

# Help for Yelp!

**By Reg P. Wydeven  
December 18, 2016**

Earlier this month, my buddies at work and I decided to check out a new restaurant for lunch. The establishment was very classy – it had very trendy décor, a young and dedicated wait staff, a fully stocked bar and a big menu.

I ordered a cheeseburger that came with pulled pork and bacon jelly on top, and it was delicious. The only problem was that it came after we were there for almost an hour. The '80s tunes they were playing made the wait extremely tolerable, but because some of us had to get back for appointments, we had to box our lunches up and get them to go.

Both our server and the manager came over and apologized profusely. They ended up graciously giving us our meals on the house. Because of the delicious food and accommodating staff and management, we will definitely be back.

If I was young and trendy, I would have given the restaurant a very positive review on Yelp, the website where customers can post reviews on businesses. Earlier this year I wrote about Prestigious Pets, a pet daycare business from Texas that sued two of its customers for defamation, business disparagement and a breach of contract. The company alleged the couple violated the non-disparagement clause in their contract by posting the negative review on Yelp, which they asserted was false and defamatory. The lawsuit asked for up to \$1 million in damages for lost business.

The case was dismissed, however, after the customers successfully argued that Prestigious Pets' claim violated the Texas Anti-SLAPP statute. A SLAPP, or strategic lawsuit against public participation, is a lawsuit that is intended to censor, intimidate, and silence critics by burdening them with the cost of a legal defense until they drop their criticism or opposition. SLAPP lawsuits are illegal in many jurisdictions on the grounds that they impede freedom of speech.

Well now there's a federal law making it illegal for companies to retaliate against U.S. consumers who post negative reviews online.

Earlier this month, Congress passed the Consumer Review Fairness Act, which voids "gag clauses," or any provisions in a form contract that precludes customers from posting any kind of review for goods and services. The Act, first introduced in 2014, also nullifies provisions that impose penalties or fees on customers who post online reviews, even if the customers no longer have the intellectual property rights to their own reviews. The law covers all reviews, including those that aren't necessarily online.

If President Obama signs the legislation into law, the Federal Trade Commission will be granted the authority to enforce the provisions and impose penalties on violating businesses when necessary.

Hawaiian Senator Brian Shatz summed up Congress' strong support of the measure, stating, "Reviews on where to shop, eat, or stay on websites like Yelp or TripAdvisor help consumers make informed choices about where to spend their money. Every consumer has the right to share their honest experiences and opinions of any business without the fear of legal retaliation, and the passage of our bill brings us one step closer to protecting that right."

Because of this law, there's nothing I can do if PETA posts a negative review about me online for eating a cheeseburger topped with pulled pork and bacon jelly. And for trying one of my buddies' chicken tenders.

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