

[1] concepts to go forward with, it was off the agenda. It  
 [2] went into the files.  
 [3] Q: But could still have been wheeled out as part of a  
 [4] long-term scheme reward?  
 [5] A: I mean, I did not do anything further with this once it  
 [6] had failed in research. There was no reason to.  
 [7] Q: You continued to talk to Mr Armstrong-Holmes on the  
 [8] phone, did you not?  
 [9] A: Mr Armstrong-Holmes was also persistent, as are many of  
 [10] the people who propose ideas, and he probably kept  
 [11] ringing me up.  
 [12] Q: What do you mean "probably"? Did he or didn't he?  
 [13] A: I cannot remember in detail, but I recall maybe one or  
 [14] two conversations, but I don't recall when or what was  
 [15] discussed or any details of what was said in those.  
 [16] There was no reason, once the concept had failed with  
 [17] consumers, to continue thinking about it or leaving it  
 [18] on the agenda for what was my task, which was short-term  
 [19] promotions.  
 [20] Q: Have a look at 938, because another agency, 938 in  
 [21] volume 2, had also asked you or put forward a discussion  
 [22] paper called the Hazell Consultancy, had it not?  
 [23] A: Yes.  
 [24] Q: The Hazell Consultancy had come up with a gardening  
 [25] idea, had it not?

[1] Q: Now, Conquest Research went into research and produced  
 [2] the report in July, did it not, 92?  
 [3] A: I can't remember when the report was actually produced.  
 [4] Yes, July 92, yes.  
 [5] Q: What date would you have received in July the Conquest  
 [6] Research?  
 [7] A: I can't remember. There may be a diary appointment  
 [8] which would tell but I don't know.  
 [9] Q: We will have a look in due course, but if you turn to  
 [10] 1178, volume 3, you replied to the Hazell Consultancy on  
 [11] 31st July 1992, having had the results of market  
 [12] research, by which you refer to Conquest, did you not?  
 [13] A: Yes.  
 [14] Q: And you mentioned to Hazell the document we have just  
 [15] looked at, that "I did research a gardening concept  
 [16] which we had formulated internally." You had never  
 [17] formulated internally any garden concept, had you?  
 [18] A: On this occasion what I am referring to I think is  
 [19] purely - or rather, what I am trying to get at is that  
 [20] with this Consultancy we had already had the idea prior  
 [21] to them proposing it. It is probably some kind of a  
 [22] throw away comment just to make it very clear to them  
 [23] that we already had that concept when it was proposed.  
 [24] Q: So when you say "formulated internally", we are not to  
 [25] read you at your word; we are to mean in fact that by

[1] A: Yes. I mean, many people came up with the same ideas  
 [2] all the time.  
 [3] Q: 948. This was not necessarily the same idea?  
 [4] A: It was similar.  
 [5] Q: It was an idea with similar features but not necessarily  
 [6] the same. At page 948 -  
 [7] A: Yes.  
 [8] Q: Presented to you on 8th June. You have a handwritten  
 [9] note on it, don't you, "Analysis of business - good.  
 [10] Concepts not original. Possibility number 1, but all  
 [11] the remainder already under consideration."  
 [12] MR JUSTICE LADDIE: Did you say 948?  
 [13] MR COX: 938, my Lord. 948 is where the garden theme is.  
 [14] MR COX: Your handwritten note is on the cover of the  
 [15] document at 938.  
 [16] A: Yes.  
 [17] Q: Your critique of it was that the concepts were not  
 [18] original, except possibly number 1?  
 [19] A: Yes.  
 [20] Q: All the remainder were already under consideration?  
 [21] A: Yes.  
 [22] Q: Which would include of course proposal 5 at 948?  
 [23] A: Yes, the gardening.  
 [24] Q: That was already under consideration, was it not?  
 [25] A: We were considering John Armstrong-Holmes's proposal.

[1] "internally" you mean by another agency,  
 [2] Mr Armstrong-Holmes?  
 [3] A: Yes, I mean to an external agency like Hazell it would  
 [4] not matter whether we generated it internally or with  
 [5] another agency. To them it would not be relevant where  
 [6] it came from.  
 [7] Q: "If I use it" you went on "We will plan and implement  
 [8] the whole promotion internally, not utilising any  
 [9] external agencies."  
 [10] A: Yes.  
 [11] Q: So really it is quite a mental leap we have to make  
 [12] here; not only are you not saying that it is an  
 [13] external agency, you are saying it is not.  
 [14] A: Just to confirm, this is a "go away" letter to an agency  
 [15] whose ideas we are not going to take up, and clearly  
 [16] not, and I am making it as clear as possible to them  
 [17] that there is no "in" for them on this gardening  
 [18] promotion. The fact that I tell these guys that we are  
 [19] going to run it internally, not using external agencies,  
 [20] is kind of irrelevant, because if we had gone away and  
 [21] used it elsewhere or developed it internally we would  
 [22] clearly have used Mr Armstrong-Holmes, or at minimum  
 [23] compensated him for the concept, if we had used his  
 [24] concept.  
 [25] Q: But you see by now I thought you said just a few minutes

[1] ago to his Lordship that the idea was in the file. It  
 [2] was binned?  
 [3] A: I can't remember when Conquest research came back.  
 [4] Q: It is before this letter, is it not?  
 [5] A: Probably, yes.  
 [6] Q: It refers to it, does it not. Are you saying that there  
 [7] is other research with a gardening concept?  
 [8] A: No. The Conquest Research is undated here. Without  
 [9] checking my diary I don't know when it came in. I also  
 [10] don't know when at that stage I would have filed away  
 [11] the failing concepts.  
 [12] Q: We had the formal results of the market research on  
 [13] eight promotional concepts. That is the Conquest  
 [14] Research, unless there was other research on 8  
 [15] promotional concepts, is it not?  
 [16] A: That is the Conquest Research, yes.  
 [17] Q: "I did research a gardening concept which we had  
 [18] formulated internally." You say that was a throw away  
 [19] comment. It does not really matter whether you told the  
 [20] truth or not, because you were addressing somebody  
 [21] else.  
 [22] A: It is irrelevant to this agency where it came from  
 [23] because, as I said in the meeting with them, as my  
 [24] manuscript note on their proposal document says, all of  
 [25] these concepts are not original.

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[1] agency whether I am interested or not ongoing on a theme  
 [2] which is similar to another one which has failed.  
 [3] Q: Secondly, suppose you had run the gardening concept  
 [4] using Mr Armstrong-Holmes's agency, and the Hazell  
 [5] Consultancy got to hear of it. Wouldn't it have been  
 [6] embarrassing to you?  
 [7] A: I mean there is a - it might have been slightly  
 [8] embarrassing, but there is a full explanation of it. I  
 [9] had a good relationship with these guys. They were a  
 [10] good group of people. We spoke to each other at the  
 [11] same level. We had a good relationship as far as it  
 [12] went, in terms of they put forward a few proposals.  
 [13] Q: Did you set high store on relationships, getting on with  
 [14] those people who suited you and being not people you  
 [15] thought otherwise -  
 [16] A: How do you mean "set high store on"?  
 [17] Q: Well, you were a person who passed opinions on people  
 [18] were you not, in writing? You used expressions like  
 [19] "used car salesman" about Mr McMahon. You commented  
 [20] about certain other people that they were "rather  
 [21] irritating". Do you recall those observations?  
 [22] A: I do. Everyone makes comments about other people.  
 [23] Q: So the type of person you were dealing with - nothing  
 [24] wrong with this, perfectly understandable - the type of  
 [25] person you were dealing with meant quite a lot to you.

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[1] Q: If it is irrelevant, why not tell the truth?  
 [2] A: To make it absolutely plain that it was something that  
 [3] we had. I don't know why I put it in this particular  
 [4] formulation rather than any other.  
 [5] Q: "If I use it we will plan and implement the whole  
 [6] promotion internally, not utilising any external  
 [7] agencies". You are saying there, are you not, you will  
 [8] do it within Shell with no other agencies?  
 [9] A: That is what the note says. The meaning is "Go away.  
 [10] We have got this concept and we could develop it in any  
 [11] way." One of the ways which John Armstrong-Holmes's  
 [12] concept could have been developed, and we did this with  
 [13] some concepts and some promotions, would be that we paid  
 [14] a concept fee to Mr Armstrong-Holmes and did it  
 [15] ourselves. We were acquainted and we normally did  
 [16] premium product promotions ourselves. That would be one  
 [17] way forward with it.  
 [18] Q: Let us get this straight. First, this letter does not  
 [19] suggest for a moment that you have lost interest in the  
 [20] idea, does it?  
 [21] A: No, it doesn't.  
 [22] Q: So when you said a little while ago that really it was  
 [23] dead and over because of the research, that was not  
 [24] correct, was it?  
 [25] A: That was correct. I do not need to explain to another

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[1] They had to have some sort of -  
 [2] A: If you want to look at the "used car salesman" kind of  
 [3] comments, those were in a very specific context.  
 [4] Q: We will come to them in due course. It may be we can  
 [5] finish dealing with this letter. So I understand your  
 [6] answer, if I may, would there have been any reason why  
 [7] not, simply to say "A previous agency has already come  
 [8] up with this idea", and to tell the truth like that?  
 [9] A: There would be no reason not to.  
 [10] Q: Why not then?  
 [11] A: I have not got a clue.  
 [12] Q: You just habitually, do you, as casually as that put  
 [13] down an untruth?  
 [14] A: No, it is not habitually and casually putting down  
 [15] untruths. As you said, the promotion which Hazell  
 [16] Consultancy had put up was similar to what John  
 [17] Armstrong-Holmes had put. We had other gardening  
 [18] elements all the way through Collect & Select. So the  
 [19] concept itself is interesting but maybe not completely  
 [20] new. John Armstrong-Holmes had a new slant on it, which  
 [21] was the seeds. I did not know at the time probably  
 [22] whether there was anything else similar around. It  
 [23] seemed safest at the time. It seemed like the best  
 [24] thing to say to them, that we have already got this  
 [25] thing, we will do it ourselves, if we run it at all, and

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