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Sotheby's Files Second Lawsuit Over Works It Calls Fake

By NINA SIEGAL FEB. 7, 2017



Sotheby's declared "Portrait of a Man," previously attributed to Frans Hals, a forgery. Creditvia
Sotheby's

Sotheby's has filed a second lawsuit related to the sale of works originally attributed to European old master painters that it now says are forgeries.

On Monday, the auction house announced that it had initiated proceedings in the English High Court against Mark Weiss, a London art dealer, and David Kowitz, a collector and the founder of Indus Capital Partners, to recover the profits of a 2011 private sale of a Frans Hals painting, "Portrait of a Gentleman," which it subsequently [declared](#) was a fake.

The auction house sold the work in a private sale, and Mr. Weiss and Mr. Kowitz received \$10.75 million for it. Sotheby's has paid back the buyer of the work, and now the auction house wants the two defendants to reimburse what they earned from the sale. Sotheby's called it "undoubtedly a forgery" based on research conducted by Orion Analytical, a scientific analysis firm that Sotheby's acquired last year; the results were peer reviewed by John Twilley, an independent conservation scientist.

Mr. Weiss responded in a statement on Monday that he was not convinced by the evidence Sotheby's has provided to him that the work is a fake, saying that the auction house "has repeatedly refused" to allow his own experts access to the painting "to carry out the further tests required to corroborate the findings." The statement added that Mr. Weiss "intends to contest the claim vigorously."

Sotheby's said that the evidence that it is fake is "unequivocal," because it found a modern synthetic pigment throughout the paint layer. "The painting was with the experts Mr. Weiss had instructed for a four-month period and was subject to extensive testing by them," Sotheby's said on Tuesday. "Mr. Weiss later suggested that additional tests be conducted by a new group of conservators, but Sotheby's concluded that none of these further tests would change its conclusion."

Last month, the auction house filed a similar suit in United States District Court in New York against the Luxembourg art collector and businessman Lionel de Saint Donat-Pourrières, who consigned [a painting](#) of St. Jerome that Sotheby's sold at auction in 2012, which was attributed to the circle of the Italian Renaissance painter Parmigianino. Sotheby's also subsequently announced that scientific analysis determined it was a [forgery](#) because it contained the modern synthetic pigment phthalocyanine green, first used in paints nearly four centuries after Parmigianino died.

The sale price of the circle of Parmigianino work was \$842,500, and Sotheby's is demanding that Mr. de Saint Donat-Pourrières return the \$672,000 profit he earned from the sale of the work, in keeping with the presale contract. He has so far refused to do so, saying that he is unconvinced by the scientific data provided by James Martin, who conducted the analysis for Sotheby's.

"Nobody thought even once that it was a fake, nobody, nobody," Mr. de Saint Donat-Pourrières said in a telephone interview on Tuesday. "The best experts in the world have seen this painting over many years and nobody during that whole period thought it was a fake. Now, only Mr.

Martin says that it's a fake. Only him, nobody else. And all the other experts in the world are forgotten?"

Mr. Martin said that he took 21 paint samples from many different areas of the paint layer and found the 20th-century pigment throughout the work, including in areas of the painting that were never restored. "It's a bit like taking the pulse of a corpse 21 times," he said.