

Retraction Watch

Tracking retractions as a window into the scientific process

Journal retracts Ohio State CrossFit study at center of lawsuits

with 2 comments



The fallout continues for a study conducted at a local CrossFit gym by researchers at The Ohio State University. First [it was corrected](#), now it's been retracted, and it continues to be the basis of litigation against both the authors and the publisher.

Editors at the *Journal of Strength and Conditioning Research* have decided to pull the [2013 study](#) after learning that the research protocol had not been approved by Ohio State's institutional review board (IRB).

Over the past few years, the study has spawned several lawsuits, including a defamation suit brought by gym owner Mitch Potterf against Ohio State that [landed him a six-figure settlement](#), as well as an ongoing suit by Potterf against the National Strength and Conditioning Association (NSCA, which publishes the journal). The CrossFit brand has also [sued the NSCA](#). [See update at end of post for more on that case.]

An [NSCA statement](#) issued May 30 describes what happened:

[Senior author Steven Devor] stated in the article that they had proper IRB approval. However, this was not true.

According to [Clarivate Analytics' Web of Science, formerly part of Thomson Reuters](#), the 2013 article has been cited 29 times. Eighteen of those citations occurred after the paper was corrected in September 2015.

Here's the first paragraph of the [retraction notice](#), dated May 30:

The Journal of Strength and Conditioning Research has retracted the article entitled "CrossFit-based High Intensity Power Training Improves Maximal Aerobic Fitness and Body Composition" by Smith, MM, Sommer, AJ, Starkoff, BE, and Devor, ST, published in the November 2013 issue of the Journal of Strength and Conditioning Research (Vol. 27, pp. 3159-3172). The Journal of Strength and Conditioning Research was advised on May 4, 2017 by one of the authors that the study was not conducted under an IRB approved protocol for that study, as was stated in the article. Because the study was performed without proper IRB approval, the article has been retracted.

The journal [originally corrected](#) the study because the authors had mistakenly reported that nine

participants dropped out due to “overuse or injury.” That 2015 erratum clarified that only two had mentioned injury or other health conditions — neither of which were due to study participation.

This week’s retraction notice further stated:

a federal judge ruled in September of 2016 that the injury data reported by the authors in the article was false.

Patrick Quinn, an attorney for Potterf and Ohio Fit Club, told us a retraction was something his client — who had previously been represented by attorney Ken Donchatz — has been seeking since the very beginning:

The retraction issued today by the NSCA is the very same relief that Mr. Potterf and Ohio Fit Club sought long before even filing suit over the article. We are gratified that, albeit years later, the NSCA has finally acknowledged what has been the truth all along – that none of the study participants were injured at Mr. Potterf’s gym, nor did they drop out of the study as a result of injury or overuse caused by Mr. Potterf or Ohio Fit Club.

We look forward to continuing with the pending litigation against the NSCA, and look forward to demonstrating to a jury the amount and extent of monetary damages caused by the NSCA’s publication and perpetuation of false information and claims over a period of years.

He noted that the retraction was not part of any settlement of lawsuits being pursued by Potterf or Ohio Fit Club.

The NSCA’s notice for the retraction notice added:

In the thirty-plus year history of the JSCR, this is only the second time that it has been necessary to retract a previously-published article.

We’ve reached out to [Devor](#) for more information on what went wrong with their protocol and IRB approval. A spokesperson for the NSCA said it would not be able comment further on the matter, citing the ongoing lawsuits.

We will update this post if we find out more.

Update, 1900 UTC time, 6/2/17: CrossFit employee Russell Greene [points out in a comment](#) that last week, a Federal judge in California presiding over CrossFit’s lawsuit against the NSCA came down hard on the NSCA. In a [May 26 order](#), Judge Janis Sammartino wrote:

There is plainly sufficient evidence to find willfulness, bad faith, or fault on the part of the NSCA in withholding the recently discovered documents and in lying under oath in the federal proceedings.

The two fitness organizations are also involved in a state-level lawsuit in California. At one point, CrossFit received documents as part of discovery in that case that contradicted what NSCA officials had testified to in the federal case.

Sammartino noted that the NSCA had “commercial motivation” to make the false statement about study participant injuries in the Ohio State study and that it had made that statement “with the intention of disparaging CrossFit and thereby driving consumers to the NSCA.”

The judge ordered the NSCA to pay CrossFit \$73,551 to cover lawyers’ fees for time spent bringing NSCA’s contradictions to light. While the judge did not call for a retraction of the Devor paper, she comment on the 2015 correction, saying:

It is taken as established that the NSCA was aware of the misleading nature of the Erratum.

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Written by Andrew P. Han

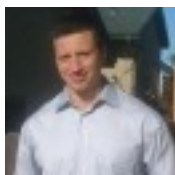
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[Russell Greene](#) June 2, 2017 at 1:41 pm

In CrossFit Inc.'s lawsuit, the court ruled on May 26 that the NSCA's official lied under oath, that the NSCA hid documents from discovery, ordered the NSCA to pay \$73k to CrossFit, and most importantly ordered 17 issue sanctions.

Read the 5/26 order here:

https://s3.amazonaws.com/crossfitpubliccontent/NSCA_Fake_Science_And_Perjury.pdf

Among them, the court ruled,

“(3) It is taken as established that the NSCA made the false statement in the Devor Study with the

intention of disparaging CrossFit and thereby driving consumers to the NSCA ...

(4) It is taken as established that the NSCA was aware of the misleading nature of the Erratum.

(5) It is taken as established that the Erratum's statement, that two participants were injured during the course of the Study, misled the public and harmed CrossFit."

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• *Yuri Feito* June 6, 2017 at 5:19 pm

If the study was conducted without IRB approval, then perhaps the International Journal of Exercise Science (<http://digitalcommons.wku.edu/ijes/>) should consider retracting the article authors by these same authors and associated with this study, which was published in April 15th, 2014 and has over 9K downloads.

That article can be found here:<http://digitalcommons.wku.edu/ijes/vol7/iss2/4/>

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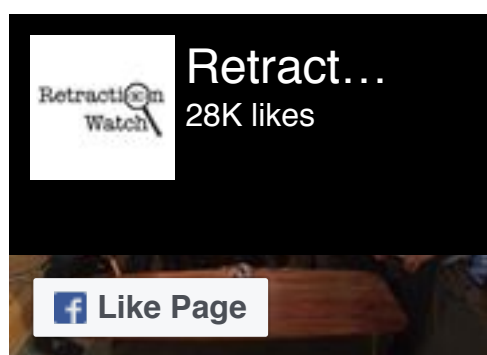
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