

**Statement in Open Court**

**IN THE HIGH COURT OF JUSTICE**

**Claim No.HQ07X02737**

**QUEEN'S BENCH DIVISION**

**B E T W E E N : -**

**(1) PAOLO MARCUCCI**

**(2) GUELFO MARCUCCI**

**Claimants**

**- and -**

**BRITISH BROADCASTING CORPORATION**

**Defendant**

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**JOINT STATEMENT IN OPEN COURT**

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**Solicitor for the Claimants**

My Lord, in this matter, I appear on behalf of the Claimants, Paolo and Guelfo Marcucci, and my learned friend Ms Kissin appears on behalf of the Defendant, the BBC.

The Claimants are successful and highly respected Italian businessmen. They are also son and father respectively. They own and control the Marcucci Group of companies which has a number of different business interests but with a particular emphasis on biopharmaceutical companies and the production of blood derivative medical products.

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The Marcucci Group formerly owned another biopharmaceutical company called Sclavo SpA.

On 8 October 2006, the Defendant broadcast a programme in its Panorama series entitled "The Price of Blood". The Programme featured amongst other things a piece about the Claimants and referred to a criminal prosecution which had been brought in Italy against the Claimants and others relating to the production of some of their blood products dating back to the mid 1990s. Although the Programme correctly reported that the proceedings had been dismissed at the preliminary stage and they had been acquitted of the charges brought against them, it nevertheless suggested to viewers that the Claimants were in fact guilty of having sold blood products which were infected with deadly diseases such as HIV or Hepatitis C and that this could result in the death of recipients.

For individuals such as the Claimants, who have spent many years building up successful businesses in the pharmaceutical industry, these were damaging allegations.

I am pleased to say that the Defendant now accepts that these allegations were untrue. They are here by their Counsel in order to apologise for broadcasting these allegations and to join in the making of this statement in order to set the record straight once and for all.

To further assist in remedying the damage and distress caused to the Marcuccis by the Programme, the Defendant has also agreed to pay them a substantial sum by way of compensation and legal fees.

In the circumstances, having therefore achieved what they sought to achieve through this litigation, and in particular their vindication in respect of these false allegations, the Claimants are prepared now to resolve their legal proceedings in this way.

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### **Advocate for the Defendant**

My Lord, on behalf of the Defendant, I confirm that the BBC accepts what has been said by my friend, Mr Atkins. The Defendant wishes to make clear that it did not intend to allege that the Claimants had sold or distributed blood derivative products that were infected with HIV and Hepatitis C, or which they knew were likely to be infected. Nor did the Defendant intend to suggest that as a result they had endangered lives. The Defendant regrets giving the impression that the Claimants were involved in such actions and accepts that the allegations are untrue. The Defendant apologises to the Claimants.

### **Solicitor for the Claimant**

My Lord, I would therefore respectfully request that you make an order in the terms before you and I also ask for leave to withdraw the record.