



Tripadvisor's Feedback to the Department for Business, Energy & Industrial Strategy on the publication titled:

“Reforming Competition and Consumer Policy: Driving Growth and Delivering Competitive Markets that Work for Consumers”

October 1, 2021

Tripadvisor LLC welcomes the opportunity to offer the following views to the Department for Business, Energy and Industrial Strategy (BEIS) as it evaluates a range of issues in relation to competition and consumer policy. The scope of BEIS's evaluation is very broad, and the policy changes that the UK makes have the capacity to influence the digital economy across the globe. While Tripadvisor would welcome the opportunity to engage in constructive discussions with BEIS on a number of the topics raised in this consultation, including the subject of consumer law enforcement, this submission will focus on an area we believe we are uniquely qualified to comment on – fake consumer reviews.

About Tripadvisor

Founded over 20 years ago, Tripadvisor is the world's largest travel guidance platform, hosting over 900 million reviews and opinions of nearly 8 million accommodations, restaurants, experiences, airlines and cruises across the globe. Whether they are planning or on a trip, travelers turn to Tripadvisor to compare prices on hotels, flights and cruises, book popular tours and attractions, as well as reserve tables at great restaurants. Tripadvisor has become the ultimate travel companion globally, with availability in 43 markets and 22 languages. We are proud of the positive impacts we have generated across the travel ecosystem, including influencing over \$546 billion of global travel spend annually.¹

Trust and Safety at Tripadvisor

At Tripadvisor, we've created a community where travelers can use one another's reviews to plan and book their perfect trips. We believe it's our responsibility to empower our community with relevant and reliable information. That's why Tripadvisor has developed an industry-leading approach to trust and safety that maintains the integrity of the reviews and opinions hosted on the platform. This includes special processes and operations aimed at combatting fake reviews, including sophisticated algorithms and filters to identify fraudulent behaviour on its website.

To ensure integrity, relevance, and reliability of the content appearing on our platform, **every** review submitted to Tripadvisor passes through a rigorous moderation process

¹ *Oxford Economics Global Travel Market Study*: <https://www.tripadvisor.com/TripAdvisorInsights/w2841>

before the content makes its way onto the platform, and moderation systems continue to assess suspicious content **after** the review is posted. There are a number of reasons why Tripadvisor rejects or removes reviews, ranging from guideline violations² to instances of outright fraud. To promote transparency, Tripadvisor reports information on its trust and safety processes and outcomes, including details around fraud detection on the platform.³

Tripadvisor's global travel community wrote and submitted 66 million reviews to Tripadvisor in 2018. Whilst every submission was computer-analysed using hundreds of different criteria to ensure compliance with our policies, Tripadvisor's human content analysts also manually assessed 2.7 million reviews that were flagged by our systems or by other users. In the end, 4.7% of all review submissions were rejected or removed either by Tripadvisor's advanced analysis technology or manually by the content moderation team for guidelines violations.

Tripadvisor Response to Questions Regarding Fake Reviews Online (Q42; Q43; Q44; Q25)

42. *Should government add to the list of automatically unfair practices in Schedule 1 of the CPRs the practice of a) commissioning consumer reviews in all circumstances or b) commissioning a person to write and/or submit fake consumer reviews of goods or services or c) commissioning or incentivising any person to write and/or submit a fake consumer review of goods or services?*

Tripadvisor believes that the government should consider making the act of commissioning or incentivising any person or entity to write and/or submit a fake consumer review of goods or services an automatically unfair practice under the Consumer Protection from Unfair Trading Regulations 2008 ("CPR").

This is irrespective of the fact that there are already powers under consumer law which enable the CMA and other authorities to act against fake reviews, such as the blacklisted unfair practice of traders misrepresenting themselves as consumers (paragraph 22 of Schedule 1 CPR). This is often the case when businesses directly attempt to unfairly promote themselves, or undermine competitors, on review and ranking websites, but Tripadvisor also considers the unfair practice would apply in instances of independent "traders" who submit, commission or facilitate fake reviews presenting themselves as consumers. Despite this, there is a lack of direct enforcement against the perpetrators of fake reviews, and we hope that including option c) as an automatically unfair practice will make it easier for authorities to police this practice.

² See <https://www.tripadvisor.com/en-GB/hc/traveler/articles/415>.

³ For additional details on these findings, Tripadvisor's approach to content moderation, and other statistics related to Tripadvisor's work to promote transparency, please read Tripadvisor's 2019 Transparency Report. See https://www.tripadvisor.com/TripAdvisorInsights/wp-content/uploads/2019/09/2147_PR_Content_Transparency_Report_6SEP19_US.pdf.

One of the most pressing concerns that Tripadvisor must address to protect the integrity of content which is posted on its website is fraudulent or fake reviews. Tripadvisor defines a fake review as a review submitted by a person who has not experienced the property or service listing which is being reviewed (the "listing"), and is attempting to manipulate the ranking or public image of the listing, in either a positive or a negative way.

An incentivised review is defined differently, as a review which is submitted after an offer or a promise for something of value has been made in exchange for a review. Examples of incentivised reviews include offers for free drinks at a restaurant, discounts, entries into contests, etc.

Tripadvisor requires users submitting a review to expressly agree to a statement that:

"I certify that this review is based on my own experience and is my genuine opinion of this [listing], and that I have no personal or business relationship with this establishment, and have not been offered any incentive or payment originating from the establishment to write this review. I understand that Tripadvisor has a zero-tolerance policy on fake reviews."

In all circumstances, fake reviews are bad for businesses involved with the travel industry, and for consumers. Genuine consumer reviews are the heart of Tripadvisor's business and our operations are geared towards identifying, blocking and removing fake reviews.

Tripadvisor will therefore support any proposal which will assist with the aim of discouraging and punishing those who commission or incentivise reviews which are dishonest and would mislead consumers. Honest reviews drive businesses to improve their standards and deliver better services and experiences for consumers.

However, there is an important differentiation to be made between the obviously unfair practice of commissioning a fake review, and the incentivisation of consumer reviews in all circumstances. There are occasions when Tripadvisor, in the course of its business, will prompt or encourage the submission of reviews to improve the quality of the service which it is able to provide to its users. For example, this might involve encouraging the submission of reviews in a certain language or jurisdiction that has been identified as an area we are not able to provide the same level of insight as we are for other languages.

Tripadvisor believes that the subject of a review, positive or negative, should never be incentivising a consumer to submit that review. Tripadvisor therefore prohibits businesses from offering any kind of incentives for reviews because if travellers have

been promised a reward in exchange for a review, we believe they are more likely to write a review that does not reflect their true experience.

43. *What impact would the reforms mentioned in Q42 have on a) small and micro businesses, both offline and online, b) large online businesses, and c) consumers?*

Tripadvisor does not believe that there are any material downsides to banning fake reviews by making their commissioning or incentivisation an unfair practice, as a legitimate business would never suffer as a result of not having fake reviews associated with it.

- (a) *Small and micro businesses (e.g. individual restaurants)*

We believe that making the commissioning of fake reviews an automatically unfair practice and enforcing that rule will result in a more trustworthy ecosystem of consumer reviews which, in turn, will benefit all members of the travel industry. In particular, it will allow small hospitality businesses to compete more reliably and transparently on the basis of the quality and value of the services they provide.

One element to be considered when assessing this policy is that these reforms would require reasonable and proportionate investment from businesses to put infrastructure in place to ensure that certain minimum levels of moderation or verification are carried out. This should be matched by corresponding support and investment by government into appropriate resources to investigate and enforce against the individuals or operations who commission or incentivise fake reviews.

- (b) *Large online businesses (platforms such as Tripadvisor or a large hotel chain)*

Tripadvisor has always believed that as a host of a large amount of consumer review content, we have a duty and responsibilities to travellers and businesses to ensure that Tripadvisor is used fairly and honestly by those who contribute to it.

There is a danger that poor implementation of these policies could place a more significant burden on businesses to detect and act against fake reviews. We would encourage the government to work with businesses like Tripadvisor to get the balance right, by encouraging and making it as easy as possible for consumers to leave honest reviews, whilst also investing in systems and policies that act against those who commission fake reviews.

We strongly believe that no review site is more sophisticated in its approach, or more determined in its efforts to combat fake reviews and act against those who perpetrate them than Tripadvisor is.

Enforcement action should therefore be focussed on those who seek to undermine the integrity of review platforms and act against consumer interests, rather than those who are affected by those unfair practices.

(c) *Consumers*

Regardless of the sophistication and determination of Tripadvisor's efforts against fake reviews, the platform is often publicly but incorrectly accused of permitting fake reviews on its website, or of poor moderation practices. Providing better recourse against those who perpetrate these activities, and knowing that there is a specific legal prohibition on the commissioning and/or incentivisation of fake reviews will increase the trust consumers have in platforms such as Tripadvisor, and will increase the benefit that they gain from our services. Irrespective of the policy the government chooses to implement, a stricter approach to fake and fraudulent reviews will benefit consumers.

However, there are potentially significant implications for the travel industry and the way that consumers choose how and where they want to travel in the event that the government bans commissioning consumer reviews in all circumstances.

As mentioned in our response to Q42, it is difficult to identify where the government would draw the line for their policy, and how it would be enforced, particularly in the event that government chooses to prohibit the commissioning of consumer reviews in all circumstances. We would welcome the opportunity to engage with BEIS or the CMA in more detail to discuss this further.

44. *What "reasonable and proportionate" steps should be taken by businesses to ensure consumer reviews hosted on their sites are genuine? What would be the cost of such steps for businesses?*

Unfortunately, incentives to influence consumer perception via fake reviews drive bad actors in a way that was not the case 20 years ago when Tripadvisor was founded. The online review landscape is such that any start-up today that hosts reviews on its platform must make basic investments in fraud detection and prevention.

Business investments in fraud detection and prevention will vary depending on business size, orientation in the digital ecosystem and design choices that impact whether or not a platform would be an advantageous target for fraud. In all instances, it is reasonable to expect that platforms of all sizes should make a baseline investment in fraud detection technology that screens 100 percent of reviews and assesses that content for abnormalities and policy violations with the goal of detecting fake reviews. These tools can be developed in-house or outsourced via reliable vendors. Costs associated with outsourced screening technology tools are generally incremental to the volume of content being scanned and are not cost-prohibitive to a start-up.

As a platform grows and attracts more users, or adapts its design choices that create new exposure to bad actors, it's reasonable to expect a platform to adapt and adopt a more layered approach to fraud detection. In most cases, we believe a platform should eventually take on human moderators to support fraud prevention as it moves beyond the early start-up phase and into the established business phase.

It's important to keep in mind that much of the "heavy lifting" of content moderation can be done via automated tools. Human moderators compliment this work, bringing particular value via thoughtful analysis of suspicious, but potentially not fraudulent content. Additionally, the number of human moderators a platform may have is not necessarily tied to the amount of review content it hosts. Investment in human moderators should be proportional to the risk profile of the platform (i.e. orientation of the platform, design choices, etc.).

45. *Should government add to the list of automatically unfair practices in Schedule 1 of the CPRs the practice of traders offering or advertising to submit, commission or facilitate fake reviews?*

Tripadvisor agrees that the government should include the practice of traders offering or advertising to submit, commission or facilitate fake reviews in its list of unfair practices. Tripadvisor has historically worked with a number of regulators and authorities around the world, and thinks the categorization of fake reviews in this way is consistent with the approach taken by global authorities.

Between 2017-2018, Tripadvisor worked in partnership with Italian law enforcement on a case that resulted in the individual behind a paid review business known as PromoSalento being sentenced to nine months in prison – the first known conviction and jail time for someone submitting fake reviews. This judgement made international news, and in some cases was greeted with incredulity that posting fake reviews about hospitality services could result in jail time. Clearly, therefore, there is a benefit to having a specific piece of legislation which references fake reviews and shows that it is against the law.

Having the practice of offering or advertising to submit, commission or facilitate fake reviews be formalised and expressly prohibited in the CPRs would therefore not only validate Tripadvisor's efforts in this space until now, but also make it significantly easier to act against these organisations when referring them to law enforcement. It would also make it easier for us as a platform to educate our users and the businesses who are listed on our website about why we prohibit these practices, and the consequences of breaking the rules.

Tripadvisor is able to monitor and regulate its own website, but many of the individuals and businesses that are willing to submit, commission or facilitate fake reviews choose

to do so through independent organisations or separate channels which Tripadvisor cannot access or cannot reasonably invest resources in monitoring. In such cases, Tripadvisor will sometimes reach out to regulators or law enforcement authorities to see if more serious and coordinated steps can be taken to discourage or act against such fraudulent activities.

However, the burden is often placed on Tripadvisor to unilaterally identify, pursue and attempt to shut down organisations or individuals who are involved in this fraudulent behaviour. Tripadvisor believes that review platforms have an important role to play when it comes to addressing fake reviews; but industry can only be effective if they are able to rely on law enforcement. Thus, Tripadvisor welcomes increased cooperation with, and support from, the CMA and other regulators to protect consumers from fake reviews and eliminate fake reviews as much as possible.

Closing

Tripadvisor wishes to be supportive of BEIS's ongoing work to evaluate competition and consumer protection law in the UK and appreciates the opportunity to provide our views here – especially in an area where we believe we have such meaningful experience. We welcome questions that may arise from our response to this consultation and thank you for the opportunity to submit our views.