

[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.

[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.

[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

[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