

5 WAYS TO DEAL WITH NEGATIVE AND FALSE ONLINE REVIEWS

Online reviews are vital to a business' success. You cannot always take action against bad reviews, especially if the review is truthful and your customer's honest opinion. There are some circumstances in which you can take action:

1. NON-LEGAL OPTIONS



Respond to the review:

- Reach out directly to the reviewer. Try to resolve their complaint directly.
- Alternatively, comment on the review itself, providing your business' perspective. This allows potential customers to make an informed decision.

Report the review: if the review was on a 3rd party platform such as Facebook, contact the platform and request that it be removed.

Removal services: Pay a 3rd-party service to remove damaging reviews written by anonymous reviewers.

2. DEFAMATION CLAIM



Defamation is the publication of material that causes serious harm to a person or business' reputation. Your business can only be defamed if it has < 10 employees.

To make a defamation claim, you need to demonstrate that the review was published and made available to another person or to the public, identifies or is about you or your business and is defamatory and hurts you or your business' reputation.

3. CONCERNS NOTICE AND OFFER OF AMENDS



A **Concerns Notice** is when you provide a written notice to the publisher of the material, explaining why the material was defamatory.

An **Offer of Amends** mitigates the damage caused by the review. It may include an offer to correct the review, issue an apology, a payment towards any loss or damage you have suffered and/or payment of your legal costs.

4. GOING TO COURT



Going to court is a last resort. Consider it only if 1) your request for an Offer to Make Amends was rejected; and 2) you can prove a substantial loss to your business because of the review.

To claim economic loss, you will need to provide evidence of cancellations or a decline in revenue or bookings for example. Damages are based on the perceived level of harm to your business' reputation.

5. INJURIOUS FALSEHOOD



If your business has suffered actual financial damage as a result of false statements in an online review, you may bring a claim of injurious falsehood. This is open to businesses with > 10 employees.

Key elements include that:

- someone made a false statement about the business' goods or business;
- the statement was published to a third party;
- there was malice on the part of the reviewer; and
- you can show actual damage as a direct result of the statement.



Identifying Anonymous Reviewers

If a review has been left anonymously, you will need to identify the reviewer before you can take action. You can look to hire an online investigator, apply to the court to review the reviewer's identity or take legal action against the page owner or platform.