[DE] Damages Awarded for Unproven Statements in Advertisement

IRIS 2000-4:1/30

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On 31 March, the Landgericht Hamburg (Hamburg District Court) confirmed that a (print) news magazine must pay damages to a bank following the broadcast of a television advertisement (see IRIS 1997-9: 6).

In an advertisement for the latest edition of the magazine, the editor said, "Many people might lose their money". The report itself did not deal with the bank's financial situation, however, but questioned the reliability of its then chairman. Even the cover page of the magazine contained the headline, "Hamburg private bank in trouble: customers fear for their money". A few days after the magazine was published, the bank had to close down because so many customers withdrew their money that its liquid assets were exhausted.

In its decision, the Press Chamber of the District Court said that the statements constituted defamation of character. The publisher had been unable to prove that, over and above its findings concerning the founder of the bank, there were further grounds to confirm the statements made in the advertisement.

This decision is subject to appeal. The amount of damages to be awarded will not be fixed until the final ruling is made.

Urteil des Landgerichts Hamburg, AZ: 324 O 968/97, vom 31. März 2000.

Judgement of the Hamburg District Court, case no.324 O 968/97, 31 March 2000

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