



Fox13NewsTampaBayOnline—WTVT-TV

Leaving bad online review could get you sued

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Posted Jul 24 2019 10:56PM EDT

Video Posted Jul 24 2019 11:10PM EDT

Updated Jul 24 2019 11:18PM EDT

TAMPA, Fla. (FOX 13) - Many people use online reviews to make decisions about what to buy, where to eat, and more, but sometimes speaking out online about a business can get you sued.

A DeLand, Florida man spent half of this year fighting a defamation lawsuit from an animal hospital after he posted a negative review about his dog's care. They recently settled the case.

"You see it in all sorts of situations. No matter what's being reviewed, as long as there's someone who feels like that negative review could hurt their business, there's some chance a lawsuit could come out," said attorney Jim McGuire of Thomas & LoCicero law firm in Tampa.

He said those types of defamation lawsuits happen regularly. FOX 13 found reviews of local businesses claiming bug problems, alleged illegal activity, and terrible service.

"To win a defamation case, the plaintiff would have to prove you made a false statement of fact about them, and it's the type of fact that if it was true would hurt your reputation," said McGuire.

FOX 13's Briona Arradondo spoke to travelers who regularly use and post reviews online about the risk.

"I've had friends who have actually been contacted by the owners, asking them to take it down," said Donna Valdes of Tampa. "The owners will at least try to make it right or (maybe) they were just having a bad day. But, yeah, I've heard that."

Valdes said posters have a responsibility when they post a negative review. The posts often influence a consumer's decision.

"I like it when they have a negative review, and the business responds to the review like as a response. But I had no idea you could be sued for it," said visitor Elizabeth Luecke.

There are ways to avoid opening yourself up to legal action, such as posting anonymously, sticking only with the star review system and plain old honesty.

"Be truthful. If you're telling the truth, then ultimately you're going to have a defense if you get sued for defamation," said McGuire.

Attorneys said some businesses like hotels used to include in the fine print language that prevented a person from posting a negative review without legal action. In 2017, Congress passed the Consumer Review Fairness Act as a response. It protects your ability to share your honest opinion about a business online.

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