

H.M.

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from the Director-General

22nd May 1980

c.c. Mr. Ely
c.c. Mr. Haddon

See Mr. Lockhart.

Thank you for your letter of 2nd May. I was naturally concerned that you should be critical of the "Panorama" programme of 14th April 1980, "A Dying Industry?", and particularly that you should find it was "slanted against the tobacco industry in general, and BAT in particular". You point out that this concentration on BAT was particularly galling to you in view of the help you gave to the programme makers. Let me say at once that the programme makers much appreciated your Company's help in Brazil, although they regretted that you felt unable yourself to grant an interview in which you might have been able to present some of the counter-arguments which you now say you are in a position to present.

It is certainly true that BAT figured very prominently in two sections of the film. Clearly you would not have been surprised that Souza Cruz dominated the Brazilian section, since it dominates the market there and your very decision to co-operate was bound to increase the Company's exposure. But I would not accept that this section was biased either against the industry or against BAT: it seems to me that Mr. Taylor outlined the industry's arguments very clearly, and that Mr. Long's interview was given more prominence than any other contributor's by a considerable margin.

It is also true that BAT figured largely in the section near the start of the film which dealt with the question of whether or not smoking has been proved harmful to health. The reason for that prominence was that your former Director of Research, Dr. S.J. Green, agreed to give an interview to Mr. Taylor in which he categorically contradicted the views expressed by Mr. Long. I should perhaps point out that Dr. Green's participation was not solicited by the BBC or by Mr. Taylor. Dr. Green made the initial approach to Mr. Taylor several months ago and told him he was interested in participating in any TV programme which he may consider making at any future date. Clearly, it would have been quite wrong of Mr. Taylor to ignore Dr. Green's very important contribution.

There were, in addition, two sections in which your Company figured not at all - those dealing with Germany and the USA. The section dealing with Britain quoted from one of the BAT documents which the programme team acquired. At the viewing on 11th April, I am told that Mr. Taylor specifically asked Mr. Ely and Mr. Haddon whether they felt, in

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general, that BAT had been treated fairly in the sections of the film which they had seen. Their reply was that, although they had reservations about the ending, in general they had no complaints about the overall fairness or the way in which BAT's arguments had been put.

With regard to the ending of the programme, I won't pretend that there have not been other doubts raised about this particular point. Could I explain what the production team felt was a very real problem? If you would refer to the transcript, you will see that Mr. Taylor's original question was this: "If you believed that smoking were harmful, or if you had been told that smoking were harmful to health, would you continue to market your products in the way that you do?". Mr. Long's reply, after the subsequent intervention and discussion, was this: "I think I would say straight away that that is a hypothetical question, and really we cannot fix our marketing policies on hypothetical possibilities".

The production team's dilemma was this: in their view, the question had not been hypothetical. In view of the interview which Mr. Taylor conducted with Dr. S.J. Green, in which he stated categorically his belief that cigarette smoking was and is "a major factor in lung cancer" and a "serious causal factor in the smoking population"; in view of the internal memorandum which Dr. Green had written as early as 1972; and in view of Dr. Green's seniority and influence in the Company, they found it impossible to believe that Mr. Long had not been told that smoking was harmful to health. Dr. Green, after all, is the man who for many years your Company employed to advise it on the scientific evidence relating, among other things, to smoking and health.

The production team accepted, on the other hand, that an answer had been given, that they had accepted it at the time - as your transcript shows - and that you had the right to insist on its inclusion. They felt that the ending which they showed your representatives on the Friday before transmission nevertheless gave a truer picture of the real situation.

All these points were made to your representatives on Friday 11th April. In particular, the production team explained that if they were to use Mr. Long's reply, they would feel obliged to point out in the film their reasons for doubting its validity. They might have to quote further from Dr. Green's memorandum, which stated, for instance, that "the association between cigarette smoking and certain diseases is factual"; or they might use a portion of his interview after Mr. Long's reply. What they could not do was to let Mr. Long's answer pass without comment. Your representatives - amongst whom, of course, was Mr. N.G. Brookes, the lawyer who had made the original intervention in Brazil - considered their position for some time, and finally decided not to insist on the inclusion of the original answer.

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I should perhaps add that the undertaking made by Mr. Parry Jones, and repeated on several occasions by Mr. Holmes, was that any reply which in BAT's opinion could seriously prejudice their legal position would be omitted or changed at your lawyer's request. "Panorama" specifically reserved its right to ask any question it considered relevant, and to include answers even if you were unhappy with them for other than legal reasons. In this I can assure you they acted no differently than with any other organisation. At no time did either Mr. Holmes or Mr. Taylor consider the particular question at issue to be outside the question areas submitted in advance, as your lawyer claimed. They considered - and still consider - that it was a natural and entirely appropriate supplementary question to ask a man who says that he does not know whether or not his product is harmful.

You refer to the criticism by a reviewer in "The Scotsman" of the way in which this part of the film was used. As I have said, the criticism was shared by some other viewers, and was subsequently discussed internally. In the event, the criticism was probably more damaging to the credibility of the report than to the interviewee. Nonetheless, the producer believed his editing was justified.

Your letter then raises questions of copyright and breach of confidence which I have felt it proper to refer to our Legal Department.

There is no reason why you should have had any difficulty in obtaining a copy of the BBC Press release about this programme, since it was freely available, and I am sorry, and surprised, if any difficulty was encountered. The piece in "Radio Times" was written by an independent journalist in consultation with the programme. Both these advance publications indicated that we had no wish to conceal the programme's subject matter.

Yours truly
Ian Trethowan

(Ian Trethowan)

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