Reviewer’s report

Title: The fiduciary obligation of the physician-researcher in phase IV trials

Version: 4
Date: 28 November 2013

Reviewer: Nir Eyal

Reviewer’s report:

All my revisions are now discretionary.

1. The article quality is passable as is.

2. The response to suggestions is usually not great. There is much verbiage based on misunderstanding of the suggestions. Little engages with the substance. I am not used to this defensive approach. At this point I am not interested in trying to improve the paper more.

3. About resemblance and the actor analogy: I didn’t mean to suggest physical resemblance. It is true that one sense of "similarity" in English is physical resemblance. But "similarity" can also mean sharing some important features but not all. There is a difference between A sharing some features (but not all) with B, A being identical to B, A being a case of B, and A being causally connected to B in various ways. If I trusted that there would be interest in this, I would go further into trying to suggest why phase IV’s intimacy with treatment might be understood in those different ways and how much each would substantiate or fail to substantiate the authors’ conclusion.

4. It might be useful to distinguish between the goal of phase IV and the side effects. Insofar as phase IV is a trial, one could argue that the therapeutic effect is almost inevitable but only a side effect. How much would that bear on the thesis?

5. I would incorporate in the paper a lot of the discussion in response to my point #4. No need to include the quote from Eyal and Sofaer that is part thereof.

6. It would be useful to list different types of Phase IV. It’s possible that some of them are conducted by the same physician who functions as clinician more than others are. This may suggest that not all phase IV are alike for our purposes.

7. I would shorten a lot the discussion of fiduciary obligations and waivers. Given that you say that "certain obligations of physicians are waived or compromised due to research," at least when there is informed consent, much of what comes earlier is moot.

8. Please refer to the 2013 version of Helsinki.

Level of interest: An article whose findings are important to those with closely
related research interests

**Quality of written English:** Acceptable

**Statistical review:** No, the manuscript does not need to be seen by a statistician.

**Declaration of competing interests:**
I declare that I have no competing interests