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See Hua sues AC Nielsen, Sin Chew

By: (Thu, 05 Jan 2006)



PETALING JAYA: It may only be a defamation suit but the outcome may have major repercussions for the advertising and media industry.

Sarawak-based See Hua Daily News Berhad, which publishes the Chinese daily See Hua Daily News, has filed a suit against AC Nielsen (Malaysia) Sdn Bhd and several others over a survey of Chinese newspaper readership in Sarawak.

See Hua claims that it was defamed through readership figures collated and released by research firm AC Nielsen (Malaysia) Sdn Bhd and is seeking unspecified damages and an injunction to restrain the company and another newspaper, Sin Chew Daily News, from further publication of the readership figures.

In its writ of summons, See Hua contends that a telephone survey of only 4,000 Chinese carried out by AC Nielsen in the survey specially commissioned by Sin Chew is "not valid and/or unreliable".

It added that the survey had disparaged it and its newspaper business. As a result, its business has been affected.

Also named as defendants in the suit are AC Nielsen's executive director, Danyal Abdul Malek, the publishers of Sin Chew Daily News, Sin Chew Media Corporation Berhad, its editor-in-chief Koo Cheng, and executive director Gan Chin Kew @ Gan Chin Hor.

See Hua, in its suit filed at the Shah Alam High Court last month, alleges that AC Nielsen was paid by Sin Chew to carry out a readership survey of Chinese newspapers in Sarawak.

AC Nielsen is said to have conducted a readership survey by telephone in six major towns in Sarawak from April 2004 to March last year.

According to the statement of claim, it contends that AC Nielsen knew or ought to have known it was not possible to conclude that Sin Chew had a readership of 152,000 and that See Hua had only 57,000 readers in Sarawak based on a telephone survey of only 4,000 Chinese.

See Hua claims it did not consent to it being used in the survey and the survey report, and alleges that AC Nielsen ought to have known that of the various methodologies used in carrying out surveys, telephone interviews are "unreliable and not conclusive".

AC Nielsen, the statement says, knew or ought to have known that the audited figures provided by both See Hua and Sin Chew to the Audit Bureau of Circulation published in March 2005 contradict the survey results.

The audited figures show that See Hua sold more copies than Sin Chew.

The statement adds that AC Nielsen was aware that different methodologies for readership survey (telephone interviews, face-to-face interviews) will give rise to different results.

It added that AC Nielsen had used face-to-face interviews to compile the Media Index for newspapers and not telephone interviews. (The Media Index is the regular survey done by Nielsen.)

The Sarawak newspaper claims it did not consent to it being used in the survey and the survey report and claims it is "self-serving".

It contends that Sin Chew paid AC Nielsen to carry out the survey to show that it is the most widely read Chinese newspaper in Sarawak among all Chinese newspapers "for pecuniary gains".

AC Nielsen, it alleges, knowingly participated in "the self-serving exercise also for pecuniary gains" and did not inform guests (at the press conference) or readers of the survey report or the newspaper of this fact.

See Hua also says that AC Nielsen refused to take any steps to rectify the "defamation and/or malicious falsehood or to mitigate the damage" despite being asked to do so by See Hua.

"Instead, by its reply dated Aug 18, 2005, (AC Nielsen) continues to claim its survey report is valid and not biased."

Danyal, the suit said, released the survey report to guests and addressed people from advertising industry and repeated the defamatory statements at a press conference organised by Sin Chew.

Koo and Gan are being sued for repeating the alleged defamatory statements and Sin Chew for publishing them. The defendants have yet to file their defence.

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