CONCORD LAW SCHOOL OF KAPLAN UNIVERSITY  
TORTS ESSAY 3  

Veg, a nationally prominent chef, has a weekly television show on HealthyTV, a national cable television station devoted to healthy living. Veg has often uses his show as a platform to promote a vegetarian lifestyle. Veg regularly states that he has not eaten meat in over 20 years, and that he is much healthier as a result.

Duncan is a reporter for News, a nationally distributed newspaper. Duncan received an accurate tip that Veg visited a steak house very near the HealthyTV studios every Tuesday, where he would dine in a secluded back room, enjoying a juicy steak dinner. On a Tuesday afternoon, Duncan entered the steak house and sat at the bar, waiting for Veg to arrive. An hour later, Duncan saw Veg enter the steak house accompanied by a young woman. They entered a small dining room in the back of the restaurant. Duncan watched until he saw a waiter carrying a large platter into the dining room. 10 minutes later, Duncan rushed into the dining room and took a photograph of Veg and the young woman while each was taking a bite of steak. Duncan mistakenly thought the young woman was Star, a world-famous actress, who also advocated a vegetarian lifestyle.

Duncan then wrote a story that was published with the photograph in News the next day. The story stated that Veg and Star both enjoyed eating meat, contrary to the positions they advocated. While Duncan honestly believed that the woman in the photograph was Star, Star was in another state on the day in question attending a movie premiere. A story that appeared in the next page of the same edition of News reported about the movie premiere and correctly stated that Star had been in attendance.

1. Veg sued Duncan and News for invasion of privacy, claiming that the publication of the news story and photograph disclosed the truthful but highly offensive fact that he ate meat on occasion. What would be the outcome of this lawsuit? Discuss.

2. Star sued Duncan and News on the ground that the news story falsely stated that she had eaten meat. What would be the outcome of this lawsuit? Discuss.