

BAT Stakeholder dialogue: ASH response

10 September 2001

The three letters below form ASH's response to the invitation to dialogue on 17th 18th September 2001. ASH and other organizations have been approached by senior clergy acting as intermediaries for BAT and the consultants undertaking the work. The response is a clear refusal for reasons of: *principle* (no wish to talk to people acting in bad faith), *practicality* (there is no identifiable common ground) and process (numerous faults in proposed dialogue). We do not have an in-principle position against dialogue with companies - even tobacco companies – if the conditions are right and they are acting in good faith.

1. [Reverend Charles Yeats 3rd July 2001](#)
2. [Rt Reverend David Jenkins, former Bishop of Durham 3rd July 2001](#)
3. [Rt Reverend David Jenkins, former Bishop of Durham 31st August 2001](#)

3 July 2001

Dear Revd. Yeats

This is to let you know that I will not be joining the British American Tobacco stakeholder dialogue on 17/18 September.

There are several reasons for this:

1. When you visited our offices you did not say that the meeting was a prelude to a dialogue or meeting with BAT. Did you know that this seminar was in plan when you saw me? If so, I think you have started with a deception and that for me is the end of any discussion. I was open-minded, if sceptical, about your role, but expected you to be straightforward in return. You also did not mention the involvement of the former Bishop of Durham - was that also deliberate?
2. I agreed to see you because you told me you were putting together a report on BAT's social responsibility performance. Though I have little faith in such initiatives and expect a whitewash, I decided to assist and offered substantial input into that report - giving some time, numerous reports and documentation, yet nothing has emerged that reflects this. There is no discussion paper included in your invitation or any sign at all that you or BAT have reflected on what I and others told you. Our views are available to you on paper, properly researched and referenced at any time.
3. I am afraid I recognise this exercise primarily as a tactic of modern public relations: to co-opt critics into dialogue. I recommend that you study "Managing Activism" by Denise Deegan of the Institute of Public Relations for further insights into this. I have no wish to spend my time in what will be a futile attempt to attenuate our criticism of BAT. You have our views, if you want to challenge BAT and assess their performance, you can draw on these but have chosen not to.

4. BAT has refused to respond to detailed questions about its activities, except with blanket denials. The danger of the event you have in mind is that the specifics will never be raised, and if they are, then they will never be answered. For example, who will bring the evidence regarding BAT and smuggling out - and who from BAT will respond in detail to the points raised? Do you have time put aside for scrutiny of evidence and awareness raising about what the obtuse language in such documents actually means? If you stay at the level of generalities, then the result will be banal.

5. The agenda for the days is extremely vague and there are no obvious objectives or intended outcomes - except compliance with a reporting standard AA1000. This looks like going through the motions to me.

6. Your description of the conflict between BAT and its detractors in the first couple of pages of your leaflet is facile and inaccurate - and loaded with value judgements and unsubstantiated assertions. This is not a viable starting point for stakeholder dialogue. The debate is not, and has not been for decades, about banning smoking or about products that are 'safe'. It is about the business practices of the companies involved:
smuggling, collusion and price fixing;
aggressive marketing - especially in developing countries, including to children;
bogus youth anti-smoking campaigns;
systematic lying, obfuscation and denial about smoking health, addiction, passive smoking for 40 years and ongoing;
continuing deception of the public through 'light' branding and other bogus reduced-risk products
use of additives to increase addictiveness (they deny this)
public affairs and legal activity aimed at undermining health policy (for example challenging the UK SCOTH report);
support of front groups, covert funding of research and corruption of scientific discourse.
buying influence in developing countries through social expenditures;
contempt for international institutions like the WHO.
Much of this has been outlined in parliament through the Health Select Committee and forced out of BAT using parliamentary muscle - I have also provided much evidence to this effect. The process you are outlining has little equivalent to challenge BAT.

7. Contrary to the assertion in your leaflet, no-one seriously expects BAT to come up with completely safe products. There is an active and complex debate about 'safer' (not safe) products - how they should be introduced, whether they should be mandatory and how they should be communicated to the public. This is going on among specialists in the field and BAT is well aware of my views.

8. Nor is a battle between those "who wish to pursue one of life's illicit pleasures" and "those who wish to stamp out one of public health's major scourges" - a highly value laden stereotyping of the wrong protagonists. Most smokers want to quit but are addicted. Most public health campaigners do not want to stamp out the tobacco industry. It is classic tobacco industry spin to describe the conflict as a fight between smokers and the public health community - they even set up a front group to make that case (FOREST). The conflict is between public health community and an aggressive industry.

9. As I suspect ASH is among the best informed and researched critics of BAT's business

practices, I wonder how you will position our refusal to attend. It is so easy to paint us as 'unreasonable' and this is one of the reasons why organisations like ours are reluctant to embark on even the initial stages of dialogue. I hope that you will circulate this e-mail to other participants by way of explanation.

10. I believe that you, the former Bishop of Durham, and 'Durham Ethics' may be able to play a useful role, as a way of capturing views of criticisms and reflecting them back to BAT - this is what I thought you were doing when you visited our office. However, it will not work through an approach like this - in which you are used as bait to secure (temporary) trust from hostile stakeholders as a prelude to a concealed PR agenda.

11. I do not regard this initiative as confidential - on what grounds do you suggest we suspend the normal principle of transparency and openness?

12. I am concerned about the use of the Church in this - in the US church groups have been among the most strident critics of the tobacco industry, yet you have already concluded: "the ethical problem posed by tobacco leaves little freedom for the moralist". The church is full of moralists and moralising is primarily what it does - you shouldn't be pouring scorn on a moral perspective. In fact, there is plenty of room for an ethical perspective - see my list above. (Do you think you should be using images of Church House and Durham cathedral in support of your business activity? I find this disturbing and disingenuous.)

Regards
Clive Bates
Director

Rt. Revd. David Jenkins
Ashbourne
Cotherstone
Barnard Castle
Co Durham
DL12 9PR

3rd July 2001

Dear David Jenkins

Re: British American Tobacco -- stakeholder dialogue

Please find enclosed my e-mail to Reverend Yates explaining why we will not be participating in the stakeholder dialogue with BAT in September.

I am surprised and disappointed that a person of your stature could enter this process in what appears to be such a ham-fisted manner. The leaflet provided as background is shocking in its naivety.

I urge you to examine the challenging approach taken by church organisations in the United States and to reconsider the nature of your involvement with BAT. Senior church figures could

play an important role in improving the ethical performance of many industries, including tobacco. But this will not be achieved if you are co-opted into a public relations gambit.

If you would like to discuss this, I would be more than happy to talk through my concerns.

Yours sincerely,

Clive Bates
Director

The Rt Revd Dr David Jenkins
Ashbourne
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Barnard Castle
DL12 9PR

31 August 2001

Dear Dr Jenkins,

Re: Corporate social responsibility and British American Tobacco

Thank you for your letter of 22nd August, which I received yesterday on return from holidays. I am more than happy to discuss these issues with you and Charles Yeats and exchange views. Jean King at Cancer Research Campaign is also willing to meet on this basis. Based on knowledge of what BAT actually does in practice, I just do not believe that BAT is engaged in a genuine search for corporate responsibility and do not want to dignify its process by becoming involved in it. I doubt it will engage in any meaningful reform while the current management and management culture is in place.

Thank you also for setting out your motivation in becoming involved in the ~~C~~risky enterprise¹ of engagement in BAT's social and ethical performance. I do not doubt for one minute your integrity and good intention in becoming involved. Like you, I am interested in the intersection of commerce and ethics, and have been involved in this field both in my current position, as a board member of an organisation engaged in the social and ethical issues surrounding genetic engineering, and in my earlier career as an environmental campaigner. ASH is not new to the ideas of corporate social responsibility: we have faced these questions many times over several years, not least with the ethical investment community in the City -- many of which seek answers to the same dilemmas as you.

For many companies, I believe there are great benefits in pursuing environmentally and socially responsible policies. However, with perhaps one exception, I have concluded we face a zero-sum game with BAT. Where we are successful in achieving public health measures, BAT loses business. When BAT makes money, people die: about 750,000 from last year's sales. The public health measures include: advertising bans; tax increases; restrictions on smuggling; smoke-free environments; NHS support for smokers wanting to quit; effective government education campaigns; warnings and consumer protection measures -- and to

have these measures promoted internationally. These are all strenuously resisted by BAT. The possible exception is in the area of reduced-risk nicotine products, but even this is fraught with difficulties and pitfalls, as the experience with Lights¹ has taught us. BAT knew twenty five years ago that these would provide no health benefit, but developed them to provide what they called ³health reassurance² to smokers increasingly concerned about their health -- a disgraceful consumer confidence trick that continues today (and which BAT last week indicated it intends to use its lawyers to maintain).

You ask about an end-game¹. The elements of public health policy for tobacco are well established, researched and documented (and are essentially as listed above). We don't need to have an end game as such - we have a direction of travel and that is to secure these measures and to ensure they work. There is a long way to go just on securing that modest agenda -- especially internationally - but I believe that it would set in motion a long-term decline in tobacco use. Where that journey might all end is an abstract question that is irrelevant for practical purposes -- at least until the first steps have been taken.

You have implied we are abolitionists¹ engaged in attack and destroy¹. That may be BAT's characterisation of us, but it is a misleading and inadequate representation. We seek to change the public policy and cultural environment in which BAT operates and thereby to change the company through external pressure. This involves us in near-perpetual conflict with BAT, which does all it can to obstruct such developments. It is BAT that deploys attack and destroy¹ tactics with its lawyers, PR people and bogus scientists. For example, this week BAT launched a legal challenge against a package of consumer protection measures agreed by the governments of the European Union and supported by the health lobby -- including changes in tar yields, removal of misleading branding and better warnings. BAT still maintains, in the face of massive scientific consensus to the contrary, that passive smoking is harmless -- and engages mercenary scientists to make that case for them. BAT stands accused of smuggling, fraud, and money laundering. The evidence of this is utterly convincing, but will a substantive discussion of smuggling be on the agenda in the corporate responsibility¹ dialogue? I doubt it, because we saw how the company would respond to this evidence in front of the House of Commons Health Select Committee in February 2000: the Chairman of BAT simply tore up evidence presented to him by the investigative journalist Duncan Campbell.

I could go on with a litany of examples of BAT's abusive and dishonest behaviour. BAT takes this aggressive approach everywhere it operates across the globe. You would be mistaken to regard BAT somehow as victims of harsh criticism and attacks from health and medical campaigners -- they are the real aggressors. Our experience of BAT is that it cannot stop lying, cheating, bullying and bribing their way through the increasingly hostile environment in which they find themselves, and therefore I see no reason to join them in a discussion. I have put many questions to them -- for example, regarding their involvement in smuggling -- and received nothing but denial and obfuscation.

On top of the principled objection to dialogue with someone you believe to be acting dishonestly and in bad faith, there were several serious deficiencies in the process as outlined to us. For example: the agenda was very vague; the participation from BAT was specified; the objectives and expectations of the dialogue were not stated; the subjects to be addressed during the dialogue were not specified; the subsequent process was not articulated; the rules of engagement¹ (who would put forward what points and how they would be handled) were not established; the leaflet by Durham Ethics was shockingly simplistic about the conflict

between health and tobacco; the independence and capacity of the review to publish analysis that is embarrassing to BAT is not clear; and the route by which views, facts and evidence presented by BAT's critics would be incorporated in an assessment of BAT's corporate social responsibility is opaque.

The process in which you are engaged gives BAT a potential Cetrophy¹ of respectability. If ASH, CRC, and BMA were involved, it would become something BAT would use to claim co-operation with UK health organisations when they are trying to sell themselves in developing countries. We think they are a long way from even reaching the starting line for that kind of engagement.

I look forward to meeting you in advance of the planned dialogue with BAT.

Yours sincerely

Clive Bates
Director