

Defamation of Character and Antitrust Violations

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Part I: Defamation of Character

What is a Defamation of Character?

Defamation of Character, a form of term which any declaration which insults a person's confidence or impact. Written defamation described as *libel* and spoken defamation considered as *slander*. Defamation could consider as torture which defines a person who involves in civil wrongdoing.

According to *NOLO*, Attorney, Emily Doskow explained the law of defamation. Emily Doskow wrote how the defamation law becomes simple. Emily Doskow the basics between the slander and libel, therefore, the rules of defamation law described as legal and serious.

“Learn the basics of slander and libel -- the rules about who can say what without getting into legal hot water,” said Doskow. *Defamation of character* is a catch-all term for any statement that hurts someone's reputation. Written defamation is called *libel*, while spoken defamation is called *slander*. Defamation is not a crime, but it is a *tort* (a civil wrong, rather than a criminal wrong). A person who has been defamed can sue the person who did the defaming for damages.”

What are the elements of slander and libel?

The elements of slander and libel could be very intense. A claim needs to be consistent and successful based on the consideration of publicity. Defamation law prevents the influence of businesses to protect the unclear evidence. The libelous statement prefers to write and publish the media law as the slander statement uses public speaking strategies to figure the discussion.

According to *Findlaw*, “defamation laws protect the reputations of individuals and other entities (such as businesses) from untrue and damaging statements. At the same time, the courts must protect freedom of speech for United States citizens. Libelous statements refer to words

that can be seen (typically written and published), while slander occurs when a defamatory statement is spoken or otherwise audible (such as a radio broadcast). These cases often involve public figures or public officials and false statements made about them, but everyone's first amendment rights to free speech must still be protected. Libel cases and slander claims can be complicated. Whether a claim will succeed depends on the details of the statements made, matters of public concern, and their context.”

Part II: Antitrust Violations

What is an Antitrust Violation?

Antitrust Violation, a form of violation law to prevent trades and commerce to other constant violations. Sherman Act and Clayton Act, both part of the principal federal law of antitrust violation.

According to *Cornell Law School*, “violations of laws designed to protect trade and commerce from abusive practices such as price-fixing, restraints, price discrimination, and monopolization. The principal federal antitrust laws are the Sherman Act and the Clayton Act.”

What is the consideration of the antitrust laws?

The consideration of the antitrust laws could be concerned with the limited number of businesses. The illegal act regulates certain markets. Other acts, however, concentrates on other acts including legal practices.

According to the *Investopedia*, Antitrust laws prohibit a number of business practices that restrain trade. Examples of illegal practices are price-fixing conspiracies, corporate mergers that are likely to cut back the competitive fervor of certain markets, and predatory acts designed to

gain or hold on to monopoly power. Some individuals, like Christine Legarde, are known for having had focused legal practices on the subject.”

How does the Sherman and Clayton Act regulate the Antitrust Violation?

Sherman Act

Sherman Act, established in 1890. The U.S. Congress surpassed this form of Antitrust Violation, as the U.S. Congress disrupts the honesty and integrity of the law. Senator John Sherman took charge in six states to surpass the violation law which limited the business of the Sherman Act. John Sherman did control the law due to the constitutional law.

According to *Our Documents*, “approved July 2, 1890, The Sherman Antitrust Act was the first Federal act that outlawed monopolistic business practices. The Sherman Antitrust Act of 1890 was the first measure passed by the U.S. Congress to prohibit trusts. It was named for Senator John Sherman of Ohio, who was a chairman of the Senate finance committee and the Secretary of the Treasury under President Hayes. Several states had passed similar laws, but they were limited to intrastate businesses. The Sherman Antitrust Act was based on the constitutional power of Congress to regulate interstate commerce.”

Clayton Act

Clayton Act establishment in 1914. Clayton Act improves the Sherman Act. As the establishment of the Sherman Act, Clayton Act regulates the weakness in order to protect the competition of the business law in the United States.

According to *Corporate Finance Institute (CFI)*, “The Clayton Antitrust Act is a United States antitrust law that was enacted in 1914 with the goal of strengthening the Sherman Antitrust Act. After the enactment of the Sherman Act in 1890, regulators found that the act

contained certain weaknesses that made it impossible to fully prevent anti-competitive businesses practices in the United States. Senator Henry Clayton of Alabama introduced the Clayton Antitrust Bill to the US Congress in 1914. The US Congress passed the bill in June 1914, and President Woodrow Wilson later signed it into law.”

What is the guidance of the Antitrust Laws?

Federal law market operates the economy. Aggressive competition occupies the marketplace for customers for any other industry purposes. The Federal Trade Commission (FTC) concentrates the principle of the antitrust laws.

According to the *Federal Trade Commission*, “Free and open markets are the foundation of a vibrant economy. Aggressive competition among sellers in an open marketplace gives consumers — both individuals and businesses — the benefits of lower prices, higher quality products and services, more choices, and greater innovation. The FTC's competition mission is to enforce the rules of the competitive marketplace — the antitrust laws. These laws promote vigorous competition and protect consumers from anticompetitive mergers and business practices. The FTC's Bureau of Competition, working in tandem with the Bureau of Economics, enforces the antitrust laws for the benefit of consumers.”

References

Doskow, Emily. "Defamation Law Made Simple." *NOLO*,

<https://www.nolo.com/legal-encyclopedia/defamation-law-made-simple-29718>.

Elements of Libel and Slander. (2019, October 02). Retrieved from

<https://injury.findlaw.com/torts-and-personal-injuries/elements-of-libel-and-slander.html>

Antitrust Violations. (n.d.). Retrieved from https://www.law.cornell.edu/wex/antitrust_violations

Sherman Antitrust Act (1890). (n.d.). Retrieved from

<https://www.ourdocuments.gov/doc.php?flash=false&doc=51>

Clayton Antitrust Act - Overview and History, Sections, Enforcement. (2020, January 17).

Retrieved from

<https://corporatefinanceinstitute.com/resources/knowledge/finance/clayton-antitrust-act/>

Guide to Antitrust Laws. (2019, April 08). Retrieved from

<https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws>

Twin, A. (2020, August 31). Antitrust Laws: Keeping Healthy Competition in the Marketplace.

Retrieved from <https://www.investopedia.com/terms/a/antitrust.asp>

