

Issuing media statements and 'setting the record straight'

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For any press officer or communications professional when being approached for comment on a potentially damaging story, *Sakho v WADA* [2020] EWHC 251 (QB) is a stark reminder that providing an on the record high-risk statement to a journalist can attract litigation risk in itself. The case highlights that claimants can choose to sue in respect of false and defamatory media statements issued pre-publication by press officers to journalists as causing harm in of themselves, even in circumstances where the resulting article bears a significantly different and less grave meaning than the issued press statement.

Judgment was handed down this week by the High Court in a preliminary trial on the issue of meaning in a libel claim brought by the Premier League footballer Mamadou Sakho against the World Anti-Doping Authority ('WADA') in relation to anti-doping proceedings brought against Mr Sakho, in which he was ultimately found not to have committed an anti-doping violation.

It is significant that Mr Sakho chose to sue in respect of emails sent by the WADA PR officer to the journalists, and not in respect of the articles (which were ultimately published by the Telegraph and the Guardian). The judge held that the meanings of the resulting articles remained relevant to the question of meaning and whether the emails caused serious harm to the claimant's reputation. The emails themselves were published only to four people. On the question of meaning, the judge determined that the reader of the emails would readily infer that the substance taken by Mr Sakho was performance-enhancing, and that his conduct was culpable. The case will now proceed to trial, with WADA defending the claim on the basis that what they said was true, or in the public interest or that it did not cause serious harm to Mr Sakho.

If an individual is accused of improper or illegal conduct it is worth keeping a close eye on media statements being issued by regulatory or investigatory agencies in case these are in terms that are inaccurate or exaggerated. For more information please contact our [media and reputation team](#).

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