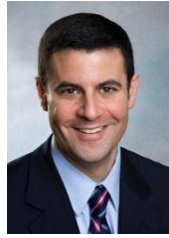


## The Three Rules Every Business Should Follow When Dealing with a PR Crisis



**Bradley C. Croft, Esq.**  
**b1c@riw.com**

Product contamination. A controversial remark by a top executive. A disgruntled former employee with an axe to grind. The potential for bad press for your restaurant, retail store or hotel is everywhere, regardless of how tight a ship you run. The critical question is not *if* a crisis can happen to your business; it's what do you do *when* it happens. Here are three basic rules that every company can follow to help minimize negative publicity, preserve its reputation, and limit exposure to potential legal claims.

**1. Take the call.** By the time you receive a call from a reporter, the story likely is already out there. Answer the call, but ask questions to learn as much as possible about the scope and angle of the story.

- Ask the reporter questions: "What's the story about?" "What's the deadline?" "When is this story going to run?"
- If you are not prepared to comment, do not say "No comment." Rather, say "I'll get back to you" or "Can I have a few minutes?"
- Don't Wing It! Think. Deliberate. Know what you're going to say before you say it, and be prepared for follow-ups.
- Be honest. If you don't have an answer or do not know how to answer a question, then say so. Something like: "I don't know, but I'm going to find out and will get back to you."

**2. Be aware of and control online exposure.** The nature of news has changed. Hard news has given way to shareable news through twitter and other social media. Understand how social media works and use it to your advantage.

As a general rule, bloggers and online media are more passionate and opinionated than traditional media. There's also much less accountability online. "Breaking" news often trumps "accurate" news. Plug into the online community and take an active role in fact-checking and providing the accurate account of what happened or what is being done to prevent it from happening again. Examples of proactive online spin control include responding to online negative reviews where appropriate (such as Tripadvisor.com or yelp.com). Legal cease and desist letters to bloggers or websites can also help to quell additional negative PR in appropriate circumstances.

**3. Anticipate and Plan.** Smart businesses have a team and plan in place before a crisis hits. Hire a PR firm who knows your company, its products, and customer base. Most issues are predictable. Think about potential issues and get your narrative straight before the problem arises (ie.: “If X problem, then X response; If B problem, then B response.”). Develop an internal listening protocol so that you are as aware as the public as to how a story is being spun. Regularly check your online-reviews.

Restaurant and retail owners should hesitate before automatically adopting the “customer is always right” adage. Public statements of accountability may feel like the fastest way to end a crisis, but later may be used by a plaintiff’s lawyer as an admission at a deposition or trial.

To illustrate, a guest at a gourmet burger restaurant posted on a review website that she had become sick with e-coli after eating there the previous week. In response, the owner of the restaurant posted an apology and offered the guest a coupon for a free burger for her next visit. The guest later sued the restaurant for negligence, product liability, and breach of warranty claiming that the burger was contaminated and made her sick. While well-intentioned and certainly not an out-of-ordinary response to a customer complaint, the manager’s apology presented a challenge to the defense of the customer’s lawsuit and likely resulted in a higher settlement than had the restaurant taken a more conservative and deliberate approach to responding to the initial accusation.

One mishandled PR crisis is all it takes to ruin a business’s reputation and impact a bottom line. It can also compound potential exposure to legal claims. Following the rules set forth above will help minimize the risks of such exposure and will give a business the peace of mind to know that it is ready to respond if and when a crisis hits.

**Bradley Croft is a shareholder of Ruberto, Israel & Weiner and a member of the firm’s Retail, Food & Hospitality; Litigation; and Construction Law groups. Brad can be reached at [blc@riw.com](mailto:blc@riw.com).**