



## North Carolina Law Life

# Repelling the Social Attack Requires Legal and PR Savvy

**By: Donna Ray Chmura. *This was posted Thursday, November 18th, 2010***

I wrote recently about [copyright law](#), in response to a magazine editor who was accused of stealing an article on apple pie and defended herself by saying everything on the Internet is public domain. That magazine, Cooks Source, is apparently closing after it and its advertisers have received hundreds of hostile emails and phone calls. Two issues continue to interest me about this situation: the [Facebook](#) aspect and the Internet caching aspect.

Cooks Source magazine was designed to support local food-oriented businesses in Western Massachusetts. The magazine had a Facebook page where it electronically reposted its printed articles.

After writer Monica Gaudio posted a rather off-hand blog entry on her interaction with the Cooks Source editor, the story went viral on the Internet, largely because of the editor's pompous and condescending attitude. Thousands of people researched Cooks Source online and found its Facebook page. Numerous people "[liked](#)" the Cooks Source Facebook page for the sole purpose of criticizing editor Judith Griggs and posting insults (some of which were quite clever, others of which were crude and mean).

In later electronic communications, Griggs complained that her Facebook page had been "hacked." Hacking is breaking into a computer to gain unauthorized access. Often hackers are trying to steal information. In this case, the Facebook page performed as it was designed. Consumers felt a desire to connect with a certain business (i.e., Cooks Source), "liked" the page and then posted comments. Unfortunately, most of these comments were critical of Griggs, but this is not hacking. Social media (Twitter, Facebook, blogs) is designed to be an interactive forum with customers, not an electronic bulletin board where a company posts press releases and stifles all criticism. Companies who misunderstand the interactiveness are often ill-prepared for the fall-out.

Griggs lost control of her Facebook page. She didn't respond to negative comments, which further infuriated her critics. I have heard this called "[slacking](#)" meaning that the Facebook owner "slacked off" (shirked) monitoring social media. When food conglomerate and chocolatier, [Nestle](#), dipped a toe into social media with a Facebook page, it was flooded with critical comments about its sustainability practices and marketing practices for infant formula in the Third World. Corporate responded with a [warning](#) to stop posting

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altered versions of the Company's logo. While this alteration might rise to copyright or trademark infringement, the legal response needed to be tempered by extremely savvy marketing/public relations advice.

Both of these companies entered social media without a [plan](#), or, quite frankly, a clue, and were powerless to [repel](#) the social attack. The plan needs to encompass both legal and marketing experts, and a company needs to learn from Cooks Source, Nestle, and [Domino's](#) that social media can be used against you. Companies need to understand the particular media, the users, and the unwritten rules of any community, as well as the underlying legal and marketing concepts. On the [legal](#) end, companies using social media also need a firm understanding of [copyrights](#), [trademarks](#), [defamation](#), and [right to privacy](#). Social attacks require coordinated responses from the lawyer and the PR agency.

More on Internet caching later.

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