

ICAN Sues to Remove the Claim From the CDC Website That “Vaccines Do Not Cause Autism”

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by [Informed Consent Action Network \(ICAN\)](#)

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ICAN, through its attorneys, has [sued](#) HHS for publicly making the unsupported claim that “Vaccines do not cause autism,” in violation of the National Childhood Vaccine Injury Act of 1986. ICAN calls out the agency’s illegal behavior and pulls back the curtain on the baseless, oft-repeated claim used to silence parents who know better.

In the past four decades, no claim regarding vaccination has received more attention and publicity than the claim that vaccines cause autism. Likewise, federal health authorities claim to have studied vaccines and autism more thoroughly than any other type of alleged vaccine injury. Federal health authorities assert publicly and matter-of-factly that studies establish that vaccines do not cause autism.

Reflecting this conclusion, the Center for Disease Control and Prevention (CDC) unequivocally asserts on its website that “Vaccines Do Not Cause Autism”:



Vaccine Safety

CDC > Vaccine Safety > Common Concerns



Vaccine Safety

Specific Vaccines +

Common Concerns -

Adjuvants

Autism

Vaccines Do Not Cause Autism

Autism spectrum disorder (ASD) is a developmental disability that is caused by differences in how the brain functions. People with ASD may communicate, interact, behave, and learn in different ways. Recent estimates from CDC's Autism and Developmental Disabilities Monitoring Network found that about 1 in 59 children have been identified with ASD in communities across the United States. CDC is committed to providing essential data on ASD, searching for causes of and factors that increase the risk for ASD, and developing resources that help identify children with ASD as early as possible.

The National Childhood Vaccine Injury Act of 1986 (the Act), however, [mandates](#) that the Secretary of Health and Human Services “shall ... make or assure improvements in ... the ... research on vaccines, in order to reduce the risks of adverse reactions to vaccines” [as well as](#) “develop and disseminate vaccine information materials ... based on available data and information.”

The Act also [provides](#) that “any person may commence ... a civil action on such person’s own behalf against the Secretary where there is alleged a failure of the Secretary to perform any act or duty under this part.”

Clearly there is a failure of the Secretary to uphold his duties and so ICAN [sued](#) the Secretary for his failure to perform certain acts and duties pursuant to the Act which have caused direct injuries to ICAN and the Institute for Autism Science. As long as federal health authorities claim is that “the science is settled” with regard to vaccines and autism, there will be no funding for research into this extremely alarming and important issue.

ICAN’s lawsuit lays out for the Court the lack of scientific studies supporting any such assertion that all childhood vaccines do not cause autism through the following relevant

history:

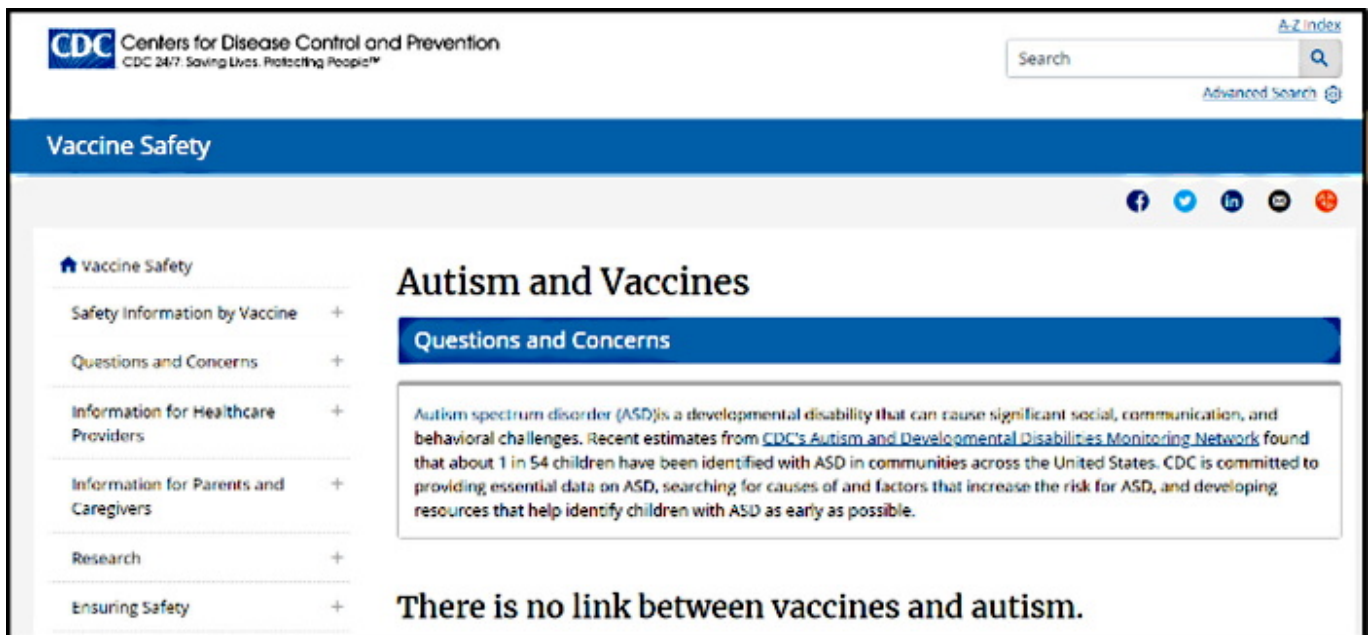
- **1991:** Institute of Medicine (“IOM”) issued a [report](#) explaining that it could not identify any studies addressing pertussis-containing vaccines and autism.
- **2012:** IOM issues another [report](#) finding only one study that looked at the issue of pertussis-containing vaccines and autism, and that study *did* find a link between this vaccine and autism. The IOM could also not find any study to support that tetanus or diphtheria vaccines do not cause autism.
- **2014:** an agency within HHS again [found](#) that there are no studies supporting a claim that these three vaccines do not cause autism and the agency was also unable to identify a study to support the assertion that Hepatitis B vaccines do not cause autism. Rather, it found only one study regarding Hepatitis B and autism and that study found that babies receiving this vaccine had autism at three times the rate as those not receiving this vaccine.
- **October 12, 2017:** ICAN sent a [demand](#) – subscribed to by 55 organizations whose members exceed 5 million Americans – to the Secretary stating that “there are ... no published studies showing that autism is not caused by Hepatitis B, Rotavirus, Hib, Pneumococcal, Inactivated Poliovirus, Influenza, ... vaccines – all of which HHS recommends babies receive, typically multiple times, by one year of age.” The demand asked the Secretary to “confirm that HHS shall forthwith remove the claim that ‘Vaccines Do Not Cause Autism’ from the CDC website, or alternatively, please identify the specific studies on which HHS bases its blanket claim that no vaccines cause autism.”
- **January 18, 2018:** The Secretary [responded](#) but failed to identify any studies that support the assertion that vaccines given to babies do not cause autism. ICAN has

sent numerous unrequited follow-up requests to the Secretary asking for this science.

- **June 21, 2019:** ICAN submitted [requests](#) pursuant to the Freedom of Information Act (“FOIA”) requesting that the CDC produce the studies it relies upon to claim that vaccines injected into babies do not cause autism .
- **December 31, 2019:** When the CDC failed to provide any studies responsive to these requests, ICAN commenced an [action](#) against the CDC. The action requested that the Court enter an order requiring the CDC to provide the studies it relies upon to claim that the vaccines given during the first year of life do not cause autism or, in the alternative, to admit that it has no such studies.
- **March 2, 2020:** the CDC finally identified, in a stipulated [order](#) a total of 16 studies and 4 reviews (e., a review of studies on a given topic) that it relies on to claim that the vaccines given to babies do not cause autism. Not one of these studies or reviews supports the claim that vaccines injected into babies – DTaP, Hep B, Hib, PCV13, and IPV – do not cause autism.
- **March 10, 2020:** Plaintiffs submitted another FOIA [request](#) for “All studies supporting the claim that DTaP does not cause autism,” giving yet another chance for the CDC to provide studies to support its public assertion. In this way, the Plaintiffs asked for any studies that *support* that DTaP does not cause autism regardless of whether or not the CDC *relies upon* each one.
- **March 23, 2020:** the CDC responded to this FOIA request by pointing to the same unresponsive and inadequate [list](#) of twenty studies it had previously pointed to in the stipulation and order of March 2, 2020.
- **March 27, 2020:** ICAN provided the CDC yet another opportunity to provide supportive studies for the claim still being shared with the public by submitting yet another FOIA [request](#), this time for: “Studies created or

retained by CDC to support the claim that DTaP does not cause autism.” The CDC again [responded](#) by pointing to the same list of twenty studies and reviews, all of which either relate to MMR or thimerosal, a single antigen (not vaccine) study, and one review by the IOM that looked for any support that DTaP does not cause autism and could not find a shred of such evidence.

- **August 27, 2020:** the CDC finally removed the claim that “Vaccines Do Not Cause Autism” from its webpage:



The screenshot shows the CDC Vaccine Safety webpage. The header includes the CDC logo and the text "Centers for Disease Control and Prevention" and "CDC 24/7: Saving Lives. Protecting People™". A search bar and "Advanced Search" link are visible. The main navigation bar is "Vaccine Safety". The left sidebar lists categories: Vaccine Safety, Safety Information by Vaccine, Questions and Concerns, Information for Healthcare Providers, Information for Parents and Caregivers, Research, and Ensuring Safety. The main content area is titled "Autism and Vaccines" and has a sub-header "Questions and Concerns". A text box contains information about Autism Spectrum Disorder (ASD) and CDC's commitment to research. Below this, the statement "There is no link between vaccines and autism." is displayed in a large, bold font.

- **January 21, 2021:** ICAN widely publicized that the CDC had removed the statement “Vaccines Do Not Cause Autism” from its webpage. Within days, the CDC [restored](#) this claim to its vaccine-autism page

ICAN, therefore, brought this action to hold the Secretary and the CDC accountable and to hold them to the same standard ICAN is held to: **do not make claims that cannot be supported with science.** You can read the lawsuit [here](#).

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