

Caging the guerrilla consumer: The report from Illinois

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ABSTRACT

Incidents of dissatisfied consumers whose actions go beyond normative behavior and into the realm of counterproductive, economically harmful, and even illegal behaviors are gaining increased attention from researchers as well as from the popular and social media. The current research introduces the term “guerrilla consumer behavior” to describe consumer actions against vendors in response to a suboptimal outcome. Guerrilla consumers use whatever resources they have available to them, including unconventional or non-traditional responses, to express their displeasure with a firm. Consumer guerrilla behavior exacts a toll on a company, in terms of time, money, and reputation. The options available for firms that are affected by such behavior are few, and the decision to employ legal recourse against guerrilla consumers remains paradoxical. This study will present examples of guerrilla consumer behavior and examine plaintiff companies’ legal recourse to such misbehavior in Illinois, which include allegation of defamation, commercial disparagement, or intentional interference with prospective economic advantage in a lawsuit. The current research will also discuss those instances in which an injunction may be the appropriate legal remedy. The question to be explored is whether these remedies to guerrilla consumer behavior, while appropriate in the legal sense, are truly in the long-term best interests of the company.

Keywords: guerrilla consumer, satisfaction, legal remedy, defamation, disparagement

INTRODUCTION

I was ruined twice in my life, once when I lost a lawsuit and once when I won a lawsuit.

- Abraham Lincoln

In 2008, folk singer David Carroll was on board a United Airlines flight, awaiting takeoff at Chicago's O'Hare airport when fellow passengers noticed that the baggage handlers next to the airplane were recklessly tossing luggage, including guitar cases, as they loaded parcels onto the airplane. Carroll later discovered that his own guitar had been broken, incurring \$1,200 in damage (Negroni, 2009). Frustrated by United's delayed and insufficient response to his complaints, Carroll recorded a music video called "United Breaks Guitars" (<http://www.youtube.com/watch?v=5YGc4zOqozo>). This lyrical diatribe against United Airlines and its employees was posted on YouTube and attracted 150,000 views within one day, over half a million hits within three days, and almost 6 million views within roughly five months (Negroni, 2009). During this time period, United suffered a 10% drop in its stock price, costing shareholders \$180 million (Ayres, 2009). While this financial downturn cannot be attributed directly to Carroll's song and video about the damage inflicted on Carroll's guitar, this loss and the flood of negative publicity generated by Carroll's response certainly caused great expense to United Airlines in terms of time, money, and reputation.

In 2010, Procter & Gamble's Pampers division introduced Dry Max diapers. This new variety of diaper was created to compete with less expensive store-brand diapers and was more absorbent, thinner, and more ecologically friendly than other brands. However, parents who dressed their babies in Dry Max diapers found that these diapers, positioned as a brand that would keep babies dry and comfortable, left their children with severe and painful diaper rash, burns, and blisters instead (Stephenson, 2010). Consumer response against Procter & Gamble was swift and vocal, including boycotts, a vitriolic anti-brand campaign on Facebook, (<http://www.facebook.com/home.php?#!/pages/RECALL-PAMPERS-DRY-MAX-DIAPERS/124714717540863>) and a class action lawsuit against Procter & Gamble (Clark *et al* v. The Procter & Gamble Company, 2010). Like United, P&G incurred losses that coincided with the consumer action against their brand. The Pampers brand lost roughly 3 percentage points of market share and P&G shares fell over 5% in the weeks following the onslaught of consumer complaints starting in April, 2010.

There are countless other stories of boycotts, web postings, and anti-brand web and social media sites, not to mention verbal abuse, defamation, and vandalism committed by customers against businesses; consider how the BP oil disaster dominated headlines throughout 2010 and the public response against this global corporation and its franchisees. These examples represent some of the actions consumers have taken when their attempts at getting satisfaction in consumer/organization exchanges are stymied. They represent consumer behavior at the margins. Some of these responses might take place as a consumer is considering severing a relationship with a business, or even after all other communications have ended. On the other hand, displays like these might foretell no exit at all, but rather a demand for attention that cannot be ignored. Consumer behavior at the margins can be called guerrilla consumer behavior, actions that defy any clear-cut categorization into the exit, voice, or loyalty labels that are applied to the majority of consumer responses to dissatisfying outcomes.

The actions of these guerrilla consumers go beyond normative behavior and into the realm of counterproductive, economically harmful, and even illegal behaviors. Through their

actions, guerrilla consumers command the attention of practitioners, of the popular media, and in many cases the attention of the legal and judicial systems. The options available for firms that are affected by such guerrilla consumer behavior are limited to begin with, are changing at a much slower rate, and are themselves the subjects of controversy and conflict; the decision to employ legal recourse against such consumers remains paradoxical. This makes guerrilla consumer behavior an increasingly important topic of research as well.

LITERATURE REVIEW

The marketing perspective

Hirschman (1971) provided the seminal structure for the study of consumer reactions to dissatisfaction. He labeled the voice response as the consumer informing employees, managers, or anyone else about an unsatisfactory situation. Sargeant and West (2001) expanded upon Hirschman's concept by adding three more specific avenues for complaining behavior. Vocal describes the situation when consumers express their displeasure directly to the offending company. Private describes negative word-of-mouth behavior in which friends, colleagues, and other contacts are warned and informed about the dissatisfaction, and third party describes occasions when the consumer seeks help from an outside entity, such as lawyer, regulatory agency, or the Better Business Bureau.

The other broad category of responses to a deteriorating relationship or unacceptable encounter is called "exit," a consumer removing herself from the situation (Hirschman 1971). Exit behavior means that the consumer leaves the store or terminates the relationship with the offending business. Such exit behavior can also be less overt, such as a reduction in the number of exchanges or money spent in transactions, or a more gradual exit from the relationship. This response might occur if the consumer is constrained by a monopoly or quasi-monopolistic company (such as Microsoft or local utility provider) or contractual obligations (such as with a cellular phone service provider). Such behaviors, where the intention to exit exists but is forestalled, is also known as spurious loyalty (Jones, Mothersbaugh, and Beatty, 2002). That is, from the perspective of an inattentive firm it might seem as if the relationship with a particular customer still exists unhindered, while the customer is actually seeking to exit and may leave the relationship at her first opportunity.

The idea of guerrilla consumer behavior is offered herein as an alternative to the conventional categorizations of exit, voice, and loyalty. One reason for the term guerrilla consumer is that it stands as a variation of the widely used phrase "guerrilla marketing." Guerrilla marketing is defined as "unconventional marketing intended to get maximum results from minimal resources...as different from traditional marketing as guerilla warfare is from traditional warfare" (marketingterms.com). Considering the plight of the distressed consumer against a corporation, the notion of needing to get results from minimal resources seems apt.

This term can also be considered less judgmental or at least more even-handed than the other phrases that have been used. Consumers who behave in ways that go outside of what might be considered normative behavior in the vendor-customer dyad have been given many names in recent years, such as retaliatory (Huefner and Hunt, 2000), problematic (Bitner, Booms, and Mohr, 1994), aberrant (Fullerton and Punj, 1993), and deviant (Moschis and Cox, 1989). Such patrons have even been called jay-customers (Lovelock, 1994), from the term "jay-walkers," those who cross the street outside of the proscribed lines.

By labeling a dissatisfied customer's behavior as problematic, aberrant, or deviant, one places the blame for the situation on the customer. As countless examples (including the scenarios described above) illustrate, by no means is this always the case. In many cases consumer behaviors such as boycotts, posting negative comments and reviews on sites such as Yelp (yelp.com) and Angie's List (angieslist.com), and even paying an invoice entirely in pennies are within a consumer's legal rights, could be considered as justified (especially by the person performing the action), and may draw attention to a firm's malfeasance. The current research offers another perspective: the guerrilla consumer.

While the inquiry into consumer activities that are included in what we will call guerrilla consumer behavior has increased in recent years, the issue of firms responding to such behavior has not, and yet is of great relevance. Simply put, guerrilla consumer behavior, whether justified or not, can exact an economic toll on a business. While difficult to quantify, these costs can be seen in terms of time, money, and reputation.

The impact of a company suffering at the hand of a guerrilla consumer can be felt in terms of time spent in dealing with such customers. It can begin with the potentially disproportionate attention that needs to be paid to the individual, but it doesn't end there. In addition to time devoted directly to a guerrilla customer, less direct time commitments include time spent in consultation with regulatory bodies and legal counsel based on the guerrilla consumer activity and even subsequent training that might be designed to combat this customer and avoid similar situations in the future.

Along with the expenditure of employee time and training in the face of guerrilla consumer behavior, there is the financial cost, which starts with damages directly associated with any incidents caused by such consumers, such as repairing damaged property or the repair or replacement of lost or damaged merchandise. Indirect costs also include the salaries of those involved in combating or rectifying the provocative situation, as suggested above. The costs incurred also include legal costs, a financial burden that can dwarf the costs listed above.

A third broad category of the economic toll placed on a company is that of reputation or goodwill. Any firm beset by a boycott, a negative website, or other such public use of voice is particularly susceptible to the negative publicity that follows, and that may even be among the goals of the guerrilla consumer. Beyond this initial damage, there might be additional reputational damage faced by the organization if it decides to fight back, playing Goliath, large and powerful, to the comparatively small David represented by the customer. Any legal response offered by the firm might be seen by the media and the public as an unfair fight, adding further support to the guerrilla behavior taken by the customer.

The possible responses of a company to guerrilla consumer behavior can take many forms, ranging from no response at all to a full-scale litigious retaliation. For example, a guerrilla consumer passing bad checks may find herself the subject of intra-office memos with her picture posted behind the cash register for quick reference so she will be ignored or banned from a store. A consumer who complains frequently and demands a disproportionate amount of attention from the customer service department may end up being "fired." In this sense, a firm may also engage in a kind of voice or exit response.

As described above, dissatisfied consumers can demonstrate their sentiment toward the firm and retaliate in any number of ways. The situation faced by the firm dictates the legal response to that guerrilla consumer behavior. For example, dealing with "voice" responses from the consumer would in most instances not result in a formal legal response. However,

shoplifting or physical violence as a means of expressing dissatisfaction could lead a firm to pursue criminal prosecution.

A firm's set of responses can also include the more drastic approach of instituting legal action or even filing criminal charges. A business, particularly in a retail setting, may threaten to "prosecute shoplifters to the fullest extent of the law," yet given the collection of responses that a business has at its disposal, the implications of these responses must be considered. No matter what the provocation and no matter what the history or the intention of the customer, any response by the firm might be seen as an unfair fight. In truth, in terms of legal responses to guerrilla consumer behavior, companies have only limited remedies available.

As illustrated by the various scenarios presented above, the opportunities available for disgruntled customers to criticize companies, their products or services are numerous. With the communication power of the Internet, social media such as Facebook and Twitter, and with the increasing popularity of, and ease of access to, blogs, customers who feel wronged are aggressively expressing their dissatisfaction in public forums as well as at the firm's offices and retail establishments. The question becomes what legal recourse is available, if any, in Illinois to pursue consumers who publicly express their dissatisfaction in a manner which is injurious to the product or service provider. The following section will describe and analyze the law in Illinois, both statutory and case law, as it applies to this burgeoning problem.

The legal perspective

The following section presents the legal avenues that a firm might consider pursuing in defense against guerrilla consumer behavior. These remedies include relying on statutory protection, or claims of commercial disparagement, of tortious interference with prospective economic advantage, and of defamation. These legal terms and their meaning for a firm confronted with guerrilla consumer behavior are described below.

Statutory Protection: A statute is a federal, state, or municipal law (also called "ordinance" in the case of municipal laws) enacted by Congress or state legislative bodies (law.com). In the context of guerrilla consumer behavior, statutory protection refers to a firm relying on existing laws to protect them against guerrilla consumers. More specifically, the Illinois Uniform Deceptive Practices Act (2001) provides statutory relief for persons who believe they are victims of unlawful deceptive trade practices. Most of the wording in this Act is meant to protect consumers from firms, and not the other way around. However, while the Act is concerned primarily with acts which cause confusion or deceptive representations, upon closer examination it also states that "A person engages in a deceptive trade practice when, in the course of his or her business, vocation, or occupation....the person disparages the goods, services, or business of another by false or misleading representations of facts" (Illinois Uniform Deceptive Practices Act, 2001, sec. 2(a)(8)).

If a firm hopes to defend itself against guerrilla consumer behavior through the statutory protection offered by the Illinois Uniform Deceptive Practices Act, it must allege that the guerrilla consumer knowingly and intentionally made false or misleading statements to one or more of the business's actual or potential customers, with an intent to publish these statements to cause financial harm to the company. Furthermore, the customer must know that what they are saying is false and act "in reckless disregard of (the statement's) truth or falsity" (Illinois Jurisprudence, 1994, Personal Injury and Torts, sec. 11:82). Consider the implications of this statement in light of the fact that the consumer almost certainly and perhaps passionately

believes that their statements are true, and that they are upset that the firm's services or products were unsatisfactorily made, unsafe or ineffective (Illinois Jurisprudence, 1994). That is, the consumer believes that his statements are indeed true.

This consumer righteousness is one reason that there are no reported cases in Illinois currently in which a company has availed itself to this statutory protection against a dissatisfied customer who publicly complains about the company's product or service. Another reason could simply be that the language "in the course of his or her business, vocation or occupation" may preclude such a cause of action. The lawyer representing a guerrilla consumer against a plaintiff firm could argue that the consumer making disparaging statements, while potentially harmful to a plaintiff firm, is not engaged in a "business, vocation or occupation." It appears this provision primarily provides protection from competitor statements and would not be available as a remedy against a disgruntled consumer.

Tort Law: In contrast to the statutory protection described above, tort law (also known as common law) is based not on statutes passed by a legislative body, but rather on the precedent of past cases accumulated over the course of many years. Illinois plaintiff firms have more often sought relief in the courts based on traditional tort law by alleging commercial disparagement, tortious interference with prospective economic advantage, and defamation. These terms will be defined and described next.

Commercial disparagement: Commercial disparagement is "the publication of false and injurious statements that are derogatory of another's property, business, or product" (dictionary.com). There is a dearth of cases in Illinois addressing commercial disparagement claims. As a matter of fact, Illinois courts have raised the issue of whether commercial disparagement is even a viable cause of action in Illinois. Citing *Barry Harlem Corporation v. Manus Kraff, M.D.* (1995), the court stated that "plaintiff (or firm, in the current context) must show that defendant (consumer) made false and demeaning statements regarding the quality of another's goods and services in order to state a claim for commercial disparagement" (*Becker v. Zellner and Zellner Associates, P.C.*, 1997). The burden of proof is placed on the firm accusing the guerrilla consumer, as might be expected, yet given the paucity of cases and the grudging attitude, at best, of Illinois courts to recognize such a tort, it is doubtful that a cause of action for commercial disparagement is fertile ground for maligned plaintiff firms. A more fruitful avenue for business plaintiffs might be a claim for interference with prospective economic advantage. Illinois courts do recognize such a claim.

Tortious Interference with Prospective Economic Advantage: An unwieldy phrase to the eyes of the lay person, interference with prospective economic advantage also presents a multi-layered challenge to the firm under attack. For a company to rely on this remedy, it must prove that the guerrilla consumer interfered with the firm's relationship with another customer. To add to the burden on the organization, the guerrilla consumer must know about this potential relationship and intentionally and successfully act to disrupt that relationship. The firm must also prove that it was the actions of the guerrilla consumer that damaged the relationship with the third party (*Buckaloo v. Johnson*, 1975). In situations where a consumer is simply trying to restore his or her sense of equity and justice for their own benefit, this approach would be of little use to a firm. In many of the examples described above, however (e.g., *United Breaks Guitars*), it seems quite plausible, perhaps even likely, that the guerrilla consumer was trying to have an influence on other consumers.

Tortious interference can be further illustrated in a case in Illinois that is still pending. In this case, *Urban Outsitters v. Pesch* (2010) the plaintiff was Urban Outsitters, a kennel located in

Chicago, that sued a former employee alleging that defendant “willfully and maliciously posted defamatory classifieds on Craigslist and reviews on Yelp” insinuating that plaintiff “beat and hit dogs” and that the kennel’s past clients “had experiences that traumatized their pets.” The complaint states that defendant contacted plaintiff’s clients with the intent to cause them to abandon Urban Outsitters and that plaintiff lost current and prospective clients. Plaintiff claimed tortious interference with prospective advantage. The case demonstrates how a disgruntled individual can use social media to give voice to their dissatisfaction, a troubling but not unusual occurrence.

Defamation: The First Amendment to the United States Constitution states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances (The U.S. Constitution Online).

The right to freedom of speech presents a large, formidable shield of protection to the consumer who transforms Hirschman’s voice response into a guerrilla attack against a firm.

There are hundreds of defamation cases in Illinois. Defamation is a written or oral communication, often referred to as libel or slander, which can cause a party to suffer shame, lost earnings, or a damaged reputation. Many of the defamation cases involve plaintiffs suing former employers, or claims by one company against statements made by competitors. Examples of cases in Illinois include:

- Barry Harlem Corporation involved allegations that a defendant published defamatory statements about a plaintiff firm, accusing the firm of performing unsafe medical procedures and advertising those procedures to gain new patients (Barry Harlem Corporation v. Manus Kraff M.D., 1995).
- In the case of Solaia Technology, LLC v. Specialty Publishing Company, the guerrilla consumer used the following words to describe the firm and its actions: “deeply greedy people;” the consumer compared Solaia Technology to the “Washington D.C. sniper” and also referred the organization as “a group of muggers armed with baseball bats” (Solaia Technology, LLC v. Specialty Publishing Company, 2006).

Other commercial defamation cases do not bode well for plaintiffs. Illinois courts have cited both federal and other state court cases, which have relied on First Amendment principles, as support in denying relief to firms, finding that the following statements, while unflattering, were not defamatory: the “biggest crooks on the planet” (Troy Group, Inc. v. Tilson, 2005); a competitor was “trashy” (Levinsky’s, Inc. v. Wal-Mart Stores, Inc., 1997); a play was called a “rip-off, a fraud and a scandal” (Phantom Touring, Inc. v. Affiliated Publications, 1992); a grocer was described as a “ruthless speculator” (Wampler v. Higgins, 2001).

Illinois courts have stated that to claim defamation, the plaintiff must present facts showing that the consumer, as a defendant, made a false statement about the firm, made an unprivileged publication of that statement to a third party, and that the publication caused damages (Solaia Technology, LLC v. Specialty Publishing Company, 2006). While courts have noted that a statement that is defamatory per se is not actionable if it is reasonably capable of an innocent interpretation, the court emphasized “when a defendant clearly intended and unmistakably conveyed a defamatory meaning, a court should not strain to see an inoffensive gloss on a statement” (Solaia Technology, LLC v. Specialty Publishing Company, 2006). Courts have recognized the fact that “a statement is phrased in the form of an opinion does not

cloak it with first amendment protection. Even when presented as apparent opinion or rhetorical hyperbole, a statement may constitute actionable defamation (Imperial Apparel Ltd. V. Cosmo's Designer Direct, Inc., 2008). Citing the U.S. Supreme Court, an Illinois court stated that the First Amendment does impose limits on the type of speech which may be subject of defamation actions. Specifically, the First Amendment prohibits defamation actions based on "loose, figurative language that no reasonable person would believe presented facts" (Imperial Apparel Ltd. V. Cosmo's Designer Direct, 2008). The test for determining whether a statement is protected from defamation claims under the First Amendment is whether the statement can reasonably be interpreted as stating actual fact.

In summary, there are legal options available to a firm that has experienced guerrilla consumer behavior, but these options are limited by the courts:

- Statutory protection offers little support for the aggrieved firm. The statements made by a disgruntled consumer are not actionable since the consumer is likely not making these statements in the course of their business, vocation, or occupation. Therefore, this statute appears to be available only to a business disparaging another business.
- To claim commercial disparagement, a plaintiff firm must prove that the defendant made false and demeaning statements regarding the quality of the firm's goods and services. Disparaging statements or remarks by guerrilla consumers certainly would qualify under as meeting this requirement. However, Illinois courts are still reluctant to recognize this claims and tend to side with the defendant in Illinois. Unless there is a significant change on the Illinois courts' views of this cause of action, the likelihood of a successful commercial disparagement claim remains problematic at best.
- Tortious Interference with Prospective Economic Advantage offers a slightly more promising remedy against guerrilla consumers, offering a wronged plaintiff the chance to seek redress against a dissatisfied guerrilla consumer. One difficulty for plaintiff would be satisfying the requirement that defendant interfered with a "specific party," or "identifiable prospective class of third persons." A carefully worded complaint may be able to overcome this requirement.
- The standards for proving a successful defamation claim are rigorous enough to cast doubt on whether this tort is an attractive remedy in guerrilla consumer cases. While the courts also readily acknowledge that the first amendment does "impose limits on speech which may be defamatory," nevertheless, the plaintiff firm has a heavy burden of proof to prove that the statements were false in addition to overcoming the First Amendment freedom of speech hurdle.

The legal options in Illinois are limited, , and may be even further limited by resistance from the courts, and by the public, against a decades-old defense that companies could turn to, called "strategic lawsuit against public participation," or SLAPP. From a consumer perspective, the acronym could hardly be more fitting: SLAPP is a lawsuit brought by a firm against a party such as a guerrilla consumer to legally slap down the consumer's third-party complaining behavior.

SLAPP lawsuits have often been brought against persons, often without merit, as a chilling effect in order to silence critics against a firm. (Frosch, 2010). SLAPP lawsuits can and have been used to intimidate those who speak out against firms, "critics who are inclined to back down when faced with the prospect of a long, expensive court battle" (Frosch, 2010). As of 2009, 26 states including Illinois had anti-SLAPP protection for consumers and other vocal

critics of firms and government bodies, with federal anti-SLAPP legislation currently under consideration (Berman and Thompson, 2010).

Clearly, it's not only the court of public opinion that would prevent Goliath from attacking David, but also most state courts and possibly, soon, the federal court. While the first amendment does not grant license to lie or, as the cliché goes, shout fire in a crowded theater, it does constitute part of a bulwark that can protect a guerrilla consumer against the company that he or she attacks.

CONCLUSION AND MANAGERIAL IMPLICATIONS

Guerrilla consumers abound, and only recently has the marketing literature started to grasp the multitude of ways, including by means of social media, in which consumers can cause headaches for the firms with whom they do business.

On the other hand, in Illinois, there are limited legal remedies available to firms who allege that guerrilla consumers have harmed their business through statements or acts. Litigation is the most obvious remedy and the first to come to mind. However, this research reveals a decided lack of viable litigation courses of action available to a wronged plaintiff. Illinois does provide some limited statutory relief in the form of the Illinois Deceptive Practices Act, which permits lawsuits for commercial disparagement. Regardless, legal remedies in Illinois currently and decidedly favor defendants, with an anticipation of movement even further in that direction, bolstered by a potential federal law protecting those who criticize companies.

Taking legal action in the form of litigation is always problematic at best. While there are remedies available to a plaintiff firm that believes it has been mistreated, the reality of litigation is such that there is no guarantee of success in the lawsuit, sometimes for reasons which are totally unrelated to the case at hand. For example, in a courtroom jurors may be biased or prejudiced against certain types of businesses, particularly those that are already the subjects of negative publicity such as insurance companies, banks, and large manufacturing companies. These biases can unduly influence a juror despite evidence that the plaintiff company was truly wronged.

Furthermore, management must consider not only the expense of litigation, but also the cost and distraction to managers who must now devote time and resources to prosecuting the case. A company must also consider the possible negative publicity associated with filing a lawsuit against a consumer. The David and Goliath affect should not be underestimated, particularly when Goliath is a firm supposedly rich in legal and financial resources, and David is simply a consumer with few resources, and sees guerrilla consumer behavior as a way to gain some form of perceived justice and equitable outcome.

LIMITATIONS AND FUTURE RESEARCH

In addition to recommending the label of guerrilla consumer behavior, an objective of this research is to identify and evaluate various legal remedies available to companies who believe they have been the victims of untrue or unfair treatment by their customers or clients. This treatment may take the form of statements made by customers or by acts done or threatened to be done by those customers.

A future study would explore not only the legal environment in the State of Illinois, but would survey across all 50 states to better understand differences among jurisdictions as well as

emerging trends that will influence future legislation and therefore the options available to plaintiff businesses.

Given the uncertainty, time and expense of litigation, a decision to engage lawyers to file a lawsuit against a dissatisfied consumer should not be taken lightly. Serious consideration must be given to weighing all these factors against the likelihood of a favorable outcome, which may result in only minimal damages. Even then, the damages may not be collectable if the defendant is “judgment proof,” that is, unable to pay. Subsequent research might include a study of the costs (in terms of money, time, and reputation, not to mention shareholder value) of pursuing litigation.

The current research is intended to introduce and define the term guerrilla consumer behavior, and to examine situations in which a consumer, faced with a dissatisfying outcome, may strike back against an offending organization. Further, this report analyzes Illinois statutes and cases to determine whether there are legal remedies available to Illinois plaintiffs who believe that they, or their products and services, have been unjustly disparaged or defamed.

No matter what the courts say, the customer is not always right. While clearly a dilemma for the reputable firm which believes it has been unjustifiably disparaged or defamed, such firms need to think long and hard about the merit of instituting litigation as recourse against the guerrilla consumer.

To restate Lincoln’s quote, “I was ruined twice in my life; once when I lost a lawsuit and once when I won a lawsuit.” Management should take heed of those words before embarking on a crusade to find the holy grail of justice through litigation against a guerrilla consumer.

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