

Whereas the tort of defamation requires the uttering of a false statement in the damaging to the reputation of a person, sometimes truthful, but partial, statements that thereby result in misleading implications that are damaging to reputation. The tort of false light protects against the embarrassment that arises from misleading implications that cause reputational harm.

Elements

To prove a 'false light' case the following must be shown (Note: only U.S. [source](#)):

- ▶ The defendant published some information about the plaintiff;
- ▶ The information must portray the plaintiff in a false or misleading light;
- ▶ The information is highly offensive or embarrassing to a reasonable person of ordinary sensibilities; and
- ▶ The defendant must have published the information with reckless disregard as to its offensiveness.

Jurisprudence

Jurisprudence on the tort of false light appears almost absent in Canadian law (source: [CanLII.org](#)) aside from a few references to the third sub-tort identified within the tort of breach of privacy as by the U.S. scholar William Prosser as mentioned within the precedent setting case of *Jones v. Tsige*, [2012 ONCA 32](#) at paragraph 18. As indicated in the case of *Chandra v. CBC*, [2015 ONSC 5303](#) it remains unclear as to how the Ontario courts will address a false light case:

[43] The plaintiff argues that it is nevertheless open to this court to further evolve the common law in Ontario to recognise as actionable the public disclosure of embarrassing private facts about the plaintiff and publicity which places the plaintiff in a false light in the public eye.

[44] There may well come a time when this court is presented with a case, the circumstances of which make it appropriate to consider further expansion of the law on invasion of privacy to incorporate more of the torts catalogued by Professor Prosser. This is not, however, such a case.



Apparently, until such time comes that false light is thoroughly addressed, the state of the tort shall remain in flux