Reviewer's report

Title: Joint issues - Conflicts of interest, the ASR hip and suggestions for managing surgical conflicts of interest

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Reviewer: Kanu Okike

Reviewer's report:

The authors present an analysis of the ASR hip situation, highlighting the ways in which conflicts of interest may have contributed to delays in identification of problems associated with this device. On the whole, the article is very well-written and carefully researched.

Major Compulsory revisions:

1. While I agree with nearly every point made by the authors in this article, I think we need to be careful in distinguishing what is fact and what is assumption / supposition / conjecture.

For example, in the first few paragraphs of the discussion, the authors state for example "Surgeons involved in the design of the ASR hip prosthesis received significant royalties." This is fact, and is presented as such.

In the following paragraph, the authors make statements such as "these financial incentives had the capacity to influence surgical advice and decision making in favour of the ASR hip and presumably were intended by DePuy to achieve this end. In turn, informed consent may have been compromised if surgeons failed to notify patients of the financial benefits they stood to gain upon use of the ASR prosthesis since patients may have lacked information relevant to their decision as to whether to proceed..."

While it is certainly possible that these statements are true (and my suspicion is that they probably are), it must be emphasized that they are all speculation and conjecture. That is, there is no direct evidence that these payments were intended to influence surgical decision making, no evidence that informed consent was compromised, no evidence that all these surgeons failed to disclose these payments to patients, etc.

This is just one example, as examples along these lines occur throughout the manuscript. Before this paper can be published, I suggest that the authors go through the manuscript and carefully distinguish between what is fact and what is speculation. (See also for example the statement "The papers by Depuy-associated surgeons seem to reflect financial interests rather than a genuine attempt to better understand the outcomes of using the ASR prosthesis." While this may be true, it is more speculation than fact and this should be emphasized. By taking a more even-handed tone in the treatment of this issue,
the authors can increase their apparent objectivity and, in turn, their credibility and believability.)

2. The remedies suggested by the authors all have shortcomings, as the authors point out (to their credit). I suggest that the authors more clearly distinguish in the text the ideas which aren't really feasible solutions to the problem (most of the suggested remedies) and those which do have potential (recusal of those with COI from making decisions at the hospital and regulatory levels, and formation of compulsory registries).

**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:**

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