



## Jury acquits Pan Pharmaceuticals founder

April 18, 2007 - 3:04PM Pan Pharmaceuticals founder Jim Selim has been acquitted of a charge that he directed a worker to destroy data ahead of the company's collapse.

A NSW Supreme Court jury found Selim not guilty of procuring another person to destroy computer data relating to the company's travel sickness drug Travacalm, which he knew might be required as evidence.

Justice Elizabeth Fullerton directed the jury to make the finding after ruling the crown had failed to establish elements necessary for the offence to be proven.

She also directed the jury to find Selim not guilty of an alternative, lesser charge of directing a person to attempt to destroy data, knowing it may be required as evidence.

She then discharged the jury.

The acquittal follows two previously aborted trials on the same charges.

The crown alleged that on January 30, 2003, Selim ordered the company's information technology manager Karl Brooks to destroy computer data relating to the testing of Travacalm, knowing it may be required in evidence.

Mr Brooks last month told the court he took a laboratory computer home, deleted data and changed dates before returning the computer early the next morning.

But Justice Fullerton said, after considering the prosecution case which concluded last week, that Selim's trial could not proceed because the crown had failed to prove the "legal ingredients" of the offences.

"It would be quite wrong for me to allow the trial to continue," she said.

She said the crown had not proven Selim ordered the destruction of the data knowing it may be required as evidence in a judicial proceeding.

"The crown must prove that the accused knew that the data may be required in federal judicial proceedings," she said.

"There being no evidence that he was at any relevant time aware of that fact, a verdict of not guilty must be directed."

Selim, a Cairo-born pharmacist, founded Pan Pharmaceuticals in 1974.

The Therapeutic Goods Administration (TGA) ordered an operational halt to Pan Pharmaceuticals in 2003 after a series of complaints about Travacalm.

The company went into voluntary administration in May 2003 following the largest pharmaceutical recall in Australia's history.