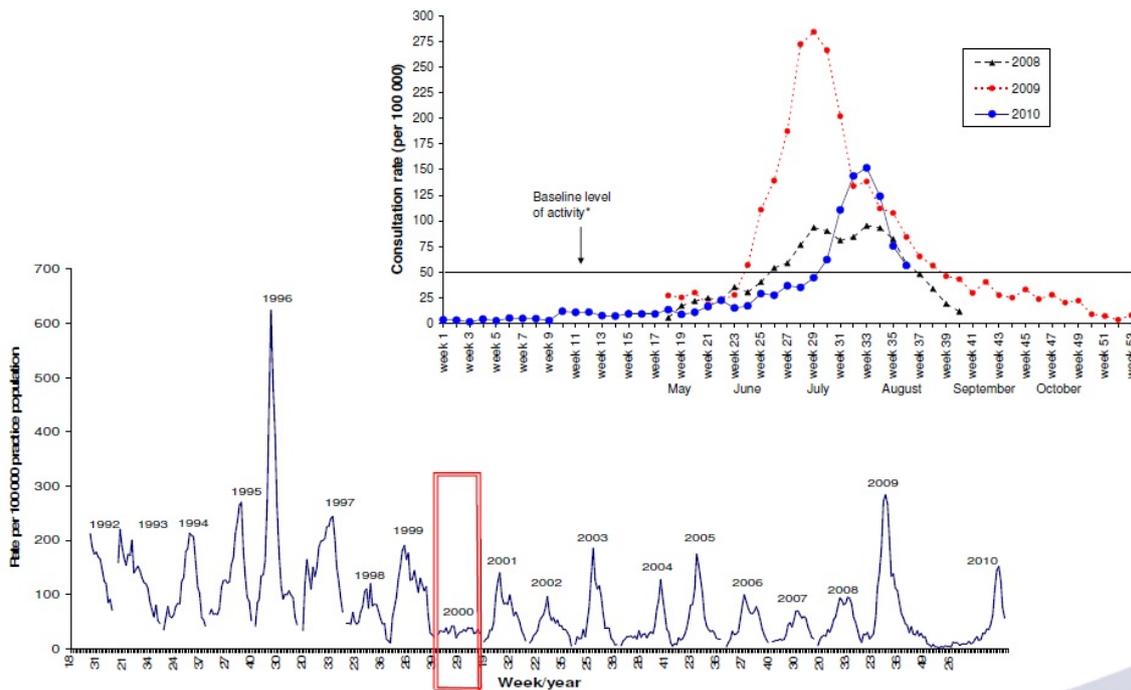
Born:
 Type: Cremation
 Last Address: 3a Rawene Street,
 Hamilton

Cremated: 07/10/2000
 Funeral Director: Pellows Funeral Services
 Location: Hamilton Park Cemetery

Assertion No.4: Opinion piece: It was October, and the flu season had passed, supposedly.

It is very clear from ESR's database and the current immunisation handbook the flu was indeed a non-event in the year 2000 with cases not rising above baseline activity as per the following graphic.

Weekly ILI consultation rates in 1992-2010



http://www.surv.esr.cri.nz/PDF_surveillance/Virology/FluVac/FluVac2011.pdf

© ESR 2010



Where did Jeanette Gillespie get this flu, Polly Gillespie alleges she had, which her death certificate makes no mention of, but would have if they were aware of influenza being an antecedent?

Anyone admitted to a New Zealand ICU with suspected flu has samples taken, which are sent to the ESR and analysed for typing. That was so in 2000, and it is so today. If flu was suspected, then it would be listed as the primary cause along with all the complications, on both the doctor's certificate and the death certificate. The doctor's manual for the year 2000 is very clear as to how the doctor's certificate and death certificate should describe death. The manual also states that the duration of each different illness should be listed, and in Jeanette Gillespie's case, all illnesses listed, have the same duration of 5 days.

Furthermore, influenza vaccine does not prevent Staph. Aureus infections. The CDC dated April 27, 2012 published: "***Severe Coinfection with Seasonal Influenza A (H3N2) Virus and Staphylococcus aureus — Maryland, February–March 2012***¹⁴" describing illness and death in three family members as a result of Staph. aureus and the flu:

"All three family members had confirmed infection with seasonal influenza A (H3N2) virus. Patients B and C had confirmed coinfection with methicillin-resistant Staphylococcus aureus (MRSA), which manifested in both patients as MRSA pneumonia and bacteremia.... Two of the three had been vaccinated against seasonal influenza."

Even if Polly Gillespie's belief that her sister had the flu was true, the fact is that vaccination would not necessarily have prevented Jeanette Gillespie's death, as evidenced by this 2013 article from CDC. Therefore, the insinuation that Polly makes, that vaccination would have prevented her sister from dying, is only her opinion. The facts do not bear out her emotive opinion.

Assertion No. 4:

*My sister was a brilliant artist too, who sold her work when we were in college together in the US, to constantly get my sorry ass out of debt. She would pay off my dental bills, and my rent. ... **and when she'd finished her fine arts degrees**, became a scientist.*

Note that Polly Gillespie states Jeanette had **fine arts degrees (plural)**.

FACT: Jeanette Gillespie's obituary was written by her co-author and boss at Waikato University, shortly following her death. In it he states that during her five years in USA, Jeanette worked in Hawaii as a dancer and tour guide at the Polynesian Cultural Center at

¹⁴ <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6116a4.htm#>

Laie, Hawaii. Email correspondence confirms that he had, and has, no knowledge of any previous degrees obtained by Jeanette Gillespie while she lived in Hawaii. Had Jeanette Gillespie had a Bachelor of Fine Arts, this would surely have been known by her colleagues of 13 years, resulting in cross credits and reduced study time, and would have been added to her achievements described in her obituary. Having two degrees would surely have warranted mention in a glowing obituary.

Email correspondence with the Waikato University has confirmed that it would have been unusual for someone with such a degree not to have been given credits towards another undergraduate degree, and that she neither asked for, nor was given such credits.

Jeanette Gillespie returned to NZ from Hawaii, and worked as a graphic artist at the Waikato Art Museum, and then as clerk at the Hamilton City council.

Jeanette Gillespie enrolled in the University of Waikato in 1987, to study for a Bachelor of Social Science degree in Geography, and the following year converted her degree to a Bachelor of Science, majoring in Earth sciences. She graduated her BSc in 1989, taking the full three years.

Jeanette Gillespie then spent another three years to graduate with a Master of Science in 1992, and in 1993 enrolled for part-time PhD study, which seemingly had not been completed by 2000.

There are other aspects of Polly Gillespie's story that are implausible which are important, because they are supporting information relating to verifiable errors of fact.

For example, Polly Gillespie says¹⁵,

"I've seen the result of not getting a flu vaccination. Jeanette told me she didn't think she needed one because she was fit and healthy."

In this 2001 ESR report¹⁶, we read:

¹⁵ http://m.nzherald.co.nz/lifestyle/news/article.cfm?c_id=6&objectid=11630214

¹⁶ http://www.surv.esr.cri.nz/PDF_surveillance/Virology/FluAnnRpt/InfluenzaAnn2001.pdf

Immunisation Coverage "In 1997 influenza vaccination was made available free to those ≥ 65 years of age, and in 1999 free vaccination was extended to risk groups < 65 years."

Jeanette Gillespie was not a member of a high-risk group. It wasn't the norm, nor was it expected for healthy 40 year olds to have the flu vaccine.

This wouldn't have been a conversation in 2000... Therefore it is implausible that such a conversation took place.

Further more, Polly Gillespie claims she was on air/in the studio (presumably in Wellington) when the call came through that her sister was very ill in hospital in Hamilton. It would have taken the best part of a day to make arrangements and get to Waikato Hospital, even if flying. Jeanette Gillespie had pneumonia, Staph. sepsis, renal failure and coagulopathy for 5 days, and Polly Gillespie claims that Jeanette's body was on life support and being dialyzed. Polly Gillespie says,

"The wonderful staff at the hospital hooked her up to a machine that removed her blood, cleaned it, and pumped it back through her body."

So her sister's body was shutting down. She was bleeding from her eyes, nose and ears, her lungs were full of fluid, her hands and feet turning black, **she was in an induced coma ...** **so** a skeptic would ask, when could such a rational conversation about not needing a flu vaccine have taken place?

The implausible aspects of Polly Gillespie's writing, in the context of provable errors of fact also mean that much of what she wrote in the third article, could be questionable.

Legally it's easy to write "OPINION" at the top to cover a multitude of sins. However, what Polly Gillespie says in the third article INDICATES that many people **believed** Polly Gillespie's factually incorrect and emotionally charged opinion, and went and got vaccinated. Readers are also supposed to believe Polly Gillespie's commentary on how much wonderful support she had, and all her nasty emails with supposed anti-vaccine. Her rhetoric apparently, was to "justify" her previous two articles. Worst of all, is this comment¹⁷:

"People from the health sector thanked me for my responsible position. Cool. That felt good."

How would the health sector actually feel if they knew the verifiable facts of this case? Would they then consider Polly Gillespie's position to be responsible? Or does truth, when it comes to disease and vaccines, no longer have importance?

¹⁷ http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11633435

Reason for complaint: Polly Gillespie is using an emotional personal tragedy in a shock-jock opinion piece to bully people to go and get the influenza vaccine. She has made a number of verifiable false claims and other extraordinary claims that are implausible. The words she deliberately chose were designed to get people to queue up for a flu shot, shut down fact interchange and conversation; garner pro-vaccine sympathy and support with the intent to incite collective rage against those who hold other opinions. The truth of that is evidenced by the vitriol towards non-vaccinators in the comments on the Herald website and Facebook page after the first two articles, as well as elsewhere on Facebook, and proven by her subsequent remarks in her third article¹⁸.

I believe that it is also a breach of the Press Council's principles that such an emotionally charged opinion piece wasn't vetted by editorial staff to verify the facts, particularly as the Herald vetoed¹⁹ a column by Polly Gillespie in April 2016.

Polly Gillespie's opinion piece featured on the front page of the Herald website for two days.

Remedy sought:

I am asking for a detailed statement from Polly Gillespie with links to all three articles, to be positioned **on the Herald front page website for two days**, within five days of receipt of this complaint, and acknowledgement from the New Zealand Herald that it failed to ensure that the piece was accurate.

Polly Gillespie should admit:

- 1) That her conduct in all three articles did not meet the ethical or honesty requirements expected of a columnist subject to the New Zealand Press Council's principles.
- 2) That as per Jeanette Gillespie's death certificate, her sister died of "***Severe Sepsis – Staph. aureus 5 days, Pneumonia 5 days, Acute renal failure/Coagulopathy 5 days***"
- 3) That there is no documented evidence of sudden illness with the flu or death by flu, despite what she or anyone else alleges.

¹⁸ http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11633435

¹⁹ <http://www.stuff.co.nz/entertainment/david-bowie/78570878/polly-gillespies-latest-column-unpublished-as-it-was-too-racy>

- 4) That contrary to her statement that Jeanette Gillespie fell sick on Tuesday and died on Saturday, that Jeanette Gillespie was admitted to hospital probably on Friday 29th September, and died on Wednesday 4th October 2000.
- 5) That Jeanette Gillespie was 41 years old²⁰, not 38 years old, or in her early 30s when she died.
- 6) That she has clearly misrepresented her sister's death to promote influenza vaccination.
- 7) That Polly Gillespie directed unwarranted personal hatred towards, and threatened to attack those who disagree.
- 8) That in the light of the above, and death certificate evidence that Jeanette Gillespie did **not** die of a sudden influenza infection, Polly Gillespie also formally retracts and apologises for all her remarks about and to those who hold another opinion, including the following crass and overtly threatening remarks:

Please don't believe the flu only kills old and vulnerable people. My sister was in her prime. She was healthy, fit and lean.

***Don't tell me** you have the flu when you have a cold. **Don't tell me** you don't need the flu injection. **Don't tell me** you know anything about the flu until you've seen someone die of it, in a matter of days.*

***Don't even talk to me** about the flu until you've watched a body shut down, bleed from every orifice, and then die with lungs full of fluid. There was no combination of antibiotics strong enough to save the life of a near perfect human being.*

*Get the flu shot. **Don't write to me telling me** about bad reactions. **Don't begin to talk to me** about not believing in vaccinations, because **I really might hurt you**. And **I'll certainly hate you**. I've seen the result of not getting a flu vaccination. Jeanette told me she didn't think she needed one because she was fit and healthy.*

²⁰ Hamilton Council Cemetery search; <http://www.hamilton.govt.nz/our-services/do-it-online/cemetery-search/Pages/default.aspx?surname=gillespie&page=2>

Influenza kills young, amazing, gifted, beautiful, incredible people. It's quick, and it's brutal, and extraordinarily messy. Please get vaccinated.

- 9) That Polly also apologises for, and retracts all previous fictitious/falsified stories surrounding her sister's tragic death.

Yes, systemic Staph. aureus is indeed very messy. Such a death is highly unusual after flu, but the suddenness of illness onset, does not indicate the flu. Jeanette Gillespie's death certificate does not state the flu. Neither could I find a medical article detailing Jeanette Gillespie's case in the medical literature, which you would expect, particularly in a year when influenza was at rates lower than baseline.

Even more significant to me, because I have collected Herald flu articles since 1990, is that, had Jeanette Gillespie's case actually been KNOWN to be the flu, I'm sure it would have been featured by the Herald in your annual pro-vaccine flu article of 2001, called "Killer can come disguised as a cold²¹". This is also relevant for discussion, because fortunately the ESR project, called SHIVERS, has now allowed proper science to show that such previous articles were fiction. Which is perhaps why the Herald chose to use PERSONAL OPINION this year for immunisation week²² (May 2 – 9) , instead of writing about how the SHIVERS²³ project, has shown that influenza has been unscientifically inflated and demonized by the medical community, and therefore the media up until now.

Regardless of the Herald's decision to publish Polly's inaccurate, tasteless vitriol, the point must be made that because Polly's core facts are so wrong, there is no reason why intelligent Herald readers conversant with the truth should believe anything else she has to offer.

There has always been a tradition of 'hands off' when it comes to personal tragedy. However, the 'hands off' principle does not apply when a series of statements starting with **"Don't tell me"** are based on a raft of incorrect statements that supposedly give Polly Gillespie credible 'moral high ground', and enable her to use her position as a Herald

²¹ http://www.nzherald.co.nz/health/news/article.cfm?c_id=204&objectid=181609

²² <http://www.scoop.co.nz/stories/GE1604/S00113/immunisation-week-2016-protection-starts-during-pregnancy.htm>

²³ <http://www.esr.cri.nz/health-science/our-work/shivers/summary-results/>

columnist, to berate, finger wag, abuse, hate and threatening others' character, opinions and facts.

Jeanette Gillespie's story has been rolled out regularly by Polly Gillespie since 2014. This regurgitated charade of inaccurate opinion does not adhere to the New Zealand Press standards, which the Herald is required to uphold. Please rectify immediately.

Sincerely,

Hilary Butler.