

Journal of Oral and Maxillofacial Surgery

June 27, 2022

Dear Dr. Barrett,

Once again, we thank you for bringing your concerns about Dr. Tatch's 2019 publication, "Opioid Prescribing Can Be Reduced in Oral and Maxillofacial Surgery Practice" to our attention. You have characterized this paper as "unethical" and as an endorsement for Dr. Tatch's commercial interest in Stella Life. We do not see it this way.

Allow me to re-address the issues that we have laid out previously.

- 1) The author disclosed his conflict of interest at the time his paper was submitted in the manner required by the American Association of Oral and Maxillofacial Surgeons (AAOMS) and the Journal of Oral and Maxillofacial Surgery (JOMS). While you have detailed for us in your correspondence many specifics of his interest in Stella Life and those of family members, our policy is a binary one: we report that the author has or does not have a conflict of interest. Our readership understands that our concise conflict of interest statement may represent a wide array of relationships and involvements and how such conflicts may or may not mitigate the strength of the findings.
- 2) We have asserted that there is no evidence of academic misconduct. We understand that you made no such claim, but it is relevant because it is the main reason for which we would take the extreme action of retracting an article. Absent any evidence of academic misconduct (eg, plagiarism, fraudulent data manipulation, intentional misrepresentation) we are loathe to re-adjudicate a publication from several years back. Retraction from a scientific journal is the capital punishment of academic agency and we reserve such action for the most egregious and proven of claims. This paper does not rise to this level of punishment.
- 3) A Letter to the Editor (LTE) would have been the most appropriate way to refute the article in question. Clearly, raising your issues several years after publication makes it impossible to achieve the effect of an LTE, which is to bring to light any questions or irregularities immediately and to allow the author to respond to them in the same issue. Your response is that "there should be no time limit for ethical violations." You base this on your opinion that the article is a) of poor quality, and b) being used for marketing.

Your assertion that the article is of poor quality does not constitute an ethical violation. The paper was peer-reviewed and was subjected to 3 revisions before being accepted for publication. The submission was made at a time when JOMS was seeking papers that offered alternatives to reducing opioid prescribing. As such, the topic was of keen interest to our readership.

The paper asserts that "opioid prescribing can be reduced." It studies an "office protocol" that includes ibuprofen, acetaminophen, and a kit as an alternative to opioid use. The paper is limited in that it is retrospective in nature and not a randomized trial, however, it satisfactorily answers the question that it seeks to answer—that opioid use can be reduced. The study was

not designed to explain why and makes no assertion of causality. It makes no inference about the role of the Stella Life kit in relation to the therapeutic drugs in the office protocol. In line with our editorial standards, the brand name Stella Life is used sparingly and according to our style guide. Again, we find no “ethical violations.”

As for your insistence today that this paper is being used as “a centerpiece for a marketing campaign,” we find this claim to be unsupported. You first brought this matter to our attention on May 19th at which time we notified our lawyers at AAOMS that JOMS was being referenced in a way that implied an endorsement of Stella Life. We are grateful that you called this to our attention. Stella Life was subsequently served with a cease-and-desist letter and immediately removed all mention of JOMS from its website to our satisfaction. All that remains is a reference to the published article in JOMS among a list of 40 similar references. We see no evidence that JOMS or this article is being used inappropriately or as “the centerpiece” in Stella Life’s marketing materials.

Whether or not you perceive that Dr. Tatch is overstepping the claims he makes in marketing his products, we stand by our decision to publish the particular article in question and find no evidence that it is being misused. To retract the article at this time would be inappropriately punitive to the author and would put us in the awkward position of serving your interests rather than those of our readers.

Please consider this our final decision on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Thomas B. Dodson". The signature is written in a cursive, flowing style.

Thomas B. Dodson, DMD, MPH, FACS
Editor-in-Chief
Journal of Oral and Maxillofacial Surgery