U.S. sperm bank admits it doesn’t verify donor information

A U.S. sperm bank denies misleading an Ontario couple about their donor, but says it doesn’t verify whether donors provide it with accurate information.

San Francisco lawyer Nancy Hersh is representing about 15 other clients who might be joining the lawsuit.

By: Theresa Boyle Health, Published on Thu Apr 09 2015

The president of a U.S. sperm bank denies his company misled a Port Hope couple about their sperm donor, but acknowledges it does not corroborate personal information provided by donors.

“He reported a good health history and stated in his application that he had no physical or medical impairments. This information was passed on to the couple, who were clearly informed the representations were reported by the donor and were not verified by Xytec,” Kevin O’Brien wrote in an open letter on the company’s website.

The Atlanta-based company is at the centre of a lawsuit filed last weekend by Angela Collins and Margaret Elizabeth Hanson who charge they were deceived about their donor having schizophrenia, being a college dropout and having a criminal background.

The donor is alleged to have produced 36 offspring from at least 15 women.

The allegations have not been proven in court.

The women say they selected Donor 9623 from Xytec’s catalogue of prospective donors because he was touted as being its “best donor,” with good health, a high IQ and multiple university degrees.

The mothers say that because of a confidentiality breach by the company, they learned the anonymous donor is actually a man named Chris Ageles. They say they investigated Ageles on the Internet and were stunned to learn he has a serious mental illness, was charged with a crime (burglary) and never made it through college. They
also allege a photo they received of him was doctored to remove a facial mole.

Xytext has suggested there was no security breach.

Aggeles is also named in the lawsuit. His lawyer, James Johnson, said the allegations are without merit and that he is seeking to have the lawsuit dismissed.

O’Brien insists Xytext never misled the couple.

“We want to assure you that is simply not true. We have conducted a careful review of our records and the claims by the couple in question do not reflect the representations provided to Xytext,” his letter states.

The donor underwent a standard medical exam and provided extensive personal health information, O’Brien writes, adding that the company has a thorough vetting process and rejects 99 per cent of donor applicants.

The couple’s lawyer, San Francisco-based Nancy Hersh, points out that the letter doesn’t actually dispute that Aggeles has a serious mental illness, a criminal history and no degrees.

“I see nothing in what he has posted on the Xytext website to indicate that information that the women (found) — which was also available to them — is untrue,” she said.

Sperm banks should do more to investigate the backgrounds of donors, Hersh said, adding that they should do a review of medical records.

“They have a duty to the people with whom they deal to make a reasonable investigation. Did they do anything besides rely upon the information provided by the donor applicant?” she asked.

O’Brien’s letter says the donor provided the company with signed photos of himself that were passed to the couple without alteration. The donor also provided Xytext with copies of his undergraduate and graduate degrees.

But Wendy Kramer, director of the U.S. Donor Sibling Registry, said there are no checks and balances in place to ensure donors don’t doctor photos or fabricate degrees.

“It’s not good enough to rely on the honour system,” she said.

The registry connects siblings and family members.

Kramer said donors are usually young men in post-secondary school who donate their semen because they need money. They can make $100 (U.S.) for each donation.

“They might not tell the truth for fear they won’t get into the program,” she said.

O’Brien says Xytext upholds the highest practices and plans to fight the lawsuit.

“We stand by the process we followed and intend to vigorously defend ourselves against the allegations in the lawsuit,” he writes.

The company’s website does include a footnote with this disclaimer: “It is important to note that the medical history provided by the donor is not validated by reviewing the donor’s or his family’s private medical records.”

Toronto fertility lawyer Sara Cohen said the court will need to determine if, by advising purchasers of the risks and the limitations to the screening provided, a sperm bank is able to limit its liability.
U.S. sperm bank admits it doesn’t verify donor information | Toronto Star