

FTWEEKEND

FINANCIAL TIMES MARCH 15/MARCH 16 2014

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Business questions

Expert advice

Can I sue over critical tweets?

My restaurant received complaints of food poisoning from a diner, who said he and his wife were affected. We carried out checks in the kitchens but found no evidence of harmful bacteria. However, he has launched a food safety campaign on social media. My business was not named but it is alluded to in terms that would make it identifiable to many people and he has been bombarded with requests on Twitter for the name of the restaurant. Do I have a defamation claim against him?

An allegation that a restaurant business caused food poisoning would be defamatory. The new Defamation Act which came into effect in January, provides that a statement is not defamatory unless its publication has caused or is likely to cause serious harm and in connection with a "body" that trades for profit, it is not "serious harm" unless it has caused or is likely to cause serious financial loss.

As your restaurant has not been named it is very unlikely to satisfy the requirements of the Act. Even if it has been sufficiently identified, you would still have to show serious financial loss.

Sarah Webb is a partner specialising in defamation and reputation management at Payne Hicks Beach, a law firm