



# Dangers of Social Media

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As an advertising tactic, most companies utilize various social media platforms to foster connections with their target markets. It is certainly not unusual for a company to have its own Facebook or Twitter account. These varying social media outlets allow for companies to advertise in real time. For example, hardware megastore giant Home Depot has its own Twitter account and uses it to cover college sports in a new advertising ploy known as “College Game Day” coverage. As part of this initiative, the company has been tweeting pictures and comments on College Football games. The hardware store’s marketing choice is reasonable considering it is football season, and college football is extremely popular and people commonly engage in fall cleanup projects at home; all of which combine to provide Home Depot with a great marketing opportunity.

In managing social media and e-commerce, many large corporations, such as Home Depot, will hire a third party company to manage their social media accounts. In operating social media advertising, companies typically sign a contract with that third party and will include important information in the agreement, such as social media policy and procedures, to ensure that only publicly acceptable content is sent from the company’s accounts. But how well do these social media procedures protect corporate clients? More specifically, what options does the company have when highly offensive content is released by a third party on behalf of the company?

Unfortunately, these are the very questions that Home Depot must currently address after an allegedly racist tweet was sent from its Twitter account this past Thursday. Worse yet, the tweet was part of its aforementioned College Game Day coverage. The tweet featured a picture of two African American men and one person dressed in a gorilla costume all sitting down drumming orange Home Depot buckets. What made it even more offensive was that the tweet was accompanied by the following caption:

“Which drummer is not like the others? See more @CollegeGameDay pics at [hdgameday.com](http://hdgameday.com) #HDgameday #football.”

To its credit and without any spin, upon notice of the tweet, the company immediately removed the tweet from its account and tweeted the following apology:

“@Officiallylce @NAACP We are deeply sorry for the dumb tweet and have deleted it.”

- The Home Depot (@HomeDepot) November 7, 2013.

To further demonstrate that such actions will not be permitted, the company also reported that it has terminated its relations with the agency and the individual responsible for sending the tweet. This announcement was made in the following tweet:

“We have zero tolerance for anything so stupid and offensive. Deeply sorry. We terminated agency and individual who posted it.”

- The Home Depot (@HomeDepot) November 7, 2013

Home Depot’s current debacle serves as a reminder to employers of the dangers that social media and e-commerce can pose to corporations. Even with strict policies and guidelines in place, it only takes a few seconds for a social media post to damage a company’s public image.

If you or your company has any questions or concerns regarding e-discovery or employment related issues, contact James G. Ryan at [jryan@cullenanddykman.com](mailto:jryan@cullenanddykman.com) or via his direct line at 516-357-3750.

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