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Sperm donor shortage forces Canadians to look to U.S.

Law making it illegal to sell sperm in Canada puts recipients at the mercy of poorly regulated services south of the border.

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DREAMSTIME

Canada passed legislation in 2004 making it illegal for sperm banks to pay donors for semen, but Toronto fertility lawyer Sara Cohen said most men aren't going to go to the time and effort to donate their sperm for free.

By: [Theresa Boyle](#) Health, [Eric Andrew-Gee](#) Staff Reporter, Published on Tue Apr 07 2015

Canadian women looking to become pregnant through sperm donations are too often forced to use imported semen from the United States, where the practice suffers from insufficient regulation, critics charge.

"Of course we are at risk. It's buyer beware," Toronto fertility lawyer Sherry Levitan said Tuesday.

She was commenting on a lawsuit filed last week by a Port Hope couple against a U.S. sperm bank and donor they allege misled them about the donor's background. Angela Collins and Margaret Elizabeth Hanson say they believed the sperm they purchased from Atlanta-based Xytex Corp. came from a highly recommended, healthy, multi-degreed donor with a high IQ.

They say they were shocked to learn that the donor allegedly has schizophrenia, a criminal background and is a college dropout. As well, they claim the photo they were provided of him was doctored and a mole on his face removed.

Xytex denies it failed to comply with testing standards. The donor, Chris Aggeles, said through his lawyer that the lawsuit is without merit and that he will be seeking to have it dismissed. None of the allegations has been proven in court.

Canada passed legislation in 2004 making it illegal for sperm banks to pay donors for semen, but Toronto fertility lawyer Sara Cohen said most men aren't going to go to the



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time and effort to donate their sperm for free.

Cohen, an adjunct professor at Osgoode Hall Law School, said the Port Hope case highlights the need for Canada to address the shortcomings in the sperm-donation system.

“We’ve put ourselves in a really lousy position where we are completely dependent on other countries for our imported gametes,” she said.

“Third-party reproduction is a reality. There are a lot of people who need donor sperm, and we need to worry about that within our country. We need to make sure we are doing what we can to have a healthy supply,” she added.

The 2004 rule also makes Canadians reliant on importing sperm from the United States, where there are no such restrictions, Levitan noted.

When it comes to screening donors, sperm banks too often rely on the honour system and don’t corroborate information provided by donors, she said.

“Why aren’t they getting records from a GP?” Levitan asked, explaining that such records could reveal whether a donor has mental health problems.

She said sperm banks should also do criminal background checks and confirm with universities whether donors have degrees as claimed.

“There is no regulation or oversight. No one is watching,” charged Wendy Kramer, director of the U.S. Donor Sibling Registry, which helps donor offspring and families find each other.

She said the U.S. Food and Drug Administration sets out only minimal requirements for sperm, which must be tested for infectious diseases, including sexually transmitted diseases, and a handful of other conditions.

She acknowledged that health privacy legislation makes it difficult for sperm banks to corroborate health information provided by donors.

“The only way to make the industry shift is through a public shaming,” Kramer said.

A 2009 report in the [Journal of the American Medical Association](#) revealed that a sperm donor using a San Francisco sperm bank passed on a potentially deadly genetic heart condition to nine of his 24 children, including one who died at age 2 of heart failure.

The report and an accompanying editorial said the case highlights the importance of thoroughly screening sperm donors.

In another case, an Ohio woman last year launched a lawsuit against a sperm bank after it mixed up donors and gave her sperm from an African-American man instead of the white one she and her partner selected.

When sperm is imported into Canada, there are additional regulations that apply on this side of the border. It must meet a long list of criteria, including that it be quarantined for at least 180 days, that the lab be clean and sterile, and that vials be properly labelled.

“We have one of the most stringent requirements of any country in the world,” said Clifford Librach, director of [CReATe Fertility Centre](#) in Toronto, which helps inseminate women who purchased sperm at one of the three distributors in Canada. “They cannot import or distribute sperm in Canada unless it follows the Canadian regulations.”

The 2004 Assisted Human Reproduction Act was designed to protect the health and well-being of children, but by banning paid sperm donations, it leaves Canadians with few options beyond looking south of the border.

[ReproMed](#), the Toronto Institute for Reproductive Medicine, lists just over 50 Canadian donors on its website.

“It’s very challenging to recruit donors. We try our best,” said business development manager Kyle MacDonald.

“There is still a need for donor semen, and as a result units do have to be brought in. It



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would be nice if we didn't have to look outside of Canada to help build Canadian families," he added.

MacDonald said the company accepts only 5 per cent of donor applicants and weeds out the remainder through its screening process. He was unable to provide details of the screening process and said the individual in charge of the sperm bank is currently on vacation and unavailable for an interview.

He said the company's donor pool is constantly changing and is made up of men who donate their sperm for "altruistic reasons."

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