

1  **False Light**

Dissemination of highly offensive false publicity about someone with knowledge of, or reckless disregard for the falsity.

2 

- Similar to libel law
 - Protects reputation
 - Injury is mental distress
 - Can be filed with a libel claim
 - Information is false
 - Defenses are similar
 - No identification
 - Information is true
 - May have to show actual malice

3 

- Difference with libel law
 - Does not sue for loss of reputation but for mental distress
 - Similar to embarrassing facts
 - Must demonstrate that information is publicized (disseminated widely)
- Three elements to prove:
 - Publication of material must put an individual in a false light
 - The false light would be offensive to a reasonable person
 - The publisher of the material was at fault

4  **How can someone be put in a false light?**

- Fictionalization- purposeful distortion of the truth, usually for dramatic purposes.
 - Tabloids are common targets
 - Other Falsehoods
 - Duncan v. WJLA-TV, 10 M.L.R. 1395 (1984) – newscast about medical treatment for herpes

5 

- Is the Publication Highly Offensive?
 - Cibenko v. Worth Publishers, 510 F. Supp. 761 (1981). NYC port authority concerned he appeared racist in textbook.
 - Dempsey v. National Enquirer, 697 F. Supp. 692 (1988). Man

who fell out of airplane.

6 

Fault Requirement

- Since 1967, level of fault has had to be similar to libel:
 - Time v. Hill, 385 U.S. 374 (1967).
 - Establish reckless disregard for truth or knowledge of falsity as fault requirement