

## Publications

### How to Deal with False and Damaging Pissed Consumer Posts

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Pissed Consumer, as the name suggests, has become a destination for disgruntled consumers to share their unpleasant experiences with various products or services. In fact, the website reports having more than a quarter million reviews about 40,000-plus companies spanning 120 industries. Indeed, Pissed Consumer is not a website where a prospective customer should expect to find glowing endorsements of a particular business.

The website is intended to be the online home for consumers who have been “scammed.” Our experience has shown that Pissed Consumer also attracts countless former employees and competitors that publish false reviews, with the sole purpose of damaging the reputations of their former employers or industry competition. We have dealt with these former employees and competitors that have engaged in efforts to underscore our clients’ legitimate business operations.

A common scenario involves a former employee becoming aware of a single negative experience by a customer. The former employee will use that experience to seemingly validate their false review, and he or she will publish varying accounts of that experience on Pissed Consumer under several anonymous screen names. In other cases, we have seen competitors publish false reviews ostensibly based on their own negative experiences with customers, but attributing those negative experiences to our clients.

Of course, one of the most common types of posts we see on Pissed Consumer come from a disgruntled customer that embellishes an alleged negative experience to reflect poorly on our client – without mentioning the corrective steps our client has taken to rectify the customer’s complaint. In these situations, it is important to weigh the risks of pursuing action against a former customer and the potential fallout versus the benefit that a business would realize if a single post is removed.

*Identifying Anonymous Users*

Pissed Consumer's terms of use contains a policy that prohibits the publication of defamatory and incorrect content. However, if a posting abides by Pissed Consumer's terms, "it shall remain active on [their] website indefinitely," as the website does not provide posters with the options of self-edit or self-removal. For this reason, a court order mandating removal from the search engines is often necessary.

We have had success identifying anonymous persons that post false reviews on Pissed Consumer, naming those individuals in a lawsuit, and obtaining removal of the uniform resource locator (URL) linking to the offending content from search engines.

The typical process involved in identifying these anonymous Pissed Consumer posters and facilitating removal of the URL from search engines is as follows:

1. File a lawsuit where the plaintiff is located;
2. Issue a subpoena to Pissed Consumer in New York requesting identifying information related to each URL where the false or fraudulent information appears;
3. Pissed Consumer will then notify its poster their identity is being sought, and give them approximately 20 days to respond; and
4. If the poster does not object, Pissed Consumer will produce the information related to each post (which typically consists of an Internet Protocol, or IP, address from which the post originated).

Once you receive the correct IP address associated with the post, you can identify and issue a subpoena to the service provider that assigned the IP address, in order to reveal the identity of the subscriber. We have been able to identify these anonymous Pissed Consumer posters (including former employees, competitors, and customers), name them as defendants in lawsuits, and obtain court orders by agreement or default judgment.

While Pissed Consumer was not established to seriously damage legitimate businesses, the reality is that it often is exploited by some posters in such a harmful manner. We have used this multi-tiered litigation process to remove these false reviews and limit their impact on our clients' businesses.

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