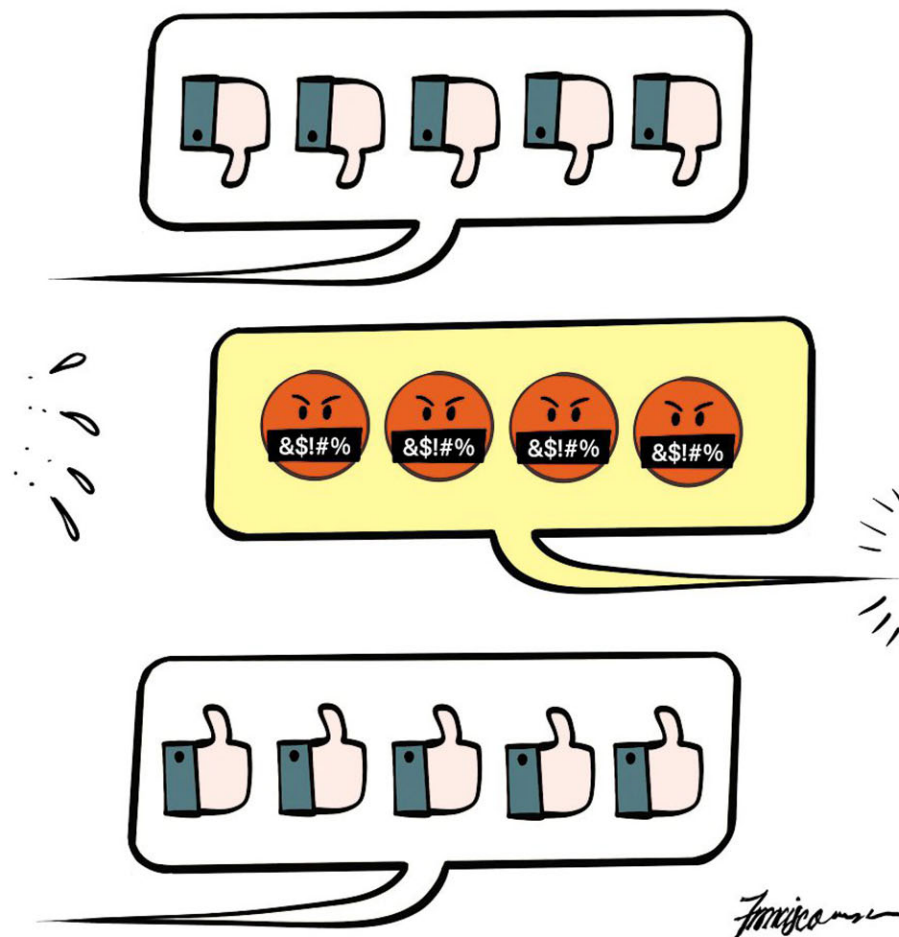


# When brands sue people for posting bad reviews

Fake reviews instigated by a competitor and turbocharged by review farms are a growing challenge. But winning a legal suit does not equate to winning the war of public opinion.



## Samer Elhajjar

Ever felt the urge to write a rant on social media after a product purchased was not up to mark? Think again.

A woman in Nigeria posted a bad review of a can of tomato puree she had bought, highlighting its excessive sweetness and arguing the manufacturer was endangering people's health.

She now faces a civil lawsuit after the manufacturer accused her of making malicious allegations that led to partners disassociating themselves from it, and damaged its business, according to a CNN report on March 27. She also now faces jail for making false accusations and breaching the country's cybercrime laws.

A case revolving around a seemingly innocuous critique of tomato puree has somehow spiralled into a legal quagmire.

This tussle over bad reviews on social media is taking place globally. In Florida, Mr Tom Lloyd was left with US\$25,000 (S\$34,000) in legal bills after a veterinary practice sued him for defamation over a Yelp review. He had claimed his poodle had died in an animal hospital with a ruptured spleen while waiting for a surgeon who never showed up.

These incidents raise fundamental and pertinent questions regarding the legal landscape governing online reviews.

### WHO IS THE BULLY?

Suing customers for leaving poor reviews can sound like undue coercion to intimidate people with genuine grievances whose only intent is to warn other potential customers and prod the company to raise its game. The court process can be costly,

time-consuming and stressful.

But a nasty and unjustified critique can sink small businesses here who live and die by word of mouth. A 2023 study found that Singaporeans rely heavily on social media and personal referrals when looking for information on new restaurants. Lawsuits may be an instrument of last resort to get an unreasonable keyboard warrior to cease and desist.

Singaporeans may not realise they can get caught up in legal proceedings because of a bad review.

In 2020, a local interior design company filed a suit against a married couple who took to Google reviews to express their dissatisfaction with the renovation work at their new condo apartment. The court dismissed the suit on the grounds of insufficient evidence. However, the firm later announced that a High Court Judge reversed the decision, ruling that the company, in fact, had been defamed by its ex-clients.

And in 2022, a motorist who published a post in three Facebook groups claiming that a workshop had installed a faulty battery and sought to charge him a fee to check it despite it being under warranty, had to pay more than \$51,000 in damages for defamation. The High Court found the driver was "reckless about the truthfulness of what he posted" and was recalcitrant in refusing to take down or apologise for his post.

Still, one can win the legal battle but lose the public relations war. From a reputation management perspective, companies should consider the long-term implications of legal action against negative reviews. While they may succeed in discrediting a specific review, the broader narrative of attempting to stifle criticism can have a lasting effect on

consumer trust and loyalty.

When legitimate grievances are met with legal sabre-rattling, it's not just the individual who comes under fire, but the very bedrock of consumer advocacy.

### THE PROBLEM OF FAKE REVIEWS

What if the reviews are not even real? Litigation against the perpetrators seems fair but claims must be measured.

In Singapore, two eateries, Mental-ya Japanese Cuisine and The Social Outcast, claimed another restaurant, Ishiro, had left a series of fake one-star Google reviews. They sought tens of thousands of dollars as compensation for defamation. Ishiro publicly apologised after investigations and said an employee was to blame.

In a twist of events, the subsequent court battle saw Ishiro win a counter-suit against The Social Outcast, which failed to prove Ishiro owners were behind the defamatory acts. The latter had to pay \$60,000 in costs and damages. All sides

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came out looking silly.

The challenge of fake reviews can be compounded by bad actors who resort to review farms to flood a competitor's product page. A note by Amazon posted on Feb 7, 2024, highlights this: "An illicit 'fake review broker' industry has emerged to exploit the value reviews bring to consumers. These brokers approach customers directly through websites, social media channels, and encrypted messaging services, soliciting them to write fake reviews in exchange for money, free products, or other incentives."

Platforms employ a combination of automated systems and human teams to flag potentially fake reviews, analysing language patterns, reviewer history and suspicious activity. Amazon uses artificial intelligence (AI) to scan for indicators of inauthenticity, where suspicious posts are further investigated. The US firm has also taken legal action against fake review brokers soliciting reviews in exchange for incentives.

However, both AI and humans are imperfect, underscoring the need for continuous refinement and scrutiny to ensure fairness and accuracy in content moderation. Genuine reviews may be mistakenly flagged. Biases in these systems can lead to the disproportionate removal of negative reviews.

Negative comments without factual support can contribute to a toxic online environment, particularly if they target individuals or groups unfairly. Platforms may opt to delete or limit such comments if they breach community standards or terms of use. But it is important for platforms to avoid stifling valid critiques or differing opinions.

Businesses can also submit requests to take down fake reviews that may slip through the cracks but these must meet Google's review policy which, Canadian site DemandHub points out to business owners, might be "an uphill battle".

### FOR BUSINESSES, A SUIT CAN BACKFIRE ON THEM

When companies resort to legal action to combat negative reviews, they walk a fine line between protecting their brand integrity and potentially exacerbating the situation. While companies must understandably defend themselves against false or damaging statements, the way they handle criticism can have a significant impact on consumer perception.

People value transparency and authenticity from brands and any attempts to silence dissent can be perceived as heavy-handed or even manipulative. In today's landscape where consumers are increasingly wary of overly curated or sanitised brand images, such actions can backfire and further erode trust.

Ultimately, while companies have a right to protect their brand reputation, they must approach negative reviews with sensitivity and transparency. Instead of wielding legal threats, companies can leverage constructive criticism as an opportunity to improve and demonstrate their commitment to customer satisfaction.

Brands can effectively address negative reviews through strategic service recovery steps. When faced with such feedback, it is crucial to respond promptly and empathetically, acknowledging the review within 24 hours to demonstrate the value placed on the customer's input.

Furthermore, any apology should be sincere, with responsibility assumed for any errors and genuine regret for the customer's experience expressed. Privately investigating the root cause of the issue is essential to avoiding public confrontation.

Subsequently, brands should provide tangible solutions, such as discounts, replacements or extended services, to show their dedication to resolving the situation. Finally, they must ensure the resolution is smoothly implemented, striving to surpass expectations whenever possible.

In cases where a review is suspected to be fraudulent or violates platform guidelines, brands must conduct a thorough investigation and report any violations, accordingly, handling the matter with sensitivity and professionalism.

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