



# jamie goode's wine blog

mainly wine...

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TUESDAY, OCTOBER 13, 2009

### ➔ **Broadbent's 'Billionaire's Vinegar' libel settled out of court**

News just in: Michael Broadbent's libel action against Random House, publishers of Benjamin Wallace's 'Billionaire's Vinegar', has been settled out of court. Random House issued a public apology to Broadbent, and paid 'undisclosed damages' [I'd really like to know how much!]

Wallace's book, examining the authenticity of the famous 'Thomas Jefferson' wines, is an excellent read, but unfortunately Broadbent did come across very badly in it.

From what I gather, it is *just the UK distribution of the book* that is affected. Random House has agreed not to distribute the book in the UK, but it is still available in unchanged form in the USA. Readers in the UK can, of course, still obtain the book via US mail order retailers such as amazon.com.

The press release reads:

The libel action centred on the book *The Billionaire's Vinegar*, the subject of which was the provenance of a number of bottles of wine said to have been owned by Thomas Jefferson. The book made allegations which suggested that Mr Broadbent had

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behaved in an unprofessional manner in the way in which he had auctioned some of these bottles and that his relationship and dealings with Hardy Rodenstock, who discovered the original collection, was suspected of being improper.

In a statement read out in open court today, Random House apologised unreservedly for making the allegations and accepted that they were untrue. It has given an undertaking not to repeat the allegations and paid Mr Broadbent undisclosed damages.

Commenting on the settlement Sarah Webb, head of Russell Jones & Walker's Defamation department, who acted for Mr Broadbent said:

"The Billionaire's Vinegar made highly damaging claims about my client that seriously compromised both his professional and personal reputation. We are delighted that Random House has today accepted that these allegations are totally without foundation and avoided the need to proceed to a full trial. My client is relieved that the good name he has built up over many years as one of the country's leading wine experts has been fully restored."

Labels: [fake wine](#)

posted by Jamie @ 10:13 AM

[29 comments](#) [links to this post](#)

## 29 Comments:

At 10:36 AM, [elloinos](#) said...

*This post has been removed by the author.*

At 10:37 AM, [Markus Stolz](#) said...

Wow, what a stunning victory for Michael Broadbent. I am very happy that the reputation of this great gentleman has been restored. A man who has done so much in his life for wines certainly deserves to be remembered - and for the younger generation known - for his achievements.

At 11:36 AM, [Henry](#) said...

I am a little surprised at this judgment as I have just finished the

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BOOK THIS WEEKEND.

I thought the book immensely entertaining and simply asked a lot of questions without hypothesising as to exactly what happened.

I certainly didn't take away from the book any kind of negative impression of Michael Broadbent at all.

It is a very interesting story and I would certainly recommend it.

At 11:45 AM,  [Markus Stolz](#) said...

Henry, I have also read the book and agree that is a very entertaining read. But the reputation of Michael Broadbent has suffered as a result of this. The book certainly did question the engagement of Broadbent in a way that left a lot of room for speculation.

At 12:57 PM,  [Glen](#) said...

*This post has been removed by the author.*

At 1:20 PM,  [Markus Stolz](#) said...

Glen, there is absolutely nothing wrong with disagreement. On the contrary, I appreciate your and anyone else's thoughts on the subject. It is however - as far as I know - a fact, that up to date no court has ruled against Rodenstock or Broadbent. It is also now a fact that the publisher has accepted that the allegations made were untrue. There are - maybe rightly so - many rumours about a scam. But so far the facts do not support these rumours.

At 1:49 PM,  [The Wine Mule](#) said...

*This post has been removed by a blog administrator.*

At 2:47 PM,  [Glen](#) said...

*This post has been removed by the author.*

At 2:49 PM,  [wine](#) said...

This is harder for Americans to understand I'm told because the standards for libel are much higher here in the USA than in the UK. After this and the Rudy K. episode the veil is off the auction market, and I think at best Broadbent still comes off looking like he was either duped or caught up in the aura of these stratospheric wines. It really is good for the auction biz that someone like Bill Koch is out there

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with bottomless pockets and is willing to fight these guys.

At 3:02 PM,  [Bartholomew Broadbent](#) said...

Glen doesn't know the specifics of the case and clearly his views are a reflection of nothing more than reading the book. My father won the case and they will not hesitate to win damages from further defamatory remarks made by others who continue to ignore the ruling. Glen would be better off accepting the court's decision and the Publisher's apology. He has no idea about the true facts and his statements show incredible ignorance. However, his views are precisely the reason that this case was won. Glen is actually setting himself up to be sued too, if he continues to repeat such defamatory views which have no basis on truth. As Jamie's Blog is published in the UK, it and its commentators fall under the same defamation and libel jurisdiction.

At 3:06 PM,  [Glen](#) said...

I don't understand the legal system in the UK and fear the threat of legal action against me. I apologize and withdraw my comments.

At 3:27 PM,  Daniel Posner said...

*This post has been removed by a blog administrator.*

At 3:48 PM,  [Jamie](#) said...

I apologize to Daniel Posner and The Wine Mule for deleting their comments. But this site is published in the UK, and I have to be very careful, as publisher, to make sure I don't end up involved in any litigation. While I don't find your comments problematic, there's an outside chance that someone might. I'm really sorry about this and I appreciate you taking the time to leave comments.

Glen, thank you for removing your comments. It's appreciated.

Bartholemew, thank you for your participation here.

At 3:49 PM,  [Bartholomew Broadbent](#) said...

Thank you, Glen.

At 4:55 PM,  [ithacork](#) said...

I'm sure suing Jamie Goode for comments by \*other people\* on his internet blog will do wonders for Mr Broadbent's reputation. Give me a

break.

If the book implies anything it is that Broadbent is perfectly human, and subject to the same impulses and desires and psychology as the rest of us. I actually rather liked the way he was portrayed.

PS Wow, Jamie, lots of controversy on the blog lately, eh?

At 5:18 PM,  Dave T said...

It's not a question of giving someone a break.

The law is very clear: if you repeat libellous allegations, even if you're just copying them word for word from another publication, then you, and the editor or website owner is deemed to have committed a libel, too.

And it's amazing how few people have any kind of knowledge of the libel laws.

At 6:05 PM,  [ithacork](#) said...

Dave:

I never said it \*wasn't\* libel, just that it might not be in Mr Broadbent's best interest to sue everyone that says bad things about him on the internet.

At 6:11 PM,  Benjamin Wallace said...

It is unfortunate that Michael Broadbent has chosen to blame the messenger, and doubly so that he is blaming the messenger for something the messenger is not actually saying. I have never felt that Mr. Broadbent acted in bad faith, and contrary to his allegations, I maintain that The Billionaire's Vinegar does not suggest that he did. In any case, while I believe that my book speaks for itself, I do want to point out a few things: I was never personally sued by Mr. Broadbent, and I am not a party to the settlement or apology negotiated by him with Random House. Because of the U.K.'s notoriously plaintiff-friendly libel laws and conditional fee system, the company made a business decision to settle with Mr. Broadbent in order to contain its legal costs and exposure in the U.K. Anyone who doubts this need only compare the specific claims in Mr. Broadbent's legal complaint with the vagueness and generalities of the settlement agreement. Since Mr. Broadbent's claim was always confined to the

agreement. Since Mr. Broadbent's claim was always confined to the book's availability in the U.K., the settlement does not prevent the book from being published, in unaltered form, anywhere else. So, while Random House has agreed not to distribute the book in the U.K., it will continue to be available, as written, in the United States, where the libel laws provide greater protection for freedom of speech and where British libel judgments are almost never enforceable, thanks to the First Amendment.

At 6:34 PM,  [Bartholomew Broadbent](#) said...

Ben

Is it not true that you had agreed to remove at least one [or more] passage from the book in re-prints in the US? Specifically, you told me that you would remove a quote from Koch's lawyer?

At 6:47 PM,  Benjamin Wallace said...

Bartholomew, you are mistaken.

- a) The quote you are referring to remains in the book.
- b) It is from Koch's publicist, not lawyer.
- c) What I \*volunteered\* to do, as a courtesy, was to make the context even clearer—in the paperback edition—that I did not personally subscribe to the quote, but was merely conveying the publicist's opinion.
- d) I made this change months before your father filed his lawsuit, and has nothing to do with it.

At 7:15 PM,  [billn](#) said...

Very sad. Not that we have BW here and Bartholomew (proxy) Broadbent, rather that one threat from BB renders comments deleted by authors and administrators alike - reminds me of another 'Kafkaesque' episode in the press today....



At 8:05 PM,  [Jim Budd](#) said...

Very sad? Depends upon what the comments said? UK libel laws are tough, so possibly careless comments are best deleted.

At 8:39 PM,  [The Wine Mule](#) said...

Jamie: No need to apologize. I have no desire to do anything that might even remotely result in legal jeopardy for you. Or for me.

At 8:40 PM,  Jamie said...

At 8:49 PM,  Jamie said...

wine mule, you are a decent and gracious individual

I feel an apology is in order when I delete posts, though - I only do it reluctantly because I value freedom of expression

At 9:16 PM,  Ian S said...

I will offer (a somewhat rare!) compliment to Robert Parker, as he has just offered a pretty positive congratulation to Michael Broadbent on this result.

I recall thinking his post on the subject in the "beyond belief" thread on e-bob was provocative in criticising MB for bringing the claim - though he clarifies here that he thinks it would have blown over and been forgotten without the case - and that was his logic for the comment. FWIW I disagree and am glad MB has cleared his name iro the statements he challenged and that are now removed, but I appreciate the clarification from RMP.

Indeed that very section of RMP's post, goes on to offer another fine piece of common sense that says the case has "just served as a catalyst to refocus a disproportionat amount of attention(the threads here for example) to issues none of us are qualified to comment on". This is very sage advice and hopefully will encourage his own forumites to be more considered in their postings in the future. I have great sympathy for both Bartholomew Broadbent and others who have challenged some of the comments made. They have more patience than I would have - hence I lurk there (on occasion) without giving myself the opportunity to get involved!

Benjamin

You seem to be saying that this out of court settlement proves nothing. I (and I suspect most others) will choose to differ with you on this.

As a potential reader of an updated 2nd edition (which I see enough potential for if Rodenstock ever comes to trial) or indeed a follow-up, I'd be more inclined to buy & read if you accepted this out of court settlement with good grace and humility.

regards

Ian

At 10:26 PM, [Bob Rossi](#) said...

Ian S - as a lawyer, it's clear to me that the settlement means nothing as far as liability is concerned, given the UK's libel laws. If the suit was brought in the US, my opinion would be different, but the British libel laws are incredibly plaintiff-friendly because of the lack of First Amendment protection. By settling quickly (and presumably for a modest sum), the publisher avoided significant legal costs and a possible loss due to the burden of proof in the UK.

At 10:29 PM, [Bartholomew Broadbent](#) said...

Where Ben's argument is implausible is in the fact that the loser, in UK, pays the legal fees of the winner. If it hadn't been a rock solid case, my father would not have risked financial loss. As it was, the legal fees would have been huge already. If the Publisher thought they had any chance of winning they would have, presumably, gone ahead with the case because they wouldn't have had any legal costs if they had won. They would have had all their legal costs paid. So, the fact that they settled out of court can only mean that they knew that the book was totally indefensible.

Also, it is easy to say that anyone can compare the specific claims in the legal complaint when you know well that the legal complaint hasn't been made public.

At 10:47 PM, [DermotMW](#) said...

Although I'm an MW I don't know Michael Broadbent but I would tend to feel that someone is innocent until proven guilty.

Consequently, it is important to bear in mind that "impressions" gleaned from an article or book, once "published" on the web, can leave a very lasting impression - one which may very well be inaccurate or hurtful.

Having said that, I haven't read the book but, I have to say, I am now likely to go out and buy it as a result of all this recent furor. I'm not entirely sure that this was the desired end result of the lawsuit.

I rather think that all should try to close this discussion as few of us are qualified in law (I'm not), few of us know the real (to either party) facts of the case and any comment is likely to be fanciful speculation.

facts of the case and any comment is likely to be fanciful speculation, at best, and actually libellous at worst.

I also think that those representing either side are better off fighting their battles elsewhere and, preferably, with each other and the rest of us should find another topic.

I dislike the apparent threat of legal action being used, even if unintentionally. If the desire is simply to inform us that we (or worse, Jamie) could lay ourselves open to suit then a more polite, or less aggressive, way of expressing this would have been better. Still, hindsight is wonderful and I'm sure feelings are running high today.

At [11:38 PM](#),  Ian S said...

Bob

There seems to be a lot of expertise in the US on UK libel laws at the moment! (:wink:)

At least I suspect you have some insight into UK law, unlike many of the others passing comment on the failings in the UK legal system. That said, ex-advocate RMP said "Seems like a win to me....", so opinions differ even amongst those versed in the US legal system.

I'm sure the truth is (as ever) in the detail. At the moment it sounds like the aftermath of an election where each party is claiming how big or small the defeat is. We've not seen the seat count, so we don't know whether it's a Pyrrhic victory, a moderate victory or a major one.

What we risk forgetting in this is the positives that both Benjamin and Michael have brought to wine enthusiasts.

Dermot

Wise words indeed. There have been some pretty inflamed, ill-informed and abusive internet arguments and I'm ashamed at some of the exchanges that have taken place.

As a community we've not covered ourselves in glory in this matter. On balance I think your advice is the right course of action.

regards

ian

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