

AMA Manual of Style

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Defamation, Libel

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Print Publication Year: 2007 Published Online: 2009

Publisher: Oxford University Press

ISBN: eISBN:

DOI: 10.1093/jama/9780195176339.021.77

Item type: section

Truth is generally the best vindication against slander. Abraham Lincoln Defamation is the act of harming another's reputation by libel or slander and thereby exposing that person to public hatred, contempt, ridicule, or financial loss. Libel is false and negligent or malicious publication involving words, pictures, or signs., Technically and historically, libel has differed from slander in that slander was defined as defamation by oral expressions or gestures and libel was defined as defamation in print. With both libel and slander, resulting liability depends on a third party reading or hearing the defamatory words. With the advent of modern forms of

Living Persons and Existing Entities

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Print Publication Year: 2007 Published Online: 2009

Publisher: Oxford University Press

ISBN: eISBN:

DOI: 10.1093/jama/9780195176339.022.217

Item type: section

A statement generally cannot be libelous unless it is "of and concerning" a living person or existing entity (eg, corporation, institution, or organization)., According to a 1992 case, *Gugliuzza v KCMC, Inc*, "once a person is dead, there is not extant reputation to injure or for the law to protect." Even when the living person or entity is not named in the statement, if the person's or corporation's identity can be determined from other published facts, a case for libel can be made.(p150) |

Public and Private Figures

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Print Publication Year: 2007 Published Online: 2009

Publisher: Oxford University Press

ISBN: eISBN:

DOI: 10.1093/jama/9780195176339.022.218

Item type: section

A public figure is a person who assumes a role of prominence in society, such as an elected official, a celebrity, or an infamous criminal. In cases of alleged libel, public figures are afforded less legal protection than private individuals., In a 1964 case, *New York Times Co*

v Sullivan, the US Supreme Court determined that for a public official to prove defamation, the official must demonstrate that the alleged defamatory statement was made with “actual malice” (ie, with knowledge that the statement was false or with disregard for the truth of the statement) (see also , Defamation, Libel). A

Groups of Individuals

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Print Publication Year: 2007 Published Online: 2009
ISBN: eISBN:
Item type: section

Publisher: Oxford University Press
DOI: 10.1093/jama/9780195176339.022.219

Defamatory statements about groups of individuals are usually not legally actionable if the group is so large that no individual can be identified in the statements., For example, broad statements about specific groups (eg, physicians) or entities (eg, the pharmaceutical industry) are not at risk for libel actions because no single individual or company is identifiable. |

Statements of Opinion

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Print Publication Year: 2007 Published Online: 2009
ISBN: eISBN:
Item type: section

Publisher: Oxford University Press
DOI: 10.1093/jama/9780195176339.022.220

Statements that contain pure opinion (ie, purely subjective judgment without assertion of fact) are not legally actionable because opinions cannot be proven true or false.(§5.08),, However, an opinion that includes, asserts, or implies facts that are false and defamatory could result in liability. As noted previously, publication of an expression of opinion about a public figure may be protected under the “fair comment” doctrine (see also , Public and Private Figures)., Fischer et al(§5.08) offer the following questions to help distinguish statements of fact from statements of opinion: # Can the statement be proved true or false? # Are the

Works of Fiction

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Print Publication Year: 2007 Published Online: 2009
ISBN: eISBN:
Item type: section

Publisher: Oxford University Press
DOI: 10.1093/jama/9780195176339.022.221

Fictional accounts are not actionable for defamation unless a reasonable reader believes that the story is depicting factual events and can identify the person bringing suit in the story. Humor, satire, and parody may be exempt from defamation suits as long as they are clearly works of fiction., |

Republication and News Reporting

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Print Publication Year: 2007 Published Online: 2009
ISBN: eISBN:
Item type: section

Publisher: Oxford University Press
DOI: 10.1093/jama/9780195176339.022.222

A publisher can be held liable for republishing a defamatory statement. For example, if a publisher reprinted a defamatory statement about a public figure knowing that the statement was false, the publisher could be held liable. Similarly, if the republished false statement was about a private figure, the publisher could be held liable for defamation even if the statement was published without knowledge of its falsity (ie, through negligence). Under the privilege of “fair reporting,” an author can repeat a previously published defamatory statement if it is part of official proceedings (eg, a congressional debate or press conference) as long

Defense Against Libel

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Print Publication Year: 2007 Published Online: 2009
ISBN: eISBN:
Item type: section

Publisher: Oxford University Press
DOI: 10.1093/jama/9780195176339.022.223

In the United States, truth is a defense against claims of libel in most cases (see also , Defamation, Libel). Aside from consideration of truth of damaging statements, some jurisdictions also consider whether damaging statements were made with intent to harm.§(5.09), As a result, editors should query authors about any statements that criticize or imply criticism of individuals or corporate entities and ask the authors to provide evidence or documentation to support such statements. If an editor is concerned about the risk vs benefit of publishing such statements, obtaining a legal review as part of the process of peer review

Minimizing the Risk of Libel

Annette Flanagin

Print Publication Year: 2007 Published Online: 2009
ISBN: eISBN:
Item type: section

Publisher: Oxford University Press
DOI: 10.1093/jama/9780195176339.022.224

The suggestions in this section are offered to help authors, editors, and publishers reduce the risk of libel in biomedical publication. All statements of fact about individuals or commercial entities should be supported or documented and verified to be accurate in the context in which they were and are made. Similarly, statements of opinion should be supported, or based on documented facts, and should not be malicious. In addition, authors should disclose any conflicts of interest or concerns about the potential reactions of those criticized to the editor so that the editor and author work together to ensure responsible publication

Demands to Correct, Retract, or Remove Libelous Information

Annette Flanagin

Print Publication Year: 2007 Published Online: 2009

Publisher: Oxford University Press

ISBN: eISBN:

DOI: 10.1093/jama/9780195176339.022.225

Item type: section

Demands to correct or retract allegedly libelous material should be handled carefully. Removal of libelous information in print is not possible, and the standard course of action has been to print corrections or retractions in an expeditious and prominent manner. Online archives, which are considered part of the original publication in the United States (but not in other countries), may be corrected, edited, or removed, and continued posting of defamatory material in an online archive may increase the risk of liability for the author, editor, and publisher. However, demands to remove libelous material must be carefully balanced against the need