

**Private and Confidential**Laurence O'Brien  
Twitter IrelandBy Email: [laurence@twitter.com](mailto:laurence@twitter.com)**Our ref:**  
JML/SMU/26307.144**Date:**  
1 March 2013**Our client:** Lidl Ireland GmbH  
**Matter:** Defamatory video and postings on YouTube

Dear Sirs

We act for Lidl Ireland GmbH ("**Lidl**").

Our client is a multi-national grocery retailing enterprise with a trading history in Europe in excess of 70 years. Lidl is one of the largest grocery retailers in Europe. Our client's extensive network of stores is unrivalled in the discount sector. Our client takes pride in providing top quality products at the lowest possible prices to all consumers across Europe and has a very significant reputation as a well run European business.

Lidl entered the Irish market more than 12 years ago and directly employs over 3,000 people in over 136 stores and 4 distribution centres. There are further expansion plans and the number of employees is set to increase. The success of the organisation is largely down to the dedication and commitment of its employees. Lidl is proud to be an equal opportunities employer, with a very diverse and multicultural work force.

In a YouTube posting at [http://www.youtube.com/watch?v=jH73-9\\_5scM](http://www.youtube.com/watch?v=jH73-9_5scM) on 28 February 2013 which has been tweeted on Twitter entitled "**A Lidl Respect**" includes serious defamatory comments without foundation damaging the good name and reputation of Lidl and its employees. A sample of the comments are as follows:

*"Lidl breaches Employment Law" "Workers under constant pressure" "Has no respect for staff". Lidl is not operating "in accordance with the Law", that Lidl requires "unpaid lunch breaks", that Lidl requires "unpaid overtime", that Lidl treats its workers "like machines", that Lidl "cuts corners in Health and Safety".*

In addition, the comments section contains a post from "*Skylark BS1981*" which states:

*"you can smell Nazi Germany when you walk in the door".*

Our client accepts and acknowledges the freedom of expression and fair comment as guaranteed under *inter alia* statute/common law, the Irish Constitution and pursuant to the European Convention of Human Rights and is committed to engaging with and listening to all legitimate and constructive commentary from members of the public. Notwithstanding this however, our client has grave concerns with/objections to the foregoing "YouTube"

posting on the basis that it contains a number of serious factual inaccuracies and unsupportable comment in light of the following:

1. Lidl operates in full compliance with all prevailing employment law legislation, adopting and implementing comprehensive employment policies in its organisation thereby ensuring full compliance with all aspects of Employment Law.
  - (a) It actively fosters and promotes fairness and equality among its employees with regard to its recruitment and selection process and employee training and conditions of service within the organisation.
  - (b) Should an employee have any concern or issue whatsoever in relation to their employment, there are clear simple processes to deal with complaints promptly in line with industry best practice. It has a transparent internal communications processes to resolve any issues and employs dedicated independent and non-biased HR Personnel Coordinators to assist employees. Furthermore, employees have access to a free-phone hotline for any personnel related queries or problems. Lidl endorses and fosters a culture of listening to and engagement with its employees in order to best understand their needs and requirements.
  - (c) Lidl is fully compliant with its obligations under the Terms of Employment (Information) Act 1994, and has a written contract of employment with every employee setting out the terms and conditions of the employment relationship. It provides extremely competitive rates of pay to employees and is fully compliant with all regulations in respect of payment for overtime worked together with statutory holiday and rest periods.
  - (d) The grocery retail industry is a fast paced, dynamic and challenging environment. As such, Lidl operates a model of workflow efficiency which often requires employees to multi task and to this end all Lidl employees receive comprehensive training to ensure that they are equipped with the necessary skills required to work and perform in this environment to the best of their ability.
2. Lidl maintains consistently high standards in observing the provisions of the prevailing Health and Safety legislation, regulations and codes of practice. Health and safety in the workplace is of utmost importance to Lidl, and it is fully committed to implementing safe work systems and methods to ensure that the safety, health and welfare of all employees in line with all legislation and industry best practice. The company employs a dedicated Health and Safety Manager to proactively develop, monitor and maintain Health and Safety programmes and initiatives across the entire organisation and thereby ensuring compliance with its statutory obligations.
3. The inference in the aforementioned comment posted to the effect that our client's stores or its organisation is akin to Nazi Germany is extremely damaging offensive and upsetting. Moreover, this comment is in clear breach of Section 2 of the Prohibition of Incitement to Hatred Act 1989 which provides that it is an offence:
  - (a) *to publish or distribute written material;*
  - (b) *to use words, behave or display written material*

*.....if the written material, words, behaviour, visual images or sounds, as the case may be, are threatening, abusive or insulting and/or intended or having regard to all the circumstances are likely to stir up hatred."*

To suggest that our client, which is a German company, is associated with the National Socialist regime of 1930's Germany is a statement that is meant to stir up hatred and is threatening, abusive and insulting and which will cause our client to be the subject of hatred within Irish Society.

For the reasons set out above, the comments within the video on the YouTube website are defamatory pursuant to the provisions of Section 6(1) of the Defamation Act 2009. There has been a publication of a statement concerning our client which is untrue and therefore defamatory in nature. These statements are damaging in the extreme to our client's good name and reputation in the eyes of the reasonable members of the public. There is no defence to these statements.

You are obliged to act expeditiously to remove or to disable access to this information in the circumstances.

Our client requires you to do no more than this. It is not seeking an Order for damages or other compensatory relief from you. It is not seeking to recover its legal costs. However, should the offending material not be removed the losses directly attributable will be so significant to our client's business name and reputation that damages will not be an adequate remedy. This is because the reputation of Lidl in Ireland and the gross defamatory nature of the comments is and will damage the very significant value in the Lidl brand name and will give rise to as yet unquantifiable trading losses.

We hereby require the above particularised materials which have been tweeted on Twitter in relation to the above identified address to be taken down immediately. We require that you also take down any tweets that connect into the video at -

<http://www.youtube.com/watch?v=W4ScaPHIA8&feature=youtu.be>.

In this regard, please find enclosed a sample of such tweets however, this is not an exhaustive list and there may be more.

In the event that this material is not removed today, Friday 1 March 2013 we have advised our client to immediately issue proceedings against you which may include seeking injunctive relief.

Yours faithfully



**ByrneWallace**

Direct dial +353 1 691 5681

jlegorburu@byrnewallace.com