

Headline libel? Read the small print

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On Monday, the Daily Mirror ran with the prominent headline 'Doctor Who Sex Scandal' with an accompanying picture of Colin Baker, the sixth incarnation of the Doctor. This prompted a tweet from Mr Baker asking "Any lawyers tell me whether the front page of today's Mirror is actionable? Huge headline, pic of me and tiny line saying I'm not involved! Our own Rupert Cowper-Coles responded 'the question at law is whether the bane of the libel (headline and photo of you) is cured by the antidote ('not involved' line)!The issue of defamatory and actionable headlines is an interesting one, with a definitive case dating back to 1995 concerning the actors Ian Smith and Anne Charleston, who played the characters of Madge and Harold in the well known Australian soap, Neighbours. An article featuring a photograph of their heads, pasted onto the bodies of two individuals engaged in sado masochistic activities, ran in The News of the World newspaper, with the byline 'Strewth! What's Harold up to with our Madge?'. The actors sued for libel. But the Court found that, despite the headline and the images, if the reader were to proceed to read the article in full, it would become clear that the article was about digital manipulation, and therefore no reasonable reader would understand that the individuals in question were actually involved in this activity. It is of course the case, that headlines and bylines are usually the first thing you read in your own newspaper when moving on to read the whole story. But it's not always the case that you do read the full version to enable you to arrive at a complete picture of what actually is going on. For example, you may just grab the headline when craning your neck on the tube to read a newspaper belonging to your fellow passenger. Or you may just catch a glimpse of the fly posters for the London Evening Standard newspaper – which often use sensational headlines to draw the eye – dotted around town. If you don't go on to buy the paper, you may be left with a complete misunderstanding of the story. One, more amusing example than the Doctor Who headline, tickled me some years ago during the time that celebrity chef Jamie Oliver was on a nationwide campaign to improve the diets of schoolchildren. He was working with schools to provide more nutritious school lunches and lambasting parents who fed their kids fast food on a regular basis. The Evening Standard fly sheet informed me, as I got off the tube, 'Jamie Oliver attacks parents'. The picture that immediately conjured in my mind was of a meat cleaver wielding Oliver in chef's whites, bearing down upon a sweet, silver haired couple, begging, 'Son, no..' as they cowered behind the cooker. If a member of the public only sees the fly sheet or the headline but does not proceed to take the newspaper and read the story, damage could easily be inflicted on the subject's reputation. Indeed, as we deal with more and more demands on our life, it is not just fast food that we grab in haste – we are more and more living a headline style life with insufficient time to explore the detail. But our domestic law is clear on this. The article must be taken as a whole when considering its obvious and natural meaning. So next time you read a sensational, alarming or potentially defamatory headline in letters sky high, remember to read the small print.

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