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Private & Confidential
Not for publication

Dear Mr Dailly,

I write in response to your defamatory letter, published in The Herald on 3rd August 2007.

Which? takes great exception to the false and defamatory statements you have published.

You are, of course, entitled to your own views regarding the 'super-complaint' filed by Which? about the structure of the Scottish legal profession.

However, fair comment must be based on true or privileged facts. Otherwise, comment is simply inaccurate and misleading, and in any event is indefensible in libel proceedings if its factual basis is false.

The letter you published asserts that Which? has "no evidence for the reckless claims" it is making. That is an untrue and highly defamatory statement.

Which? is an organisation whose reputation for fair, accurate, balanced and impartial consumer advice has been established over many years on the basis of rigorous and painstaking research and analysis.

Your unfounded criticism strikes unjustifiably at the heart of the organisation's reputation, integrity, and standing. As is always the case for the considered pronouncements we make on a wide range of issues affecting consumers, we have a well-researched evidential basis for the 'super-complaint' we filed regarding the structure of the Scottish legal profession.

Letter to Mr Dailly 7 Aug 07

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for all consumers



To describe is as reckless and totally devoid of any evidential basis is a gross distortion and defamatory slur.

In addition, your letter incorrectly claims that Which? "overstates its authority". It goes on to allege that we make "untrue" claims to have 650,000 members whereas we apparently have only "10,500 actual members".

Again, these unfounded and defamatory criticisms are nonsense. You appear to have mistaken members who are eligible to vote in the governance of the organisation (10,500) for the number of actual members (650,000). We do not, and would never, misrepresent to the public the size of our membership, as you suggest.

It would be totally unacceptable for such inaccurate criticisms to go uncorrected. Accordingly, I have written to the editor of The Herald, requiring a letter rebutting your claims to be published in compliance with the newspaper's obligations under Clause 2 of the Press Complaints Commission's Editors' Code of Conduct.

As for your part, I assure you that Which? will not tolerate the publication of false and defamatory statements which damage its reputation and integrity. Pending resolution of this complaint to The Herald, we reserve all our rights in relation to you.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Nick Stace', written in a cursive style.

Nick Stace
Director of Campaigns and Communications