

Opinions

This lawsuit only gets one star

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Sometimes an OK review, or even a bad review, is just a review and you should leave it at that.



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Welcome to another installment of “Maybe Don’t Do This Thing That Somebody Else Did.”

I’m talking about [a lawsuit filed](#) by the owner of a Bigfoot-themed attraction against someone who left a three-star review on TripAdvisor. It essentially said the place was OK, but it wasn’t worth more than what he and his daughter paid.

The owner took issue with some of the statements made in the review and repeatedly tried to contact the reviewer and the reviewer’s daughter. In response, the reviewer changed his review to a one-star review.

Thus the lawsuit.

I am not a lawyer—I just know a bunch of them. I feel pretty safe telling you, though, that most attorneys would tell you this business owner’s approach wasn’t the best one. Now, I would imagine the business owner did this (it doesn’t state specifically in the article), but I would hope that he spoke with an attorney before pursuing this lawsuit. I also hoped the attorney would have tried to dissuade him.

The First Amendment is a pretty great thing. The guarantee of the right to freedom of expression allows us to do so much. There are limitations to that right, one of which is libel/slander. They are basically the same thing, but they differ in form: the first is written/broadcast while the latter is spoken. In this case, the owner is suing for libel as it was a written review.

Anyway, there are a number of cogs that have to fit into place in order for a written statement to be found libelous. One of those things is the determination whether writing is a statement of fact or opinion. Now, just because something is opinion isn’t an absolute defense against a libel claim; it is a strong defense. I’m definitely oversimplifying here, but again, I’m not a lawyer and I can only write so much before losing your interest.

Back to my point: Reviews are generally held to be opinion. There might be factual statements held within that could cause some trouble, but overall the body of work is opinion. That alone keeps it from being a clear-cut case, which could mean extensive litigation. Also, expensive litigation.

In interviewing attorneys countless times, many have advised that a lawsuit, though an option, isn’t always the best way to go. As I said above, they take a lot of time and money. They also take energy, energy you could perhaps use on other aspects of your business.

The other thing about lawsuits is they sometimes attract public attention. Maybe a reporter looking through interesting filings sees this and writes about it (such as in the example I’ve provided). When the details of the case come out, the public doesn’t always take the side of the business owner. In this instance, the business has multiple great reviews and this one review that essentially equates to “meh.” There isn’t going to be a lot of sympathy for the business owner, and those negative views could turn into a loss of business much greater than any loss from a so-so review.

Sometimes it’s best just to leave a less-than-stellar review alone. You can’t please everyone no matter how great your business is. Other times, you might want to consider reaching out to the reviewer through whatever medium they left the review and leave a response to ask for more details to make improvements, clarify a misunderstanding and/or offer an apology if necessary. That’s a good way to mitigate any damage or harm to your online reputation.

I can tell you that when I order something online or look at potential hotels, I’ll read the reviews. If I see a couple of negative reviews among a sea of mostly positive ones, I will read those to see if they took issue with something that might be an issue for me as well, but I do also take their reviews with a grain of salt. Generally, if a majority of people like a product or a hotel enough to leave a good review, there’s got to be a reason why.

What do you think are the best approaches to anything less than a five-star review? Have you had to fight off the urge to call your legal counsel? Leave a comment below or reach out to me at bwroten@hotelnewsnow.com or [@HNN_Bryan](https://twitter.com/HNN_Bryan).

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