

For sale: Donor embryos newest addition to world of artificial procreation

BY SHARON KIRKEY, POSTMEDIA NEWS DECEMBER 3, 2012



Dr. Al Yuzpe.

Photograph by: Ian Lindsay, PNG

Canada's fertility doctors are watching with alarm as the latest development in the wild frontier of assisted baby-making unfolds: embryos for sale.

A California clinic is creating embryos for multiple patients at a time using donor sperm and donor eggs from young, healthy anonymous donors — a practice that could be hard to police in Canada.

According to the California IVF: Davis Fertility Center's website, "anonymous donor embryos" offer

infertile patients, especially those who have spent thousands of dollars on failed in vitro fertilization attempts, an “excellent opportunity” to become pregnant.

The program offers “minimal” wait times and a 100-per-cent refund to qualified recipients should the donor embryos not result in a pregnancy after three tries.

According to a Los Angeles Times report, “Most women under 55 are eligible for the guarantee.” Egg and sperm donors are screened for infectious diseases, inherited disorders, mental illness and “other traits that would be undesirable to most parents,” the clinic’s website says.

Three transfers cost \$9,800 U.S.

“Everybody I have talked to has much the same reaction, which is, ‘Oh my God, you can’t be serious?’” said Dr. Roger Pierson, a professor of obstetrics and gynecology at the University of Saskatchewan. “Nervous isn’t the right word. I think it’s appalled more than anything.”

Since the egg and sperm donors have waived their rights to the embryos, the resulting pregnancy “belongs” to the couple or to woman receiving the embryos, even though they have no genetic ties to the child, according to information posted on the clinic’s website.

“This means the intended mother gets to carry and grow her child with no legal challenges or problems with parental rights after childbirth,” it says.

In Canada, several IVF clinics offer embryo donation programs, in which couples who have undergone IVF donate their unused frozen embryos to other couples. For them, allowing their embryos to be thawed and implanted into another woman’s womb means giving their potential offspring a chance at life, when the only other options are to destroy the embryos, donate them to medical research or keep them in deep-freeze indefinitely.

The California clinic has gone farther, by creating what experts say are, in essence, “anonymous embryos.”

The program has triggered such an undercurrent of controversy in the U.S. fertility industry that the issue will be discussed at a January meeting of the American Society for Reproductive Medicine’s ethics committee. “It’s being discussed, but while it’s being discussed we won’t be offering any official comment,” spokesman Sean Tipton said in an email to Postmedia News.

Donor embryos would appeal to couples who, for whatever reason, cannot produce viable embryos using their own eggs and sperm. It could also be an option for the wave of women postponing child-bearing only to discover that their own eggs have effectively expired.

Canadian women are already travelling to the U.S., Mexico, Argentina and other countries for IVF, using paid donor eggs to circumvent the ban here. But experts say pregnancy rates would likely be higher using frozen donor embryos over frozen donor eggs, because the eggs have already fertilized.

Although Toronto fertility specialist Dr. Carl Laskin finds the whole practice “uncomfortable” from a legal and ethical perspective, he said “on the surface, it would appear to be rather simple: ‘Listen, you don’t

have to worry about whether the eggs are going to fertilize. We're giving you a turnkey solution.”

Pierson says couples may be able to “buy” an embryo of certain heritage or traits. Or they could use donor embryos to avoid having to undergo the arduous process of IVF themselves. IVF involves injectable drugs to stimulate a woman’s ovaries to churn out multiple eggs. Eggs are retrieved via an ultrasound-guided needle and mixed with sperm; one (or more) of the resulting embryos is then transferred into the woman’s womb.

Two years ago, the Supreme Court of Canada threw out much of the nation’s fertility law, ruling it unconstitutional. A ban prohibiting the purchasing of human eggs and sperm from a donor — and any purchase or sale of human embryos — remains.

But according to Health Canada, the California approach wouldn’t constitute a breach of the Assisted Human Reproduction Act unless the egg and sperm donors were paid for their donations, or the required consents were not obtained from the donors.

The law has already been flouted in the past: The RCMP has investigated at least two cases of the alleged buying and selling of sperm, eggs or surrogate wombs.

“If somebody wanted to challenge the law (by creating donor embryos), you wouldn’t challenge it by first asking permission,” Pierson said. “You’d challenge it by doing it, and let the courts sort it out.”

More immediately, nothing would prevent Canadian couples from travelling to California for ready-made embryos.

“If you have the money, you could certainly go to this clinic, purchase an embryo, have it implanted and bring it back across the border,” Pierson said. While a border officer might ask how much alcohol someone is bringing into the country, “no custom agent is going to question you about an embryo,” Pierson said. “It’s a bizarre set of realities.”

Dr. Al Yuzpe, co-director of the Genesis Fertility Centre in Vancouver, British Columbia’s largest IVF Centre, says people “will go anywhere where they can get anything done that isn’t done here.”

“If somebody comes to me and says. ‘I’ve got three embryos frozen, I don’t want them anymore, my friend needs them, can they have them?’ We do that, but that’s a designated donation,” he said.

The California clinic “is creating an embryo with no owner.”

Françoise Baylis, professor and Canada research chair in bioethics and philosophy at Dalhousie University in Halifax, wonders about the consequences for the children born. According to the Los Angeles Times, a dozen embryos can be made from a “single pairing” of donor eggs and sperm — meaning children born from these embryos will have full biological brothers or sisters who are being raised by other families.

“We keep barreling down a path whereby we have a demand on the part of people who would like to become pregnant and become parents, without always thinking through, what are the long-term consequences 20 years down the road?” Baylis said.

Thousands of embryos created through IVF are already in cold storage in fertility clinics across the country.

“We have abandoned embryos,” Baylis said. “Why would we even think about going down a path where you would create embryos, where you’ve got a whole bunch in storage?”

Unlike other countries, there is no limit on freezing in Canada. Embryos can be kept in a state of suspended animation in perpetuity.

Laskin, a past president of the Canadian Fertility and Andrology Society and founding partner of LifeQuest Centre for Reproductive Medicine in Toronto, said that while many of his colleagues are uneasy with what’s happening in California, “It was only a matter of time before someone would go off and do exactly what they’re doing.”

Three decades after the birth of Louise Brown, the world’s first baby conceived via IVF, advances in assisted reproduction have made once-unimaginable conceptions possible — and virtually every advance initially met with shock and controversy.

“Two to five years from now, people may not even bat an eye at this,” Laskin said.

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