

Britain:

## Libel action victory for Marks & Spencers threatens press freedom

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Marks and Spencer's victory in its libel case against *World In Action*, Granada TV's flagship current affairs programme, will further muzzle investigative journalism and add another weapon to the armoury of the major corporations. It will make it that much more difficult to say things big business does not want the public to hear.

Lawyers for M & S, the upmarket food and clothing retailer, admitted that a successful prosecution would create further problems for lawyers representing the media and other defendants. Britain already has some of the strictest libel laws in the world.

M & S likes to be known as Britain's favourite store and boasts that most of its goods are made in Britain. It sued *World in Action* after its programme "St Michael: Has the Halo Slipped?" was broadcast in 1996. (St Michael is M & S's brand label.)

*World in Action* went to Morocco, after discovering that there were young children working in a factory making clothing for M & S. They secretly filmed the conditions there.

The facts are not in dispute and provide a shocking indictment of the brutality of the profit system.

- Dozens of girls aged 13, 14 and 15, worked at the factory;

- They worked 49 hours a week for as little as 10 pence an hour (15 cents US) and in temperatures of up to 95 degrees Fahrenheit.

- M & S's supplier deliberately mislabelled more than 7,000 garments as having been made in the UK. Apparently unaware of the mislabelling, M & S put them on sale to the public.

M & S sued for libel, insisting that the programme implied that M & S knew about these abuses. Granada

TV said it did not believe M & S knew and did not intend to convey that impression.

The libel action was expected to last six weeks. Three days into the trial, however, and before hearing the facts and evidence of the case, the judge took the unprecedented step of asking the jury to decide what they thought was the meaning of the programme. Did it mean that M & S knew about the abuses?

The jury found that it did. Unable to clarify their intentions before the jury, Granada felt obliged to apologise and pay damages of £50,000 plus costs—a total of £1.3 million.

As a result of this ruling, the media must now anticipate how viewers might interpret a programme. Interpretation, however, is based not only on the facts as presented, but also on the viewers' previous knowledge and experiences. These quite naturally predispose many to believe the worst of big business. Even had Granada included a disclaimer that M & S did not know about the abuses, many viewers might have still concluded that the company was aware of them.

The future of *World in Action* is now in jeopardy, with the editor set to resign and three of the programme's top journalists having left to join the BBC or Channel Four. But the repercussions go beyond the fate of this one programme. Since the case was heard by one of only two judges who hear libel cases, it is very likely that this ruling will be used again.

At the very least, as legal experts admit, it will tend to scare off those without deep pockets from making criticisms of large corporations. This comes at a time when programme makers are already under pressure to trim budgets and sacrifice quality in the interest of

increasing audience market share. That means avoiding expensive exposés of corporate swindles and exploitation, making it more difficult for the public to find out about such matters.



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