

Shell: Don is more than 'disgruntled'

I am writing in response to Alan Mitchell's article about the key to loyalty card survival (*MW* May 14). He mentioned Shell's aspiration to reach 8 million members within a year "legal battles with disgruntled sales promotion agencies permitting" – a reference to our High Court action against Shell. "Disgruntled" is not the description I would choose. Frankly, I am absolutely pissed off with Shell UK. Let me explain why.

The multimillion pound claim in respect of the Smart consortium concept operated by Shell in the UK and in several other countries is not our first High Court action against Shell UK. It is the fourth. All involve breach of confidence and/or breach of contract. All involve the same Shell UK national promotions manager. It has been going on for five drawn out years.

I also want to set the record straight regarding a statement issued by Shell UK on or around April 21 1998 in which it gave the impression that I am a vexatious litigant,



Shell: Don Marketing's battle over the Smart concept is its fourth High Court action against the UK company

who issues High Court actions in respect of bogus claims.

In fact, Shell has already settled the first three actions in our favour. I even received an unsolicited letter of apology from Dr Fay, the chairman of Shell UK, admitting that its dealings with us did not meet "the

high standards we set ourselves and which our long relationship had led you to expect of us". I have now issued libel proceedings against Shell UK for defamation in regard to its press statement.

As Shell is well aware, we were not the only sales promotion agency which complained to Shell UK about the business practices of the relevant manager. Even its retained promotions agency eventually refused to disclose confidential information in his presence. We are, however, the only agency which has been brave enough (or foolish enough) to take on one of the world's leading multinational Goliaths.

I do not recommend anyone else to follow our path. Litigation on such a scale has a destructive effect on business and family. Shell UK and its lawyers have bombarded my company and my family with threats over the years (verbally and in writing). Some have come from the highest levels of Shell UK management. However, we will see it through to the end, as we are determined that right will prevail over might.

It is only fair to mention for the record, that in the interests of justice, Sir John Jennings, the chairman of Shell Transport & Trading Company up to June 1997, personally interceded in our legal battles with Shell UK. I had several brief meetings with him. He upheld Shell's Statement of General Business Principles requiring honesty, integrity and openness in all of Shell's dealings.

Mitchell mentioned Shell's desire to expand the number of partners in Smart. With the objective of avoiding publicity that could have damaged Shell's plans to expand the scheme, it was agreed over a year ago that Shell would, in effect, take

the Smart claim up to the "discovery" stage, without any legal proceedings being commenced.

As litigation is now underway, that arrangement has ended. I am therefore sending legal notifications to existing Smart partners reserving rights to take legal action if they continue to participate in the scheme that Shell is conducting without our consent.

We will also be notifying potential partners.

John Donovan
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Pitcher wisdom is pure sophistry

George Pitcher argues against forgiving the Third World debt on the grounds that to do so would be ignoring some of the sophisticated, subtler points of the problem (*MW* May 14).

Unicef, which is in perhaps an even more informed position than Mr Pitcher, states that 500,000 babies and children under five years old are dying every year as a direct result of the debt.

Oxfam, Save the Children and Christian Aid all note that infant mortality was steadily declining before the debt crisis; since the debt crisis it has rocketed.

There is always a good reason for not doing anything and as usual Mr Pitcher demonstrates his predilection for appearing intelligent by endorsing conventional wisdom.

I think it was Churchill who said: "Conventional wisdom is always conventional, but rarely wisdom." ►

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