

**Press release issued by the Registrar**

**Chamber judgment<sup>1</sup>**

*Kuliś and Różycki v. Poland* (application no. [27209/03](#))

**SANCTION FOR PUBLISHING SATIRICAL CARTOONS UNJUSTIFIED**

***Violation of Article 10 (freedom of expression and information)  
of the European Convention on Human Rights***

Under Article 41 (just satisfaction) of the Convention, the Court awarded the first applicant 7,200 euros (EUR) in respect of pecuniary damage, EUR 3,000 in respect of non-pecuniary damage and EUR 6,100 for costs and expenses. (The judgment is available only in English.)

**Principal facts**

The applicants, Mr Mirośław Kuliś and Mr Piotr Różycki, are two Polish nationals, who were born in 1956 and 1946 respectively. The first applicant lives in Łódź. The second applicant died in 2004.

The first applicant owns a publishing house named “Westa Druk” which publishes a weekly magazine, *Angora*, and its supplement for children, *Angorka*. The second applicant was the editor in chief of the magazine.

On 16 May 1999 *Angorka* published an article referring to an advertising campaign by a company, Star Foods, for its potato crisps. The article was critical of an ad placed by the company onto its crisps packaging which called a popular cartoon character for children “a murderer”. The *Angorka* article included in particular an image of the cartoon character followed by the statements “Polish children shocked by crisps ad” and “Don’t worry, I would be a murderer too if I ate this muck!”.

The Star Foods Company brought civil proceedings against both applicants seeking an apology, reimbursement of their legal costs and the payment of some money by the applicants to a charity. These claims were granted by the courts who found that the applicants’ article, by using strongly pejorative words which conveyed disgust and repulsion, had discredited the products of the company. The applicants’ subsequent appeals were dismissed.

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<sup>1</sup> Under Article 43 of the Convention, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

## **Complaints, procedure and composition of the Court**

Relying on Article 10, the applicants complained of the sanctions imposed on them.

The application was lodged with the European Court of Human Rights on 10 June 2003.

Judgment was given by a Chamber of seven judges, composed as follows:

Nicolas **Bratza** (United Kingdom), **President**,  
Lech **Garlicki** (Poland),  
Giovanni **Bonello** (Malta),  
Ljiljana **Mijović** (Bosnia and Herzegovina),  
Päivi **Hirvelä** (Finland),  
Ledi **Bianku** (Albania),  
Nebojša **Vučinić** (Montenegro), **judges**,

and Fatoş **Aracı**, **Deputy Section Registrar**.

## **Decision of the Court**

The Court noted that the company's crisps campaign, although mainly aimed at children, had used slogans with inappropriate content for them. This had clearly raised issues which were of interest and importance for the public.

In addition, the cartoon published in the applicants' article had been obviously inspired by the company's advertising campaign as they had used the cartoon character and the slogan which had featured on the crisps packets. The Court accordingly found that the applicants had not aimed to denigrate the quality of the crisps but to raise awareness of the type of slogans used by the company and the unacceptability of such tactics to generate sales.

The Court finally considered that the domestic courts had failed to have regard to the fact that the press had a duty to impart information and ideas on matters of public interest and in so doing could resort to some exaggeration or even provocation, as had been the situation in the present case. Accordingly, the Court held unanimously that the domestic courts had not justified the sanctions imposed on the applicants, and there had been therefore a violation of Article 10.

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***The European Court of Human Rights*** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.