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## The case of Food Lion versus ABC news: The anatomy of a public relations crisis and the use of counter-attack strategies

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THE CASE OF FOOD LION VERSUS ABC NEWS: THE ANATOMY  
OF A PUBLIC RELATIONS CRISIS AND THE USE OF  
COUNTER-ATTACK STRATEGIES

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A Project  
Presented to the  
Faculty of  
California State University,  
San Bernardino

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In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts  
in  
Interdisciplinary Studies:  
Integrated Marketing Communication

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by  
Steven Duane Case  
September 2001

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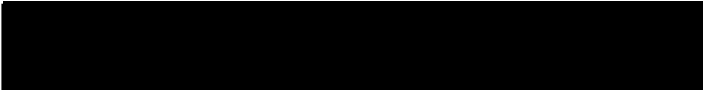
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## ABSTRACT

As the popularity of news magazine format television programs increase, companies can find themselves in the middle of a public relations crises. In some cases, these companies handle this crisis in a very unique way. Rather than taking the "traditional" passive type response, many have chosen to counter-attack their accusers and hope that consumers will side with the. Although a very attractive alternative, counter-attack public relations can be very dangerous and have serious repercussions if not handled properly. This analysis examines one such crisis that took place between Food Lion and ABC News in 1992-97 over Food Lion's food handling practices.

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## CHAPTER ONE

### INTRODUCTION

This television broadcast was untrue: ABC found no real support for its allegations. Rather than decline to publish a story that it did not and could not independently substantiate, ABC chose instead to broadcast untruths. As a direct result of ABC's decision, Food Lion has suffered substantial damage to its finances and its reputation, even to the point of being forced to close 88 of its stores. As a direct result of ABC's decision, thousands of Food Lion employees lost their jobs.

Such was the response made by Food Lion after the events that came about from the November 5, 1992 ABC News PrimeTime Live broadcast. This devastating hidden-camera expose charged that Food Lion stores knowingly sold rotting meat, fish dipped in bleach, cheese nibbled on by rats, even produce removed from fly-infested dumpsters. Rather than take a "traditional passive type response, Food Lion chose another form of response to fix this public relations crisis. They chose an aggressive counter-attack strategy which would hopefully put ABC on the defensive and help end this crisis.

This type of situation is nothing new to corporations, public relations specialist, or even individuals who find themselves in a crisis. Initially it was individuals who issued apologia, now it is corporations that seek to clear their name (Hearit, 1996). The primary way a company, or a person, can clear their name is to issue an apologia. An "apologia" is not an apology (although it may contain one), but a defense that seeks to present a compelling, counter description of organizational actions (Hearit, 1995). It functions to situate alleged organization wrongdoing in a more favorable context than the initial charges suggest (Hearit, 1994). Normally, companies do not take an aggressive approach when issuing this apologia. Some companies choose to say nothing in hope that the issue or crisis will just disappear or eventually go away. Unfortunately, this approach can have many negative effects on the issue. A posture of silence tends to be tantamount to an admission of guilt. Silence draws fairly predictable conclusions such as uncertainty and passivity responses that result in an image of a corporation that has relinquished control over defining and shaping the world (Hearit, 1994).

A more attractive alternative to companies may be an aggressive approach to the issue. A counter-attack approach attacks the accuser and can possibly put them on the defensive and shift some blame away from the company. A kategoria-based apologia contests the validity of a charge of wrongdoing by attacking the credibility of the accuser, while it offers its own interpretation of organizational actions (Hearit, 1996). If this counter-attack is successful, it will automatically diffuse any initial charges against the company and end the crisis with the company looking as if they were victimized.

Although there are many other forms of apologia, some of which will be summarized in the analysis, it is to see why the kategoria-based apologia looked so attractive to a company like Food Lion and their crises. At the time there was also a case study of a company that was in a very similar situation to Food Lion and was able to make the counter-attack strategy end their crisis. However, in the Food Lion scenario, taking an offensive, aggressive counter-attack strategy against a media organization can be very dangerous in the middle of a crisis and can backfire very rapidly. The present case study will analyze the Food Lion vs. ABC News crisis, and compare the



counter-attack strategies used in a similar crisis. The paper will draw a number of conclusions about the use of attack as an apologia strategy as well as important criteria for strategy effectiveness.

## CHAPTER TWO

### APOLOGIA THEORY

Human beings are born with a desire for order in their cultures. This wanting of order creates a need for a social hierarchy with individuals placed at different levels on the hierarchy with different expectations at each level. Consequently, an economic hierarchy is created by the social hierarchy. Similarly, individuals are on different levels of the economic hierarchy and there are different economic and social expectations at each level. These expectations apply not only to individuals, but also to corporations and companies in the hierarchy. Although everybody knows that for-profit organizations have one major goal, to make a profit, there are also important expectations that other members of the hierarchy have for those organizations. The economic hierarchy prescribes that corporations must ascribe to a degree of social responsibility in their pursuit of profit. When this "natural" order is violated, the consequence is guilt (Hearit, 1994). Guilt reduces social cohesion and gives the organization the feeling of being less than whole, so the organization strive to have this feeling of guilt canceled (Brummet, 1980). This guilt can arise in many

different circumstances. For example, when an organization is found to be reckless in its pursuit of profit or when an organization ignores the well being of their consumers or other stakeholders in its pursuit of profit, it can raise this kind of guilt.

After an organization has disrupted the social and economic order of there hierarchy, and guilt arises, it is inherently important that the organization take action. If nothing is done, the backlash from other members of the hierarchy can be detrimental. Organizations use rhetoric of purification in which they try to refine and purify their image. According to Hearit (1996), only then can guilt be propitiated and loyalty to a hierarchy be restored. There are primarily two approaches to absolve this guilt modifications and victim age (Burke, 1962). Modification occurs in cases when organizations admit guilt. Victimage or scapegoating occurs when the guilt is heaped on another (Hearit, 1994). A third approach to absolve guilt is a transcendent strategy in which guilt is avoided through its redefinition into a virtue (Hearit, 1996).

The media and broadcast media in particular can be seen as the force that keep organizations within the hierarchy by their use of investigative magazine

programming. Normally, one would think that would be the job of government agencies. However, with their large audiences, the media can take a much more direct approach to the consumers in their hierarchy. The immediate impact to offending organizations is a negative image with the viewing public.

When it appears an organization has broken from the hierarchy, there are many options which that organization can take. The most common is to answer with an apologia. For the purpose of this analysis, the break from the hierarchy can be seen as a public relations crisis that features charges not only against an organization, but also the organization's ethics. Unlike some cases when accusers might attack a company for making mistakes or unknowingly hurting the public, these charges directly attack the morals of the organization and its reckless pursuit of profits. This pursuit can result in foolishly endangering the public or the environment while being fully aware of the consequences of these actions. This is the worst type of crises. The company can respond to these charges with strategies of denial, bolstering, differentiation, and transcendence (Ware & Linkugel, 1973). Organizations can also utilize a combination of strategies such as denial, evading of responsibility,

reducing offensiveness of event, corrective action, and mortification (Benoit, 1995).

Another approach to apologetic crisis management for a organization is to take a dissociational stance that distances itself from the wrongdoing. Dissociations are a technique whereby apologists bifurcate a unitary concept (i.e., the accusation of wrongdoing), claiming that the charges are but an "appearance" and do not represent "true reality" (Pearleman & Olbrechts-Tyteca, 1969). Post (1978) found companies can also use opinion/knowledge dissociations to deny charges (e.g., "people who are close to the situation and know the facts know that the charges are false"); individual/group dissociations to pass the blame (e.g., "a small segment of employees, who acted independently from the company are responsible for the problem"); and act/essence dissociations when a company has exhausted all other options and must accept blame (e.g., "this situation happened unknowingly and is no way representative of our policies and how we do business").

These strategies have been widely used in public relations crises to enhance the image of the damaged company. However, recently there has been a newer more aggressive approach which has seemed very attractive to companies. A kategoria-based apologetic response is an

aggressive strategy which features counter-charges against the accuser. Currently, three forms of kategoria-based apologia are identifiable and used by companies in crisis. First, some apologists issue kategoria that focus on other issues by publishing another set of charges entirely by citing the "real travesty" (Benoit, 1995). However, there can be problems with this approach. It might appear that the company is avoiding the charges and is doing so because they could be guilty. Second, apologists can issue counter-kategoria that try to challenge the validity of the charges by redefining them (Hearit, 1996). In this situation the organization might argue that the charges have no foundation and experts or people who have the facts of the situation will accept their interpretation of the events.

Third, apologists can issue a counter-kategoria which directly challenges the ethics of the media institution that has made the accusations (Hearit, 1996). If successful, this strategy can label the charges as "false" and uses that judgment as an indictment against the integrity of the accuser. If the accused company can make people skeptical of the ethics and morals of the media institution which is accusing them, most people will discard the accusations that were originally made against

that company. More importantly, if a company can uncover a motive of why their accusers would attack them, and that motive is independent from the original accusation, people will question the accuser and the validity of the accusations. Since charges come from media institutions that operate with a vocabulary of "objective reporting" with the motive to "uncover the truth," such a challenge goes to the core of media legitimacy (Hearit, 1995). Due to past circumstances which have left many members of the public with negative and non-trusting feelings towards the media, many companies may feel this is a fight which can be won in the forum of public opinion. However, since the media does have the quickest way to reach the public, they still have the upper hand against a company in crisis.

In many ways counter attack strategies are revolutionary in the public relations forum. Most noticeably, they reverse the traditional defensive posture which companies feel forced to take. The counter-attack allows for the company to take an offensive approach towards their accusers which allows the public to look at the confrontation from a different perspective. Normally the institution that issues the questions or makes any accusations can remain almost invisible. Nobody questions their ethics and everyone assumes they have the status and

credibility to make such accusations. However, when a company uses these types of strategies, the accuser can no longer remain visible. Their ethics and morals have to be shown to be superior and they must also show they have no ulterior motive for making these accusations.

If done successfully, using counter attack strategies can also have one more huge benefit. If the motives and ethics of the accuser are deemed questionable, then the resulting charges will be considered false. When that happens, the company can take the position of a victim who was exploited by this media institution. Being a victim can have several advantages. By taking on the role of victim, the apologist risks definitional hegemony from the accuser, and consequently, forces the accuser to the defensive. This puts the corporation in a position to shape the communicative agenda (Hearit, 1996). Being a victim also will help the company gain support and sympathy from the general public and consumers. Most people will identify with somebody who has been exploited by "big brother" (Ware & Linkugel, 1973).



CHAPTER THREE  
THE CONFRONTATION

"Something is rotten at the grocery store, and it just may be the food you're buying." With that line, ABC "PrimeTime" started its November 5, 1992 episode. The show would go on to attack Food Lion's sanitation, food handling, and labor practices. The ABC broadcast was armed with its most potent weapon, the hidden camera. This confrontation would forever change the future of both participants.

Earlier in 1992, the producers of ABC News were pitched the story of Food Lion and their practices. At the time, Food Lion had over 1,000 grocery stores in the southeastern United States. The ABC News producers were promised a story told by employees of a pressure-filled, stressful environment full of harassment and intimidation. The story would also contain many important food-handling practices by Food Lion that could be hazardous to their customers. In all, over 70 ex- and current employees could tell ABC about Food Lion's "profit at all costs" attitude which had created this dangerous situation.

ABC went to work quickly. Although it is their policy to only use intrusive methods of reporting when the more

traditional methods are unavailable, ABC News had five producers submit false resumes to Food Lion. The resumes included false work experience claims and false references. Two of the five ABC News producers who applied were hired by Food Lion, one in the deli department and one in the meat department. Every day they went to work the producers/Food Lion employees went to work with cameras hidden in their uniforms. One wore a wig. The two producers gathered over 50 hours of videotape of Food Lion employees and their activities. Unfortunately for Food Lion, the two employees taped many activities and actions that would be very detrimental for Food Lion.

The November 5 episode had excerpts from some of the interviews ABC did with the Food Lion employees who had made the complaints. ABC also aired interviews with the two producers who had gone undercover as Food Lion employees who described what they had seen. Within seconds of hearing the claims, viewers were shown clips of the undercover videotape that would damage Food Lion. ABC "PrimeTime" viewers was Food Lion employees doing things that made even the most loyal shopper find a new supermarket.

Viewers saw employees:

- knowingly selling rotting meat
- regrinding ground beef with past expiration dates and putting a new expiration date on it
- taking expired fish and dipping it in bleach to remove the smell, then
- putting it out to be sold
- selling cheese nibbled on by rats
- pouring barbeque sauce on expired chicken, then selling the chicken
- removing produce from fly-infested dumpsters
- sliding on a floor because it was slick with grease.

The video also showed conversations with other employees discussing the practices of the company. Employees told of the overwhelming pressure from management to sell everything, no matter what the expiration date was or how bad the food was. They also told of the intense pressure to meet daily quotas that could never be reached during their shifts so they were forced to work overtime, off the clock.

ABC did not paint the picture of a company whose employees just did these things without their knowledge. Most damaging of all was the accusation that these

practices were sent down from Food Lion management and that employees were expected to follow them. To firmly establish this claim, ABC showed a copy of a Food Lion memo sent from upper management telling the lower-level managers to sell more of the products that they were wasting. The memo even told them to fish through the trash dumpster to see if anything could be sold which was thrown away.

Less than sixty minutes after the episode started, Food Lion has the biggest crisis on its hands that it had ever seen.

#### Food Lion's Counter-Attack

Food Lion wasted little time in their response. The company had a reputation as a "shoot-from-the-hip" communicator and lived up to that reputation. Food Lion not only refuted the findings of ABC, but they also attacked the credibility of the organization, its tactics, and its use of hidden camera videos.

As far as Food Lion was concerned, the most important and telling factor of this story was the motive for it. Although it might have appeared that ABC was Food Lion's only problem, there was another organization behind many of the grievances against Food Lion. The original pitch

for the story came from the United Food and Commercial Workers union (UFCW), which was waging an aggressive campaign against the non-union Food Lion. The UFCW was Food Lion as a threat. The chain had grown rapidly by keeping costs down, using a non-union labor force, and guaranteeing "extra low prices." Much of its growth came at the expense of unionized super markets and UFCW jobs.

Further investigation by Food Lion showed that many of the disgruntled, ex-employees of Food Lion now worked for the unionized supermarkets. Food Lion also found out that the false resumes and false references the ABC producers used to get jobs at Food Lion were supplied by the UFCW. UFCW employees even helped train the producers to do tasks they would need to do in their supermarket jobs. Food Lion believed that this information revealed that UFCW used the cover of ABC News and the "PrimeTime" report to attack them.

Before the ABC "PrimeTime" episode was aired, Food Lion executives were allowed to see a copy of the broadcast. When they saw the hidden camera footage, they knew they were in trouble. They decided to counter-attack ABC because they felt the footage had been unfairly edited and taken out of context. Food Lion was able to see the full 50 hours of footage when a court ordered ABC to give

a copy to them. It was after viewing the full footage that Food Lion committed completely to its counter-attack because it felt there was enough evidence to destroy the credibility of ABC.

After viewing the entire 50 hours of videotape, Food Lion believed that a person would be able to see the deliberate staging and unfair editing done by ABC. In an official statement distributed to media Food Lion stated that a viewing of the entire footage showed that:

- ABC producers and editors used a combination of staged events and selective editing to fit a pre-conceived story line and systematically create a story to deceive the public
- ABC producers did not carry out their obligation to Food Lion even though they accepted employment in critical positions and agreed to perform key tasks and receive wages from Food Lion. Their failure to perform their duties hindered the effectiveness of other Food Lion employees, and by not making a good-faith effort to perform their Food Lion jobs, the producers violated the legal responsibility all employees owe their employer;

- This failure to perform work, combined with the deliberate staging of events, coaxing and baiting fellow employees into negative postures, and failure to carry out explicit directions from Food Lion supervisors or co-workers, created the appearance of mis-deeds at Food Lion, which were then filmed and blamed on Food Lion.

Food Lion also point out how on many occasions bits of tape which were shown on the episode were taken out of context. If they had seen the moments before and after the "incidents," viewers would not have thought so badly of Food Lion. Food Lion cited several examples showing the deceitful strategies of the producers and editors of the story.

Aired: Footage showing a Food Lion employee sliding around on a floor while the narrator described it as being slick with grease.

Edited Out: Footage showing that the employee was actually sliding playfully on some soapy water that had been spilled while cookware was being washed at the sink.

Aired: Footage showing a tray of ride pudding being held (by the ABC producer) under the nose of an employee who agrees with her that it does not smell good. The implication is that the pudding is for sale to customers.

Edited Out: Footage showing that the tray was actually in a work area away from customers and was awaiting disposal after having been removed hours earlier from a sales counter. And footage showing the ABC producer actually prompted the Food Lion employee twice before the employee agreed that the pudding didn't smell good.

Aired: Footage showing a Food Lion employee recalling an incident in which she was reluctant to cook a batch of chicken because she believed it was already out of date when it was put into the marinade the night before.

Edited Out: Footage before and after these comments in which the employee makes it clear she did not cook the chicken, including comments that she went to the manager who told her to throw it out.



Aired: Footage showing a market manager working quickly and saying that he runs out of time each day.

Edited Out: Footage following this in which the producer asks whether "they" give him enough time to do his work. He replies, "Oh yeah. We get enough time." Also edited out were approximately 10 minutes preceding this question during which this manager took time away from his own duties to teach the producer how to trim meat.

Food Lion also pointed out that there were hours of tape of employees doing their jobs up to company standards. There were also moments when the producers tried to coax employees to talk badly about the company when the employees did the exact opposite. One employee even stated, "You could feed my entire dorm for a month with the food we throw away." Food Lion also pointed out that on many of the occasions when the producers would videotape a work area or piece of equipment that was dirty, it was supposed to have been the producers' job to clean it and that was why it was dirty.

Armed with this knowledge, Food Lion launched its counter-attack. It filed a lawsuit against ABC and its

employees accusing them of fraud, trespass, and breach of fiduciary duty. Food Lion also hoped to attack ABC in their own forum, the media. They created a 12-minute video telling Food Lion's side of the story that included the excerpts ABC left out of the broadcast. Food Lion had hoped that another major media source would pick up on this video and help with the counter-attack. Unfortunately for Food Lion this did not happen. The unwritten rule that exists amongst some news agencies that says that another news gathering institution can not take sides against another in a case such as this seemed to work against Food Lion. Even though different news organizations might be competitors, they realize any sanctions that could be held against one news agency could also be held against another. In cases such as these, competing news networks tend to band together to fight the outside entity, usually fighting under the flag of First Amendment rights. Only a few print publications mentioned the Food Lion case and no television stations showed the evidence against ABC.

With the opportunity to fight ABC in the media gone, Food Lion's could only hope for victory in the courtroom. Unlike the media forum, Food Lion's counter-attack did prove successful. In 1997 a jury found ABC liable for fraud after the grocer proved the network liked to get

jobs for undercover reporters. They awarded Food Lion \$5.5 million in punitive damages. Food Lion thought they had won, and the five-year counter-attack had paid off. They were wrong.

#### ABC's Counter - Kateregoria

The best-case scenario for Food Lion would have been for ABC to apologize on the air to Food Lion and admit that mistakes were made in their report. ABC would pay the damages and Food Lion would win the victim role which would enhance its image with its customers. There was good reason to hope for that scenario. In a case that took place a couple of years earlier that will be discussed later in this analysis, the news agency admitted wrong-doing and apologized on the air. However, like many things in the Food Lion case, the best-case scenario didn't play out. In fact, ABC counter-attacked Food Lion and worsened the crisis for the supermarket chain.

ABC filed an appeal in the 4th United States Circuit Court of Appeals in Richmond, Virginia. More importantly, they decided to go after Food Lion in the same forum they had done previously, on ABC "PrimeTime." ABC chose to re-air its original 1992 episode. However, this time they included interviews with jury members who awarded Food

Lion \$5.5 million. Just when Food Lion thought this crisis was over and their profits were returning to where they were before the crisis, "PrimeTime" viewers got to again view the hidden camera footage that had started the whole thing.

Not only did ABC re-air the episode, they promoted it much more than they did the first time. Many people who never saw the first airing in 1992 were exposed for the first time to this footage. The new episode also included interviews with the jury members who found ABC liable for fraud. These jury members were not allowed to view the original footage or the ABC episode of "PrimeTime" during the trial. They were told to only pay attention to the falsified resumes, applications, and references that ABC and the UFCW had created. After the trial and for the re-airing of the show, ABC showed the original episode to the jury members to get their reactions. Most of the jury members were appalled by what they saw and stated that if they had been aware of the unsanitary practices that were happening, they would have changed their decisions. This proved very damaging to Food Lion.

ABC went a step further. After the 10:00 p.m. showing of "PrimeTime" and after the local news, ABC aired an hour and a half "town meeting" on the Food Lion issue. Viewers

could watch a public debate between Food Lion and ABC. ABC also brought in executives from the CBS show "60 Minutes" to help them with the debate. Viewers were shown two and a half hours of Food Lion and its practices. The 1997 episode's ratings were higher than the ratings of the 1992 episode. Food Lion felt they had gone back to day one of the crisis.

In August of 1997, United States District Judge Carlton Tilley cut the punitive damages award of \$5.5 million by 90%. He said the award was excessive and unnecessary. Food Lion chose not to appeal Tilley's ruling.

#### A Failed Counter-Attack

What went wrong? How could Food Lion have handled this case differently? These questions will forever haunt Food Lion executives and public relations specialists. After tallying up the results of the court decisions and the public decisions concerning Food Lion, it is clear the one big loser is Food Lion. In the first year after the 1992 broadcast, Food Lion's market value plummeted by \$1.3 billion. Its profits fell from \$178 million in 1992 to a mere \$3.9 million in 1993. Then, just when it seemed the public had forgotten about the bad publicity and was

coming back to shop at Food Lion, the 1997 episode was aired and the nightmare started over again. Food Lion's profits fell from \$50 million in 1996 to \$1.2 million in 1997. As a result of this drop in profits, Food Lion closed 88 stores and laid-off 3100 employees. The company also had to cancel plans for an aggressive expansion into Texas and the Southwest where they had opened up a distribution center.

In review the question of why the counter-attack strategy failed for Food Lion is still a tough one. There are three guidelines a company must follow before it attacks a respected media institution. The company must prove that the story was edited unfairly, that the report was based on a preconceived story line with an already decided upon conclusion, and that the story was aired, not to uncover the truth, but to garner ratings (Hearit, 1996). It would seem that Food Lion's case met all three of these criteria.

First, after reviewing the entire video taken by the hidden cameras, it appears that ABC was unfair with some of its editing and did take some things out of context. Second, it could be argued that the relationships between ABC and the UFCW, as well as the baiting tactics used by the ABC producers in their undercover employee roles,

would suggest that ABC already had a preconceived story line with a decided upon conclusion. Last, Food Lion pointed out that ABC aired this story only to receive high ratings. Although ABC works under the flag of uncovering the truth to help protect innocent consumers, ABC sat on the story for months after its completion and waited until the much anticipated "sweeps week" to air the story. If this was such a public health hazard, holding onto it and not broadcasting it immediately, would call into question the ethics of ABC.

Although it seems that Food Lion had a very good case against ABC and followed the guidelines suggested for attacking a media institution, the counter-attack still failed. Some might say that the counter-attack failed because a company cannot take on a media institution because it controls the mass communication mediums. Indeed, it is difficult to take on a battle of public opinion against a national network, especially when no other media institution will distribute your message. But this type of battle is not impossible. In fact, at the same time Food Lion was battling ABC, there was a similar case that had a very different result.

## NBC Dateline Versus General Motors

On November 17, 1992, NBC aired an episode called "Waiting to Explode" on its "Dateline" program. "Dateline" is a program very similar to the ABC "PrimeTime" program. Both shows use a news magazine format that, at times, features undercover reporting using hidden cameras. This particular episode of "Dateline" focused on General Motors C/K trucks. It was alleged that these trucks were more prone to explode in a side impact collision because of their fuel tank design. This episode was complete with testimony from automotive "experts," interviews of families who had lost loved ones in explosions involving these trucks, and most compelling of all, a demonstration of a GM truck exploding while being run through a simulated side impact collision.

Much like the Food Lion case, this 60-minutes of television could have destroyed GM and its future share of the truck market. Also like Food Lion, GM decided to immediately launch a counter-attack against NBC which would attack the credibility of the organization and thereby label the accusations against GM false. GM filed a defamation case against NBC. Their lawyers were able to recover the remains of the truck which was used in the



episode. GM experts were able to examine the truck and make some findings that would alter the public's perceptions.

It turned out that NBC used incendiary devices to ignite the truck during the demonstration. NBC also used an A8-3 Single state on the truck. The A8-3 is a rocket engine which produces thrust, flame, thermal energy, sparks, and smoke. At no time during the broadcast did NBC ever inform viewers that the demonstration they were showing was staged. This provided grounds for the lawsuit.

The biggest difference between the ABC-Food Lion case and the NBC-GM case was the response of the news agency after the counter-attack. While ABC launched a new attack against Food Lion that escalated the confrontation, NBC opted to back down. NBC asked for GM to drop the lawsuit in exchange for a full apology on the air. On February 9, 1993, in an unprecedented move, anchors Jane Pauley and Stone Phillips read an apology admitting that NBC officials had rigged the demonstration. The apology was extended to GM and "Dateline" viewers.

CHAPTER FOUR  
THE STRATEGY OF THE  
COUNTER-ATTACK

As is evident, the counter-attack strategy can pay great dividends for a company in a public relations crisis. If successful, the counter-attack can put the accuser on the defensive and have the public questioning the accuser's morals and ethics. More importantly, this can render the accusations as false and give an image to the company as an innocent victim exploited by "big brother." However, when the counter-attack fails, the damage to the company can be as big as the dividends paid when it succeeds. A counter-attack almost invites another attack by the original accuser. It also drags on the crisis for a longer period of time than if a company used another form of apologia. If a company admits guilt or wrongdoing and promises to fix the problem, the crisis can be almost immediately over. If a company launches a counter-attack, the crisis can drag out for years, particularly if it involves legal issues and going to court, as it did in the Food Lion case. Great caution should be used when whether to use the counter-attack strategy.

First, a company must understand who it is counter-attacking and how powerful the organization might be. As pointed out earlier, media institutions like ABC or NBC control mass media outlets that they can use to reach the public. It has also been shown that competing media institutions will rarely assist in reporting bad news and joining the fight against their competitors. Their loyalty lies with their media counterparts. It is very difficult to win a battle of public opinion when your adversary owns the means of reaching the public. Although Food Lion had legitimate complaints that could have swayed public opinion against ABC, very few people have read or looked at Food Lion's side of the hidden camera expose. Even the jury members who were shown the ABC "PrimeTime" episode after their judgment against ABC, never saw the entire 50 hours of videotape. If more people had seen or heard about Food Lion's side of the story, perhaps their counter-attack would have been more successful.

Although difficult, companies must try to gauge how willing their attackers are to fight. If a media institution has a history of fighting lawsuits or other problems to the bitter end, a counter-attack could be costly. If a media institution has a history of backing

down or doing anything to stay out of court, like NBC, a counter-attack could be more successful.

Along these same lines, a company must look at its own history and corporate culture when deciding whether to launch a counter-attack. Food Lion has a history of fighting any battle that came its way. It has a long battle with the unionized supermarkets and unions. It also had very bad relations with the media because of tactics it had used in the past. Food Lion had an image of a tough company that would get into a confrontation with anybody. When these accusations came from ABC and Food Lion was trying to drum up sympathy by casting itself as the victim, it found that its past history was very detrimental.

There are two important factors that need to be present in a successful counter-attack. The counter-attack must explain why the charges are false and by implication, why the media would level false charges, and offers a defense of the product (Hearit, 1996). Without addressing these two issues, the counter-attack is sure to fail. It is here where it seemed Food Lion made its greatest failure. While Food Lion did have a strong case against ABC, it also had problems that ABC never addressed. Some of the hidden camera footage may have been taken out of

context. However, some of the footage was not taken out of context, and it stayed on the minds of Food Lion customers. Coupled with the counter-attack against ABC, Food Lion should have focused on its stores the any real problems with them. Many jittery customers were waiting for an assurance from the company that something was being done to make sure they were getting the freshest and cleanest food possible. That assurance was never issued by Food Lion. All Food Lion customers heard about was ABC News and its tactics that brought on the crisis.

This point was further evident when Food Lion filed its lawsuit against ABC. Food Lion, despite its claims that the program was false and unfair, didn't sue for libel. Instead Food Lion sued ABC for fraud, trespass, and breach of fiduciary duty (Gunther, 1997). Food Lion was suing ABC for the way that they conducted the program, not for the contents of the program. This left the public feeling that Food Lion admitted the problems that ABC had identified were true and that this was Food Lion's only avenue to attack ABC.

#### Conclusion

After analyzing the Food Lion case, an observer might feel that the counter-attack strategy is not the best way

to proceed in a public relations crisis. However, the counter-attack strategy should be viewed as a calculated gamble. There are possible losses that can be suffered, but there are also huge dividends that can be gained, if the counter-attack is done properly.

With news magazine shows on the rise with almost nightly episodes and their continued popularity, the fight for "newsworthy" material is fierce among these competing programs. Lost in the battle could be companies who are attacked by the media even though they have done nothing wrong. For these companies, the counter-attack strategy could be the best line of defense.

## REFERENCES

- Benoit, W. J. (1997). Image repair discourse and crisis communication. Public Relations Review, 23, 177-186.
- Benoit, W. J. (1995). Accounts, excuses, and apologies :A theory of image restoration strategies. Albany, NY: State University of New your Press.
- Brummet, B. (1980). Towards a theory of silence as a political strategy. Quarterly Journal of Speech, 66, 293-303.
- Burke, K. (1962). A rhetoric of motives. Berkley, CA: University of California Press.
- Gunther, M. (1997). The lion's share. American Journalism Review, 5, 19-26.
- Halford, R. R. (1982). Kategoria and aplogia<sup>o</sup>: On their rhetorical criticism as a speech set. Quarterly Journal of Speech, 68, 254-261.
- Hearit, K. M. (1994). Apologies and public relations crisis at Chrysler, Toshiba, and Volvo. Public Relations Review, 20, 125-133.
- Hearit, K. M. (1995). We don't do it to it's not our fault: The use of apologia in public relations crisis. Public Relations Inquiry as Rhetorical Criticism, 6, 121-129.
- Hearit, K. M. (1996). The use of counter-attack in apologetic public relations crisis: The case of General Motors vs. Dateline NBC. Public Relations Review, 22, 233-248.
- Hearit, K. M. (1997). On the use of transcendence as an apologia strategy: The case of Johnson Controls and its fetal protection policy. Public Relations Review, 23, 217-231.
- Pearleman, C., & Olbrechts-Tyteca, L. (1969). The new rhetoric. South Bend, IN: University of Notre Dame Press.
- Post, J. E. (1978). Corporate behavior and social change. Boston, MA: Reston.

Ware, B. L., & Linkugel, W. A. (1973). They spoke in defence of themselves: on the generic criticism of aplogia. Quarterly Journal of Speech, 59, 273-284.