

## Defamation annotated problem question

*In the Hood* is a weekly blog focusing on fashion and TV and is famous for its celebrity 'scoops'. This week's Posts (written by members of the blog's 'community') include the following stories:

'TV CHEF IN JUNK FOOD SHAME!'—a story about a TV chef, who prides her-self on her healthy recipes, and who has been spotted buying an unhealthy snack in her local supermarket. In fact, she was accompanied by a film crew and was buying it for the new series of her show. **The post does not mention this.**

'BOOZED-UP & KICKED OUT'—a photo spread (accompanied by brief captions) of 'celebrities' appearing worse for wear after a night out. **Underneath the headline—but in much smaller print—there is an explanation that these are staged photos using celeb-ri-ty look-a-likes.**

'MarTwo'—an opinion piece naming the mystery woman at the centre of a recent #MarTwo investigation as **'a celebrity influencer closely associated with marmite?'** **This post has been shared on Twitter over 1 million times including from the *In the Hood* Twitter account.**

**Advise the authors of the posts and *In the Hood's* about potential liability in the tort of defamation.**

What is it that is defamatory here? Think about why the magazine does not mention why the chef is buying the unhealthy snack. Remember that s 1 of the Defamation Act 2013 requires the statement to reach a 'seriousness' threshold.

Is there enough information here to allow the readers to know who the author is talking about? Think again about *McAlpine v Bercow*.

You should first consider whether each of the claims is capable of being defamatory before considering any applicable defences, if necessary.

Compare *Charleston v News Group Newspapers Ltd*—do you think the reasoning in this case is likely to be applied? Is *O'Shea* a closer analogy? If not, why not?

Assuming this is a defamatory statement, then every time it is published a new cause of action arises.