

DEFAMATION LAWYER: ELEMENTS OF TRADE LIBEL

Trade libel is a cause of action that is commonly lumped together with garden variety libel, which is a mistake because there are some key differences between the two. "Trade libel is defined as an intentional disparagement of the quality of property, which results in pecuniary damage to plaintiff." Erlich v. Etner (1964) 224 Cal.App.2d 69, 73, 36.

The basic elements of a cause of action for Trade Libel are:

- Defendant's false statement;
- Publication;
- Of matter disparaging the quality of another person's property or services;
- which the publisher intended to cause harm to the owner, or should have recognized as being likely to cause it; and
- Causation of pecuniary harm or loss.

Computerexpress, Inc. v. Jackson (2001) 93 Cal.App.4th 993, 1010.