Facebook's response to CMA concerns about Instagram

1. As part of its programme of work to tackle the problem of Fake and Misleading Online Reviews,[1] the CMA wrote to Facebook Ireland Limited ("Facebook") to say that it had identified content on Instagram[2] where people were offering to trade Fake and Misleading Online Reviews. The CMA told Instagram to take steps to prevent the illegal trading of Fake and Misleading Online Reviews when it occurs on, or is facilitated through, the Instagram Service.[3]

2. In particular, and as detailed below, Instagram agreed to (a) immediately remove the Fake and Misleading Review Content[4] identified by the CMA, (b) take steps to identify and remove similar Fake and Misleading Review Content, and (c) take steps to prevent the Fake and Misleading Review Content from reappearing on the Instagram Service.

3. **In relation to (a) and (b) Instagram has identified and removed 76 Instagram profiles that were being used to trade, or facilitate the trade, of Fake and Misleading Online Reviews.**

4. **In relation to (c) Instagram has:**

   - Committed to updating and revising its Community Guidelines by 31 July 2020 to clarify that it prohibits Fake and Misleading Review Content across the Instagram Service. Instagram will specifically prohibit its users from posting content that: engages in, promotes, encourages, facilitates or admits to the offering, solicitation or trade of fake and misleading user reviews or ratings.

---

[1] 'Fake and Misleading Online Reviews' means:
   - fake reviews, that is any review that is not an actual consumer's honest and impartial opinion on a product, service or business or does not reflect a consumer's genuine experience of a product, service or business; and
   - other incentivised reviews for which the consumer has received (or will receive) payment, reward or other similar inducement on condition that they leave a review on a Review Site which may lead to consumers being misled (for example, by the effect on a product, service or business's overall or aggregate rating on the Review Site). For the avoidance of doubt, this definition does **not** include reviews by technical experts or endorsements by online influencers which will be clearly labelled and identifiable as paid-for content. Nor does it apply in circumstances where Instagram is aware that such reviews are permitted on the Review Site and are intended to be posted with the Review Site's knowledge or consent. 'Review Site' means any website that hosts customer reviews, whether or not that is its primary purpose.

[2] 'Instagram' means www.instagram.com as operated by Facebook Ireland Limited.

[3] 'Instagram Service' means www.instagram.com and any other internet-based site, platform or facility (in any form, including but not limited to 'mobile' and 'App' based formats) branded as the Instagram service (operated by Facebook Ireland Limited) and which is directed to UK consumers.

[4] 'Fake and Misleading Review Content' means any content that Instagram has reasonable grounds to suspect engages in, promotes, encourages, facilitates or admits to the offering, solicitation or trade of Fake and Misleading Online Reviews. This content may include listings, posts, stories, profiles, online advertising, and similar.

- Committed to the following package of measures to help prevent Fake and Misleading Review Content from appearing on the Instagram Service:

  – Instagram will, for the purposes of disrupting and deterring the posting of Fake and Misleading Review Content on the Instagram Service, undertake sufficiently regular action to identify and remove Fake and Misleading Review Content on the Instagram Service ("Sufficiently Regular Action") until 31 December 2021, before which time Instagram and the CMA shall conduct a review, based on the results of the Sufficiently Regular Action, and shall agree the measures that are required with effect from 1 January 2022 (if any) to effectively identify and remove Fake and Misleading Review Content on the Instagram Service (including whether such Sufficiently Regular Action should continue).

  – Instagram will at a minimum ensure that measures are in place to remove profiles used to promote or incentivise Fake and Misleading Review Content, including where Instagram has determined that those users have repeatedly carried out such activities before.

- Committed to provide the CMA with the results of its Sufficiently Regular Action until 31 December 2021.

- Committed to regularly reviewing the continued effectiveness of its systems and policies in relation to the prevention, identification and removal of Fake and Misleading Review Content, including, as appropriate, by revisiting and updating its:

  – existing processes for reviewing Instagram advertisements when it receives or becomes aware of new information concerning Fake and Misleading Review Content (whether notified by users/external parties or through its own checks);

  – Sufficiently Regular Action when it receives or becomes aware of new information concerning Fake and Misleading Review Content (whether notified by users/external parties or through its own checks); and

  – policies to deter users from posting Fake and Misleading Review Content on the Instagram Service.

5. **Instagram will maintain its policies and procedures:**

- To allow third parties to effectively notify it of Fake and Misleading Review Content.

- To promptly consider and determine whether, in its judgement, content that is brought to its attention (for example, by a third party) contravenes its policies and where such content does so:

  - to take appropriate and prompt action to remove the Fake and Misleading Review Content that has been posted on the Instagram Service; and

  - to apply appropriate actions promptly against the users concerned to deter the posting of Fake and Misleading Review Content across the Instagram Service.

- That aim to prevent advertisements that constitute Fake and Misleading Review Content from being posted on the Instagram Service.