

Responding to Negative Online Posts about Your Business

Amundsen Davis Hospitality Alert
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Every business struggles with negative online reviews. Unless the negative post directly violates hosts' terms-of-use, it is highly unlikely that the host site (e.g. Yelp, Glassdoor, Instagram, etc.) will remove the post. Host sites like Yelp are also immune from most lawsuits under Section 230 of the Communications Decency Act so a lawsuit against those entities is not the answer. Best practices for responding to offending posts depends on if the post is merely negative or if it is also defamatory. Dealing with either type of review requires focusing on minimizing the effect of the post and resisting the urge to respond in a way that compounds the damage to your reputation.

ADDRESSING NEGATIVE REVIEWS

Your goal in responding to a negative review is to impress readers with your responsiveness and attention to customer service. Your purpose in responding to a negative post is not to win over the post's author.

Do's and Don'ts of Responding to Negative Reviews:

- Always respond to negative posts and respond quickly;
- Introduce yourself and address the author by name;
- Keep your response short (about fifty words);
- Take the discussion offline by offering to follow up by email or direct message;
- Do not argue;
- Do not offer contrary evidence or attempt to "prove" anything;
- Do not offer the same, canned response to every bad review;
- No sarcasm or attempts at humor.

Example of a negative but non-defamatory post:

This restaurant has horrible food and worse customer service. - John

Example (appropriate) response:

PROFESSIONALS

Max Goodman
Partner

Ryan B. Jacobson
Partner

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Hi John – my name is Jack and I am this restaurant's owner. I am so sorry to hear about your experience with us and I'd be thrilled to give you a refund and apologize personally. I sent you a direct message to learn more about your experience and to try to make this right. Thank you.

Whoever sees the negative post will also see your prompt, polite response showing that your business takes customer service seriously. If your business does not have many reviews or if a negative review appears prominently, consider encouraging your best customers, friends or family to leave honest (and hopefully, glowing) reviews to provide a more accurate evaluation of your business and to push negative reviews out of the spotlight.

CONFRONTING DEFAMATORY POSTS

If a post about your business is defamatory, rather than merely negative, you have more options to address it. Generally, defamation is a false statement of fact damaging to one's reputation. Neither opinions nor true statements are actionable as defamation. While our freedom of speech is not limited to compliments, false accusations of illegal practices or fraud are not protected speech.

Example defamatory post:

This restaurant owner is a dirty thief who cheats on his taxes and drinks on the job.

Assuming the above statement is false, it is potentially defamatory. If you believe a particular post about you or your business may be defamatory, you should immediately consult an attorney with internet defamation law and reputation management experience.

Defamation suits must be brought within one year of publication. If the author's identity is unknown, it is possible to subpoena the hosting site or internet service provider for identifying information about the author. Lawsuits are unfortunately, expensive and they will not usually provide quick resolution. Often a cease-and-desist letter from an attorney specializing in this area of law to the author of the defamatory post will, however, succeed in encouraging the voluntarily removal of the post. Cease and desist letters are a low-cost option with the possibility of quickly resolving this issue.

Online reputation management requires diligently monitoring your online presence and responding to negative posts promptly, professionally, and with brevity. To address speech harmful to your business, investing in experienced counsel can quickly remove the offending speech and guide a response that allows you to re-focus on your business.

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