



BRITISH-AMERICAN TOBACCO COMPANY LIMITED

Head Office: PO Box 32 Westminster House 7 Millbank London SW1P 3JE

Incorporated in London No. 7874

Telephone 01-222 1222

Telegraphic Address Vehicular London SW1

Telex 23345

*Mr. King had this finally
checked by Mr. Morini
before posting 2/5/80.*

CHSL/JW

2nd May, 1980.

I. Trethowan, Esq.,
Director-General,
BBC Broadcasting House,
London,
W1A 1AA.

Dear Mr. Trethowan,

I am writing to you to express my concern on several matters resulting from the 14th April Panorama programme "A Dying Industry?".

I will exclude from my comments the counter-arguments which I am in a position to present on the smoking and health issues raised by Peter Taylor on the programme.

I am far more concerned with what I consider to be some important matters of principle which I think need clarification in the current climate of relationships between the self-assumed investigative elements of television reporting and industry as a whole.

The original invitation to co-operate with Jonathan Holmes, the Producer, and his team, was given very serious consideration here, and we were mindful of the anti-smoking reputation of Mr. Taylor, evidenced by his previous work in connection with the tobacco industry. Our initial view was not to get involved, because we had strong reason to believe that the programme would be yet another catechism of anti-smoking propaganda. We received written assurances, however, that the intention was to treat the issues involved "in a fair and balanced way", and, in good faith and with some continued reservation, we agreed to provide facilities to interview the President of our company in Brazil.

I would agree that in the programme some of the industry arguments were brought out but always with far less emphasis than the case which was made against the industry. An example of this treatment is the very fleeting reference to the EIU report. I conclude that the programme was deliberately slanted against the tobacco industry in general, and BAT in particular. This concentration on BAT is specially galling when clearly we were the only company which co-operated substantially with Panorama in the making of the programme.

301140313

Docs in "Dying
Industry" Prog.

301140314

2nd May, 1980

My next point concerns the ending of the programme, at which the interjection of a BAT representative was heard when Mr. Long was asked a question which was outside the agreed question areas. I am aware of the conversation which took place between my Public Affairs people and your Panorama team at the partial preview, and accept that a difference of opinion exists, and no doubt will continue to do so. However, I simply do not understand how the BBC can hope to bridge a rapidly widening gap between investigative television and industry when what, when all said and done, was a devious trick on the part of the programme, was allowed to be screened.

I am aware that the reason given by Panorama for behaving as they did in respect of the ending was that in their opinion the question and the intervention of my representative truly summarised the "industry dilemma". The only dilemma in my view which it illustrated was that of a businessman, believing himself to be prepared to answer agreed questions, being faced with a new and extremely complex question of which he had not had prior notice. I attach a transcript of the conversation which took place, from which it will be clear that an answer was given by Mr. Long, Mr. Taylor accepted it, but it was not included in the programme.

The conclusion must be that any organisation facing contentious public issues, and contemplating co-operation with television should not trust any guidance or advice offered by the programme team, with regard to the handling of interviews. I should explain that it was on the advice of ~~Panorama that we had a representative present, because we were told by a~~ member of the team, Mr. Parry Jones, that such a representative could intervene if he was not happy with the proceedings, and ensure that the material was either excluded or re-shot.

Next, it appeared from your programme and from the subsequent article in "The Listener", that your team acquired two documents which have been identified as being BAT documents. The first was a policy paper resulting from a BAT Conference held in May 1979, and the other was a paper prepared and signed in 1972 by Dr. S. J. Green, a senior scientist employed by BAT. These documents are the property of BAT, and contain information which is confidential to this company.

Quite regardless of our attitude towards the general balance of the programme my company strongly condemns the blatant misuse of their confidential information, however obtained.

During the course of the programme passages from the documents were quoted verbatim and since the copyright of the documents belongs to BAT, this clearly constitutes a breach of copyright because permission to use them was never obtained or even asked for. Since the programme incorporates passages which infringe BAT copyright and embody information confidential to BAT, I must insist that no further steps be taken to broadcast the programme in the U.K. or in any other country until the offending material has been cut out.

301140315

I. Trethowan, Esq.

- 3 -

2nd May, 1980

Further, I must ask that you return all copies of the two documents and any other BAT documents, and any copies of them, which the BBC currently have, whether stored in archives, on recording tape or computer tape or in any other form. Should you fail to do so we reserve our rights to take such action as we consider appropriate to achieve the result we desire.

I understand also that a press release was issued by the BBC in advance of the programme, which resulted in several enquiries being addressed to the Information Department of BAT Co. Ltd. Our staff asked the BBC for a copy of this press release and were not allowed to see it. The pre-publicity resulting from the release, or from what could only have been direct information about the programme given by the production team, gave us some fore-warning of the biased nature of the final production. In particular, I would draw your attention to the Radio Times, over which we were told the production side of the BBC has no control. The article published in the Radio Times could not have been written without considerable inside knowledge of the final structure and posture of the programme, and the provision of that information was in itself a breach of good faith.

Finally you may think that I am complaining purely because it was my company which has come under attack and that as Managing Director I am therefore duty bound to protest. If this is your belief, I would draw your attention to "The Scotsman" of 19th April. The writer refers to the ending of the programme as "a piece of scandalous journalism, made no better by the fact that it went out on a programme with a reputation for stuffy, straightforward honesty, and that it was the BBC".

Yours sincerely,

C. H. STEWART LOCKHART
Managing Director

Enc.

301140516