

UK Libel Law: Suppressing Science?

Jenny Molloy

An increasing opposition movement to current UK libel law is building from many quarters, not least the scientific community. While libel law exists to prevent reputations in the UK being wrongly defamed, some recent cases have centred around claims made by science writers, doctors and scientists regarding the efficacy of medical treatments and the conduct of clinical trials.

Possibly the most high profile case has been that led by the British Chiropractic Association against journalist Simon Singh, over an article in *The Guardian* newspaper in which he described chiropractic treatment of illnesses such as asthma and colic with spinal manipulation as 'bogus' and based on insufficient evidence. Following a High Court appearance, Justice Eady ruled that Singh had implied that the BCA were knowingly dishonest, a decision that Singh appealed [1].

Further cases, which are in some ways more worrying, have involved a radiologist, sued by GE Healthcare who claim he accused them of suppressing information about an injectable contrast agent, which, he claimed at a conference, had caused side effects in his patients [2]. Another medical doctor, Dr Peter Wilmshurst, was sued by a heart implant manufacturer, after giving an interview at a conference in which he made some critical comments about data resulting from research on the implant [3].

“ People have to be free to challenge research ”

In UK libel law, cases are cheap to bring to court and expensive to defend, with the onus firmly on the defendant to prove that their statement or claim was accurate. Cases are readily accepted even with minimal links to the UK itself [4]. The case against Wilmshurst was brought by a US company regarding a report in a US magazine about comments at a US medical conference. Several columnists have commented on the chilling threat and risk of libel cases, which causes writers to water down articles or publishers to avoid printing critical material [5].

This climate of caution and fear is due to the hugely expensive cost of defending a libel claim in the UK; a staggering 140 times the cost of an average case on the Continent



Simon Singh: now appealing against libel ruling. Reproduced from [10]

[6]. For many defendants this is too high a price to pay. A libel case against science author Ben Goldacre, which he eventually won, cost *The Guardian* over £500,000 to defend [7]. It comes as no surprise that some American publications are considering restricting access from the UK, and the US congress are passing laws to prevent US citizens being sued for libel in British courts [4].

While the right of individuals and organisations to defend their reputations against dishonest claims is vital, it should not impede frank and critical discussion of scientific methods and claims, nor be nearly impossible to defend. As Dr Wilmshurst states: “There is a fundamental principle of science at stake here. People have to be free to challenge research.” [8]. Change is on the horizon, but despite pressure from groups such as Sense About Science, thousands of petition signatures [9], and ongoing reviews by the UK government, the slow process of law reform may leave scientists and academic critics vulnerable for some time to come. Let us hope that authors and scientific publications are willing to stand up for free speech, even in the face of legal threats and an unfair financial cost for defending that right. ■

Jenny Molloy is a third year studying Zoology at Corpus Christi College. She was formerly President of The Triple Helix Cambridge.

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