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McJustice

How The McDonald's Libel Case
Put Fast Food on a Slow Trial
& Exposed the Burger Industry

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Small Fries *take on* the **Big Macs**

by Peter Marval

For Helen Steel and Dave Morris, the last seven years have been severely stressful and draining after defending themselves in the longest trial in British history against the McDonald's hamburger empire. The corporation sued the pair for libel after they published and distributed leaflets about the fast-food chain's business practices. Although the judge decided that McDonald's had been libeled by some of the statements in the leaflet on his June 19 decision, Steel and Morris were claiming victory when the judge agreed with the activist's sharpest criticisms.

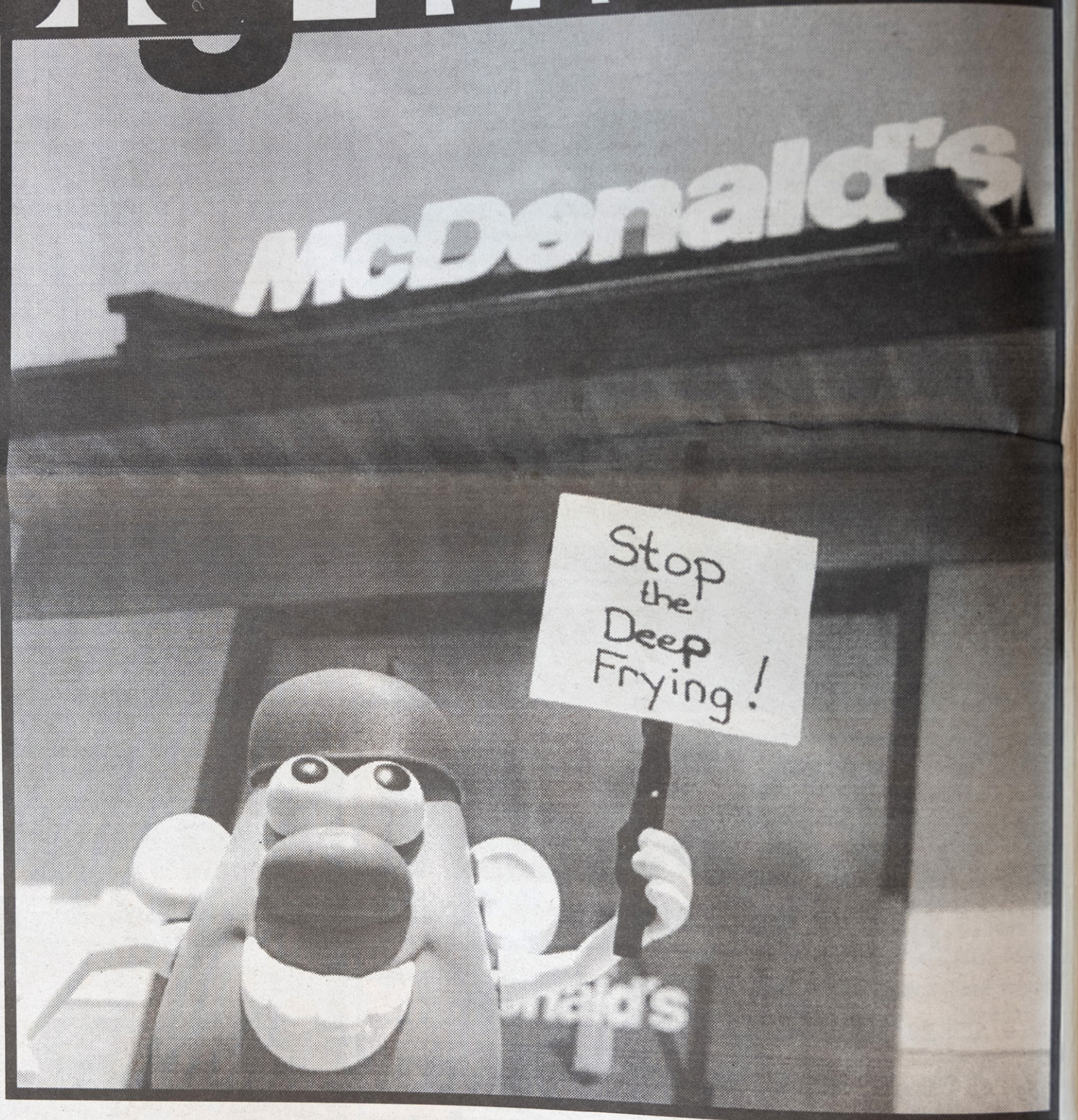
The 314-day trial left the \$30-billion-a-year McDonald's Corp. fending off embarrassing questions after Judge Rodger Bell said the multibillion-dollar giant was "culpably responsible" for animal cruelty, running ad campaigns that "exploit" impressionable children and paying low wages.

McDonald's was awarded \$98,500 in damages against Morris, 43, an ex-postman and single parent, and Steel, 31, a part-time bar worker. McDonald's has said it will not collect from the pair, who claim their joint income totals only \$12,315 per year. Bell also rejected a countersuit for libel damages that Morris and Steel brought upon McDonald's for having distributed leaflets accusing them of spreading lies. He ruled that McDonald's failed to show they deliberately lied, but said the corporation was entitled to try to refute the attack made upon it.

In the contest, dubbed McLibel, McDonald's sued environmentalists Morris and Steel (the McLibel Two) for publishing and distributing a factsheet called *What's wrong with McDonald's? Everything they don't want you to know*, which accused the corporation of being responsible for starvation in the Third World, destroying vast areas of Central American rainforest, serving unhealthy food, cruelty in the rearing and slaughter of its animals, treating its workers badly, and exploiting children in its advertising and marketing.

McDonald's said the attacks were false and defamatory and filed suit against the two nearly seven years ago. The trial began June 28, 1994, and ended after 28 pretrial hearings, 130 witnesses, 40,000 pages of documents, and at a cost to McDonald's of over \$16 million in legal defense.

By fighting the case, the McLibel Two have garnered more support and publicity than McDonald's could ever have imagined in their worst nightmares. The trial gave the activists priceless international publicity in countless newspaper articles and television broadcasts, a Website which has been accessed more than 15 million times since going on the net in March



David Green, senior vice president of marketing for McDonald's USA, tells the court that **Coca Cola** is nutritious because it is: "providing water, and I think that is part of a balanced diet."



1996 (two million times in the month of the verdict), and a British TV miniseries.

In a recent interview, Steel said despite the great stress suffered by the pair and the judicial cards being stacked against them, the price of achievements was worth the accomplishments they gained by fighting the case. "We were very elated at what we had achieved. We raised the profile of the issues and encouraged people to stand up to bullies."

Since legal aid is not available in libel cases, the two were forced to represent themselves against a battalion of high-paid expert lawyers. They were also denied a jury trial and had to wade through UK libel laws, which are known for being notorious against defendants.

apologize and retract their statements. Three protesters who also received writs went to court and apologized.

Morris and Steel chose to fight. "I think they expected us to back down as well. They were actually shocked when we turned around and fought it," she said.

This gave them the unique opportunity of being able to examine top executives. "Normally campaigners don't get a chance to speak with people like that. Particularly in a situation where they're in a witness box and can't walk away from your questioning. We turned the tables on them putting their company on trial."

As a result, McDonald's was forced to

you can to appeal to children's love for Ronald and McDonald's."

In a press conference after the verdict came down, Paul Preston, chairman and chief executive officer of McDonald's UK, said that the corporation was "broadly satisfied" with the verdict. "We brought this case to protect a reputation trusted by millions of customers every day," he said. "This judgment represents a thorough audit of our business."

The verdict, it seems, also represents a way for many public bodies to demand action. On July 17, the National Food Alliance called for a ban on food advertising that targeted children. The Farm Animal Welfare Network is demanding immediate legislative action to

pected they would abandon attempts to avoid more distribution of the pamphlets to prevent negative publicity. "People aren't going to be prevented from handing out things they believe are true just by legal bullying by McDonald's."

The next step for the McLibel Two is to lodge an appeal against parts of the Judge's verdict. They are also preparing a "third party action" against three McDonald's spies who testified they had distributed the pamphlet while infiltrating London Greenpeace in 1990. The aim is for the agents to be forced to pay an appropriate contribution towards the \$98,500 damages.

After the appeal, the pair intend to take the British government to the European Court

McDonald's protesters expose the reality behind the marketing

"The UK libel laws are so ridiculous," said Steel. "The burden of proof is entirely on the defendants. McDonald's didn't have to prove anything, it was up to us to prove that the claims were true."

She said that McDonald's (based in Oak Brook, Illinois) did not want to pursue the action in America because multinational corporations cannot sue for libel over matters of public interest in the U.S. "They would not have been able to get the case off the ground in the U.S. because there is protection in the way of freedom of speech, especially when it is related to criticizing a body or a person that's in the public eye," she said. "It would have been up to McDonald's to prove that we had maliciously fabricated the statements in the leaflets."

Steel said McDonald's took advantage of the libel laws to keep campaigners from disseminating their criticisms by threatening legal action against protesters, forcing them to

make damaging admissions and say "the most ludicrous of things." For example, Ed Oakley, chief purchasing officer for McDonald's UK, told the court there is "no landfill problem in the UK." He later added, "I can see [the dumping of waste] to be a benefit, otherwise you will end up with lots of vast, empty gravel pits all over the country."

Or, David Green, senior vice president of marketing in the U.S., who told the court Coca-Cola was nutritious because it is "providing water, and I think that is part of a balanced diet."

The trial also allowed them to view company documents which are normally kept under wraps, such as a company strategy read out in court from the corporation's official and confidential 'Operations Manual' which states "Ronald loves McDonald's and McDonald's food. And so do children, because they love Ronald. Remember, children exert a phenomenal influence when it comes to restaurant selection. This means you should do everything

end the cruel practices identified during the trial. Trade unions and labour activists are also stepping up their recruitment drive and even Parliament is showing involvement with MP Jeremy Corbyn, calling for sanctions against McDonald's and "urgent reform to safeguard public rights."

The campaign seems unstoppable — as does the distribution of the pamphlets. The leaflets distributed in the late 1980s — with a print run of a few thousand — likely would have gained little attention had McDonald's left matters alone. Since the trial began, over two million pamphlets have been distributed throughout the UK with another half-million handed out on June 21 (dubbed Victory Day of Action) at McDonald's stores around the world.

McDonald's had until July 17 to apply for an injunction to halt the distribution of the *What's wrong with McDonald's* leaflets, which they chose not to do. Steel said she sus-

pected they would abandon attempts to avoid more distribution of the pamphlets to prevent negative publicity. "People aren't going to be prevented from handing out things they believe are true just by legal bullying by McDonald's."

Steel and Morris will be arguing for an extension of current UK laws, which states that a government body cannot sue for libel because the threat of a libel writ places restrictions on freedom of speech. "The high courts ruled that it was in the public's interest that there be free and uninhibited criticism of government bodies because of the power and influence they have over our lives. We're saying in a lot of cases, multinational corporations have as much — if not more — power than government bodies.

"There's a crying need for alternative ideas that challenge those in power to be

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a Breakdown of the McLibel decision

The following text covers, in small part, the judgment broken down by the issues detailed in the *What's Wrong With McDonald's* leaflet from witnesses, documents and the judge's finding of fact.

► **Diet and Ill Health:** People, the judge concluded, "who eat McDonald's food several times a week will take the very real risk of heart disease if they continue to do so throughout their lives." He also ruled, "it is possible it increases the risk to some extent of breast cancer and strongly possible that it increases the risk to some extent of bowel cancer." Nevertheless, the judge found McDonald's had been

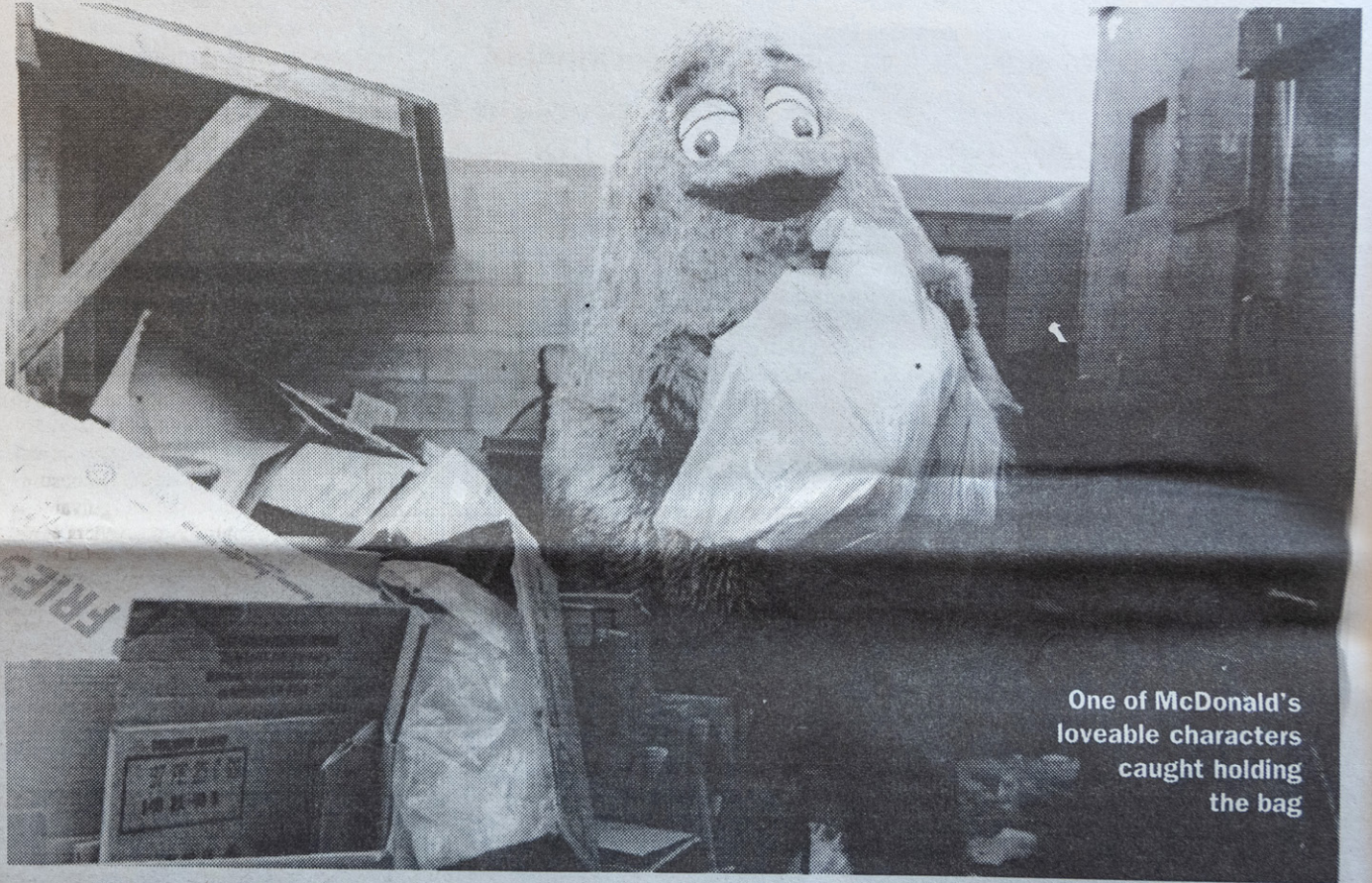
defamed because many of the people the factsheet was addressed to didn't eat there often enough to suffer the ill effects.

► **Unethical Advertising:** The defendants won this section outright, with the judge ruling as fact that, "McDonald's advertising and marketing makes considerable use of susceptible young children to bring in custom, both their own and that of

their parents who must accompany them, by pestering their parents."

► **Food Safety:** During the trial, McDonald's admitted responsibility for two outbreaks of E.Coli 0157 food poisoning, in the U.S. in 1982 affecting at least 47 people, and in Preston (UK) in 1991, in which people suffered serious kidney failure. Based on the context of what was written in the leaflet, the judge said the text of this section of the factsheet, taken literally, could be viewed as "inoffensive."

► **Low Pay and Hostility to Trade Unions:** On conditions of employment Bell ruled that, "De



One of McDonald's
loveable characters
caught holding
the bag


spite the hard and sometimes noisy and hectic nature of the work, occasional long, extended shifts including late closes, inadequate and unreliable breaks during busy shifts, instances of autocratic management, lack of third party representation in cases of grievance and occasional requests to go home early without pay for the balance of the shift if business is slack, I do not judge the Plaintiffs' conditions of work, other than pay, to be generally bad for its restaurant workforce." On pay, the judge ruled for the defendants, stating, "[McDonald's UK] does pay its workers low wages."

► **Rainforest and Third World Starvation:** The judge ruled the defendants had to prove that McDonald's itself had bought vast tracts of land for cattle ranching, and itself used lethal poisons to destroy vast areas of rainforest (which he defined to exclude tropical forest which had been destroyed to make way for beef) and that any evidence less than this was irrelevant. As for Third World hunger, the factsheet stated the role of multinationals in general in the cash crop economy which forces people off their land, or forces them to grow cash crops instead of staple foods. Again, the judge ruled the defendants had to show McDonald's

itself carried out the acts.

► **Packaging, Recycling and Litter:** It's estimated that McDonald's produces one million tons of waste packaging a year. During the trial, Ed Oakley, Vice President of McDonald's UK, admitted that polystyrene packaging collected during a nationally-publicised UK recycling scheme was in fact "dumped." Due to the judge's interpretation of the 'environment' section in the leaflet, he ruled that all the evidence relating to packaging was irrelevant except for an allegation in the late 1980s that McDonald's used only a tiny amount of recycled paper. He ruled it was a "small but nevertheless significant proportion"

and therefore the company had been labelled.

► **Animal Suffering:** The defendants won this section of the case outright, with the judge ruling as fact that McDonald's "are culpably responsible for cruel practices in the rearing and slaughter of some of the animals which are used to produce their food." These cruel practices included: "the severe restriction of movement" of battery hens crammed into cages all their lives, endemic "leg problems" caused by breeding for weight, rough handling and a proportion of chickens still being "fully conscious when they had their throats cut." 

Ed Oakley, chief purchasing officer for McDonald's UK, told the court there is **"no landfill problem in the UK. I can see [the dumping of waste] to be a benefit, otherwise you will end up with lots of vast, empty gravel pits all over the country."**



freely discussed and aired and for the public to be able to decide for themselves about multinational corporations." Steel said that corporations have the money and clout to put out their side of the story through marketing and advertisements, adding that McDonald's spends \$2 billion every year on advertising and promotions.

As for the media's handling of the case, Steel said she felt the coverage focused too much on the David versus Goliath angle and the novelty of campaigners taking on a multinational corporation, rather than taking a serious look at the issues and how they affected people's lives.

"The coverage has been pretty patchy. When you compare it to the O.J. Simpson case, which was covered every day and in intense detail, the issues in that case didn't really touch on many people's lives, whereas the issues in our case — low pay, environmental damages, nutrition issues — are issues that affect people's everyday lives. Yet that side of it has

generally been ignored during the trial."

Mark McAlpine and Janet Allan, both members and co-founders of the Animal Liberation Collective based in Guelph, agreed that North American coverage has been lax. "Some of the major networks had more coverage on the introduction of the Arch Deluxe than they did on the verdict," said McAlpine.

In order to spread awareness on the trial, McAlpine and Allan, along with members of the A.L.C., will be protesting and leafleting McDonald's stores on Oct. 16, UN World Food Day/World Anti-McDonald's Day. "It's something that we want to get out to people. It's such an important case and people here don't know about it," Allan said.


McAlpine and Allan, both of whom have been tried for civil disobedience, said they can appreciate the tribulation and hassle of going to court. Both said they are amazed at the dedication and sacrifice that the McLibel Two have exhibited and continue to demonstrate.

"I couldn't imagine being able to go through

with it for so long. They did an incredible job of airing McDonald's dirty laundry," said McAlpine.

Dubbed the "trial of the century" by leading QC Michael Mansfield, the McLibel trial pitted two opposing late 20th-century attitudes against one another — one towards profit and consumption, the other towards anti-consumerism and the environment. The trial galvanized a platform upon which the two activists could stand and be heard, allowing material to be

placed in the public arena for discussion and decision on a wider scale. "Since we were denied a jury, the public are in effect the wider jury," said Steel.

Above all, the trial clearly demonstrated one thing. As Guardian journalist John Vidal put it in his just-published book, *McLibel: Burger Culture on Trial*, "Libel has clearly become a game for the rich to play... the McLibel trial has made great theatre but a mockery of good sense." 

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