

frozen in time

This year marks the birth of IVF baby No. 20,000 and Australian fertility programs are currently housing another 20,000 frozen embryos. **But their future is uncertain.**

As health authorities debate the legalities of embryo storage, IVF parents are racing against the clock. Their options? Destroy their remaining embryos, donate them or have another child. Julie Nance talks to three IVF families.

One day early next year, in her quiet suburban backyard, not far from the children's swing set, Jan will kneel down and gently place six tiny plastic tubes into a hole she has dug in the ground. Daughter Sarah and twins Laura and Christopher, dressed in their favourite play clothes, will take part in the family tree-planting ceremony that follows. At age four the twins will be too young to understand, oblivious to the significance of the moment. Inside the clear narrow tubes to be buried will be six human embryos – barely visible to the naked eye.

"Our only option is to bring them home – it would be very hard to give away Laura and Christopher's siblings," says Jan, 39, a Sydney mother. "As we plant a tree in remembrance I will say to the children, 'this is some of mummy's eggs and sperm we don't need any more. We have already got our family'."

Two months ago, worldwide attention was drawn to the downside of medical progress when 3,300 unclaimed human embryos, frozen for people undergoing IVF treatment, were destroyed in the United Kingdom. When the government-imposed five-year storage deadline arrived, 900 couples failed to state what they wanted for their potential offspring.

For Jan and her husband Lindsay, making the initial decision to freeze their excess embryos was easier because "they did not have a heartbeat". "People are of the misconception that there's a baby growing in the test tube – they are potential siblings to our children but they are four little cells, only 36 hours old," Jan says.

Despite their beliefs and rationale, the day the couple remove their six embryos from a Sydney fertility clinic for burial will be an emotional one. They will stand by as their biological material is lifted out of the liquid nitrogen storage tank – their "home" for four-and-a-half years.

For Jan and Lindsay, the options were clear but painful: have their embryos discarded, donate them to other couples or have them used for medical research. But the prospect, no matter how

remote, of one or more unknown couples bringing up their genetic offspring, was a gamble they were not willing to take.

"In our eyes a family includes a Mum and Dad who love each other – how can we be certain of the standard of parenting (our embryos) might get if 'donated'?" asks Jan. "I stay at home with my children and run around with them to little athletics and the like. Sarah goes to a private school and I want that for all my children. It is important these days to give them the best start in life. This might not happen in other homes."

While Jan and Lindsay have notified their clinic of their intentions, there are thousands of families in Australia and overseas who have not, or simply cannot be traced. And in the UK, despite desperate appeals from the Catholic church, anti-abortion groups and some clinics, the Vatican-labelled "pre-natal massacre" went ahead on August 2.

As Australia anticipates the birth this year of IVF baby number 20,000, the moral, ethical and legal questions surrounding embryo storage have been thrust to the foreground.

the deadline

In Western Australia, a three-year deadline on the storage of embryos expired for the first time in April, threatening an estimated 300 frozen embryos. Amid a climate of panic from parents and clinics, the State Government rushed through legislation which allowed an initial six-month extension. That extension expires this month.

While the legal outcome is still hazy if couples fail to indicate their wishes, or cannot be contacted, the commissioner of health has two likely options. The first is to instruct clinics to destroy embryos. Amazingly, in a move unique in Australia and possibly the world, he may also take charge of the embryos and donate them to other couples – *without* the consent of biological parents. Genetic information for recipients would be incomplete, as would the stringent medical histories normally taken from donors – including repeat HIV tests.



As the deadline nears, scientific director of Perth's Pivet Medical Centre, Dr Phillip Matson, is becoming increasingly nervous. At the time of writing, he had sent out 23 letters to couples whose storage time has run out. Only six had written back.

"I assumed people would be interested in the fate of their embryos," Dr Matson says. "Even if they wrote back and said 'no, we don't want them any more thank you very much' – but just nothing. Most of the people we have written to are still at that address but are slow in responding."

In the midst of the emotional storage debate, Dr Matson is keen to stress how "incredibly useful" freezing of embryos has become. IVF and related procedures often involve emotionally and physically draining tests and operations. Embryo freezing reduces the frequency of these tests. He says his centre's ongoing live birth rate of transferred frozen embryos in 1995 was the same for fresh embryos – a successful 18 per cent. The prospect of

having to hand his patients' embryos over for donation makes Dr Matson very uncomfortable – "a drastic move without the couple's consent". But equally as dismaying is the reality many embryos will have to be destroyed.

"We are in the business of trying to create life – helping people to achieve a pregnancy," Dr Matson says. "Throwing embryos away is not an easy thing for us to do and we can't believe an awful lot are getting to that stage. We don't want embryos left in the freezer but what if someone has gone overseas for work or lost contact with us for some genuine reason? They could turn up and we'd have to say 'sorry they've been donated or destroyed'."

Victoria, Western Australia and South Australia are the only states which have IVF laws. Under legislation in South Australia embryos cannot be stored for longer than 10 years and in Victoria – under new laws – for only five years, although extensions can be applied for.



Jan and Lindsay with Sarah and twins Christopher and Laura



Karen and Terry play with Sarah and Rebecca

a bitter reaction

The world's first frozen embryo baby celebrates her 12th birthday in Melbourne this year, but the man who helped make it all possible – IVF pioneer Professor Carl Wood – is bitter about the frozen embryo debate. He is dismayed that governments and medical regulatory authorities are "now taking control of reproduction", something he says is akin to "China forcing its women to have abortions under its one-child policy".

"What happened in the United Kingdom I would almost call a criminal act," Professor Wood says. "How were

those embryos harming the government?" Similarly in Australia, Professor Wood sternly questions the policy of eradicating embryos until authorities are "absolutely sure they are not wanted".

"To keep frozen embryos isn't expensive – you can keep hundreds of thousands of them in a very small space, relatively cheaply," he says.

"If you have to have some regulation about unclaimed embryos, at least extend the deadline beyond the reproductive life of the couple. If you can trace parents, by the time they're 52 and no relatives are interested in the embryos, you can then socially offer them for adoption."

There are more than 20,000 frozen embryos in Australia – stored in the multitude of liquid nitrogen "banks" at 24 fertility centres.

At the heart of the storage debate is the question: how do we regard embryos, pieces of property or potential people?

Ian Pike, a scientist from Sydney's private fertility clinic North Shore ART, says he and his peers can't afford to be emotional about the embryos they've helped to create. While some clients want to name them and even take photos of them, he says, "We in the laboratory are reluctant to do that because it is like a death has occurred for the clients if things

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don't work out and there would be a grieving process. While we see an embryo as a potential human being, we can't worry about each one. We look after it carefully and transfer it to the uterus but it is a reproductive lottery – with only a one in 10 chance of it ever being a human being.”

Pro-life group Right To Life Australia takes a different view on the issue. National spokeswoman Margaret Tighe regards IVF as “an abuse of human rights” and believes the resultant embryos are regarded as being of no consequence simply because they are so tiny.

“While embryo storage shouldn't be allowed, adopting is far more preferable to discarding them,” she says. “Those embryos are unique individuals – not just eggs and sperm but new human beings. They have all the attributes they will ever possess – only requiring time to develop.”

“an absolute miracle”

As Karen and her husband Terry cuddle their three-year-old twins Rebecca and Sarah, they cast their minds back to the day they viewed them as mere embryos. The couple had been on the IVF program for eight years when their last chance of having children was made possible by another couple who donated their excess embryos after having a baby. After being removed from the clinic tank – where they had been stored for three years – Karen and Terry viewed their precious gifts before they were being transferred.

“Some people name their embryos at this point but we never did that – you have to try to not get too excited because there are too many disappointments,” says the mum from Healesville, Victoria. “We didn't think of them as babies – we saw them as two cells and four cells. It is an absolute miracle we have two beautiful daughters now – we still can't believe it. It's hard to think of embryos being discarded – that could have happened to our two.”

Unlike other states, NSW is not bound by ART legislation. However, under Draft National Health and Medical Research Council guidelines, out for discussion at present, the recommended storage for embryos is a maximum of 10 years, with extensions on compassionate grounds.



Marsha and Luke with Sam and twins Charlotte and Annabel

For North Shore ART, now that the 10-year mark is up, the fertility team and ethics committee have been propelled into a controversial new zone.

The clinic's social workers' counsellor Felicity Garner says while couples outline their future wishes for their embryos on detailed consent forms these days, finding answers from people involved a decade ago can be frustrating. Some couples have separated and don't talk, some are living overseas. Others can't make their minds up or simply can't be found.

“As a social worker the disappointing thing is the flippant reply you get from some people such as ‘we don't want them – just give them to someone else, discard them or use them for research’,” Ms Garner says. “I remind them there could be a child out there with some questions one day about their genetic background – the full sibling of the child they may already have.” On the other hand, Ms Garner says the introduction of storage costs – \$470 for a three-year plan at her clinic – and reminder letters, have helped make many couples take a greater responsibility for their embryos and keep in better contact with the hospital.

Counselling psychologist Miranda Evans Montrone, an infertility counsellor

at Sydney's City West IVF, is constantly witnessing the dilemmas couples face when deciding on the future of their embryos.

“Their family, friends or work colleagues may make a comment like ‘are you going to kill your babies?’ It's simplistic and wrong,” says Ms Evans Montrone. “You bring the embryos out of storage and let them regress naturally. It is not like people think – that image of flushing them down the toilet. We treat the embryos with a great deal of respect.”

“it's a decision we'd prefer not to make”

Barely a day goes by that Sydney parents Marsha and Luke don't think about the embryos they have in storage. The couple is already blessed with three children thanks to the IVF program – Sam, four, and three-year-old twins Charlotte and Annabel. Earlier this

year they unsuccessfully tried to have one of their three remaining frozen embryos transferred – leaving them with the most difficult decision of their lives: try for another child, donate the embryos or destroy them.

“It really is a decision we'd prefer not to make,” says 33-year-old Marsha, whose embryos have been in storage at a fertility clinic for four years.

“We've decided that we would never donate them – we do see these embryos as our children. We are a bit concerned the laws may change in years to come and if a child is born he or she could come back and find us and ask why we did it?”

With annual embryo storage costs of \$108, the financial outlay for Marsha and Luke is nothing, they say, compared to the emotional toll the dilemma of choosing what to do with their embryos has taken.

“We almost feel like we'd prefer to have another child just because we don't want to destroy them. But what if we successfully have a fourth child – do we then go and have a fifth?” asks Marsha

“If we approach our 40s and we don't want to have children at that stage of our lives – really the only option will be to destroy our embryos.”

AGT

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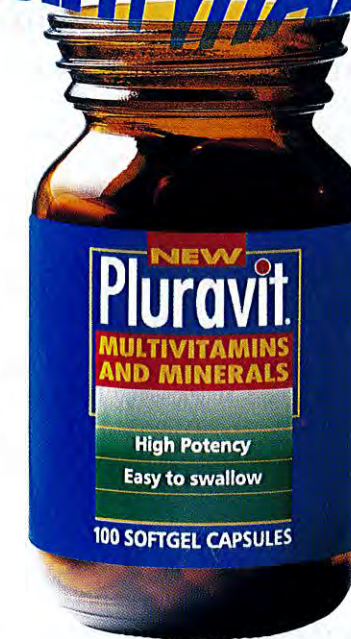
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