

Fake reviews

CMA208

**Guidance on the prohibition under paragraph 13 of
Schedule 20 to the Digital Markets, Competition and
Consumers Act 2024**

4 April 2025

© Crown copyright 2025

You may reuse this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence.

To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gov.uk.

Contents

	<i>Page</i>
1. Overview	3
2. Key concepts	6
3. Submitting or commissioning fake reviews and concealed incentivised reviews ..	9
4. Publishing consumer reviews in a misleading way	12
5. Publishing consumer review information in a misleading way	15
6. Offering to procure banned reviews and information for traders	16
7. Offering services that facilitate the submission, commissioning or publication of banned reviews and information	17
8. Prevention and removal of banned reviews and false or misleading consumer review information.....	18

1. Overview

- 1.1 There is a new banned practice relating to reviews in the Digital Markets, Competition and Consumers Act 2024 (DMCC Act). It sets out behaviour that is automatically unfair and illegal. It covers fake reviews, concealed incentivised reviews and requires traders not to publish consumer reviews (and information derived from them) in a misleading way. Traders publishing reviews must also take steps to prevent the publication of fake reviews and reviews where incentives are hidden, as well as information derived from reviews which is false or misleading.

This Guidance uses 'banned reviews' as a shorthand for fake reviews and concealed incentivised reviews. It also uses 'banned reviews and information' as a shorthand for fake reviews, concealed incentivised reviews and consumer reviews or consumer review information which is published in a misleading way. Consumer review information that is false or misleading is discussed separately – see Chapter 8.

- 1.2 The banned practice addresses distinct commercial practices involved in the entire reviews supply chain, namely:
- (a) the submission and commissioning of banned reviews by traders – see [Chapter 3](#),¹
 - (b) their publication by traders – see [Chapter 4](#), [Chapter 5](#) and [Chapter 8](#),²
 - (c) their procurement by traders – see [Chapter 6](#) and [Chapter 7](#).³
- 1.3 The diagram below provides an overview of the commercial practices to which the banned practice applies.

¹ Paragraph 13(1) of Schedule 20 to the DMCC Act.

² Paragraph 13(2) and paragraph 13(3) of Schedule 20 to the DMCC Act.

³ Paragraph 13(4) of Schedule 20 to the DMCC Act.

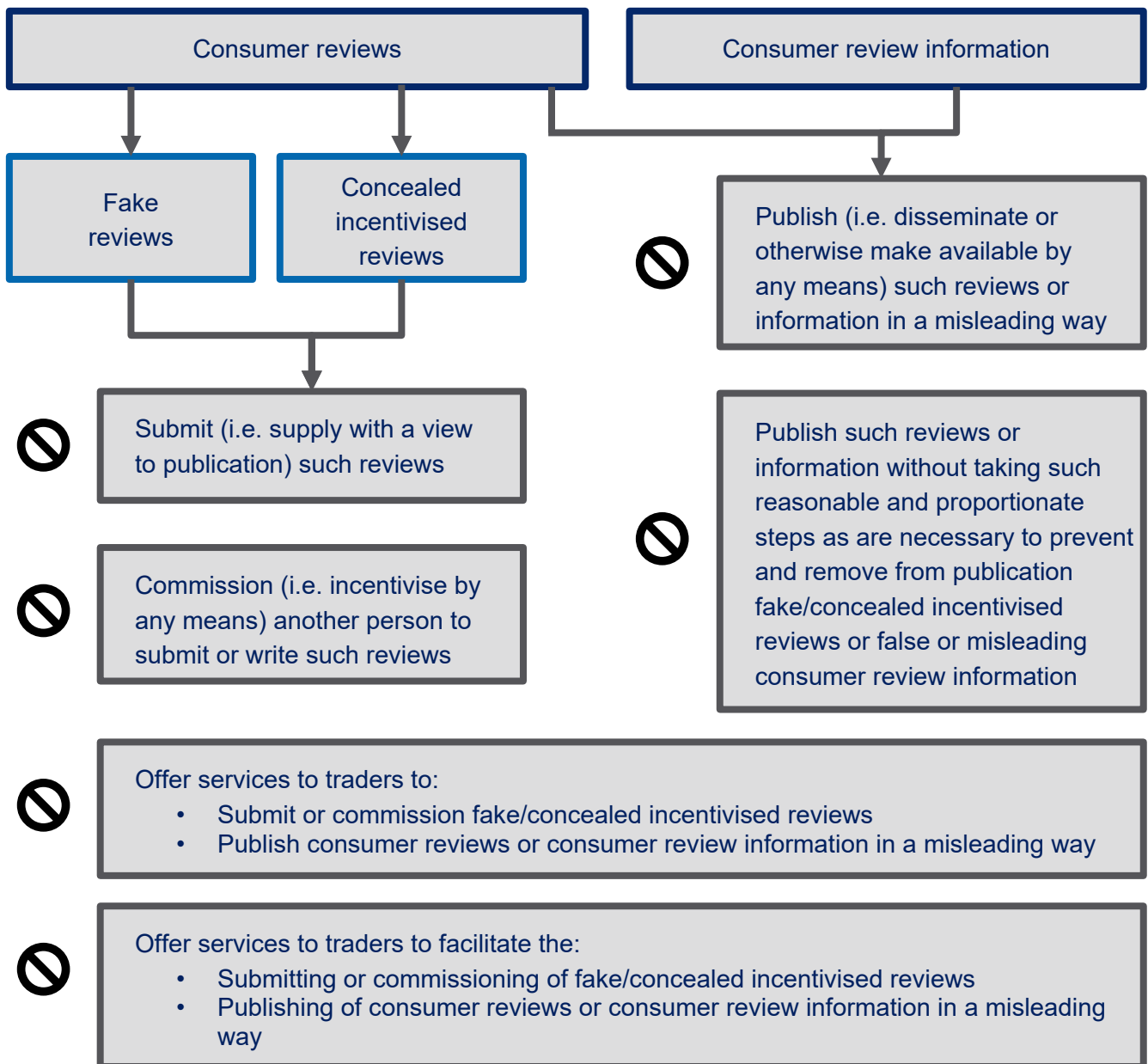


Figure 1: Overview of the banned practice related to consumer reviews and consumer review information

Interaction with other provisions in the UCP and other legislation



- 1.4 These prohibitions are not mutually exclusive and they do not all have to be present for the banned practice to be infringed. The same set of facts can give rise to multiple infringements by one or more parties, including infringements of other banned practices and other unfair commercial practices provisions

contained in Chapter 1 of Part 4 of the DMCC Act (UCP provisions).⁴ Some of the practices that are subject to the banned practice may also constitute breaches of other legislation or regulation (for example, the Fraud Act 2006, the Advertising Standards Authority's Codes etc).

⁴ In particular, conduct relating to banned reviews could infringe notably practice 12 of Schedule 20 to the DMCC Act (using editorial content in the media to promote a product where a trader has paid for the promotion without making that clear in the content or by images or sounds clearly identifiable by the consumer) and practice 25 of Schedule 20 to the DMCC Act (falsely claiming or creating the false impression that the trader is not acting for purposes relating to the trader's business or falsely representing oneself as a consumer) or could, for example, give rise to a misleading action or omission under section 226 or section 227 of the DMCC Act.

2. Key concepts

- 2.1 The banned practice is focused on both consumer reviews and information derived from or influenced by those reviews (consumer review information).

What are consumer reviews?



- 2.2 Reviews can take various forms, including text (for example, a written blog or a comment posted under a product listing on a website), speech (for example, a verbal opinion expressed in a video on a sharing platform) and graphic representations (for example, a star rating appearing next to a restaurant's name in search engine results or a thumbs up next to a 'helpful' review).
- 2.3 While online reviews have become very popular as consumers increasingly research or purchase products online, consumer reviews can also be found in analogue forms such as within marketing letters.
- 2.4 For the purposes of the DMCC Act, a consumer review means **a review of a product, a trader or any other matter relevant to a transactional decision**.⁵ They are reviews that influence consumers' decision making. It does not have to be written by a consumer to fall within the definition. It is a broad concept. Consumer reviews are likely to include opinions about the product, such as how quickly the item was delivered, its quality and the after-sales care the customer received.

What are fake reviews?



- 2.5 A fake review is **a consumer review that purports to be, but is not, based on a person's genuine experience**.⁶
- 2.6 Fake reviews could be positive or negative. A fake positive review makes false, positive claims about an experience with a product or trader. Such reviews often say positive things about a product, helping to boost sales, rankings or ratings in comparison to rivals. Fake negative reviews are often

⁵ Paragraph 13(5)(a) of Schedule 20 to the DMCC Act. 'Transactional decision' is defined in section 245 of the DMCC Act. The concept covers a wide range of decisions that have been or may be taken by consumers in relation to products. There does not need to be an actual transaction between the consumer and trader for there to be a transactional decision as the concept is broader and includes decisions on whether to do something or not to do something.

⁶ Paragraph 13(5)(b) of Schedule 20 to the DMCC Act.

written with the intention of undermining a product or trader in the eyes of consumers.

- 2.7 A review is not fake just because the trader who it is about does not like or agree with it, as long as it reflects the reviewer's genuine experience. Neither is a review fake because it relates to experiences that have not been paid for or completed by the reviewer. For example, a review of a gift purchased by a friend of the reviewer or of an experience (for example, a hotel stay) which was cut short because the reviewer felt unsafe can still be considered a genuine review.
- 2.8 The banned practice applies to both positive and negative fake reviews regardless of the form they take (text, speech, image etc.) and the medium (online or analogue) through which they can be accessed by consumers.

What are concealed incentivised reviews?



- 2.9 A review conceals the fact it has been incentivised if:
- (a) a person has been commissioned to provide the review, and
 - (b) that fact is not made apparent (whether through the contents of the review or otherwise).⁷ This would include missing, obscure or hidden disclosure of the fact that the review has been incentivised.
- 2.10 Commissioning can take many forms and is not limited to making monetary payments.⁸ It could include a trader requesting a member of staff to write a review of the trader's product. Examples of commissioning include, but are not limited to, being asked to write a review in exchange for:
- (a) money,
 - (b) commissions,
 - (c) discounts or vouchers,
 - (d) leases or loans free of charge or on more favourable terms than those offered to the general public,

⁷ Paragraph 13(5)(c) of Schedule 20 to the DMCC Act.

⁸ Note that offering the chance to earn a reward which does not guarantee a direct benefit for the reviewer (for example, traders may encourage consumers to leave reviews by telling them that they will be entered into a prize draw) is unlikely to amount to commissioning in the context of the banned practice.

- (e) products given free of charge ('freebies'),
- (f) free stays,
- (g) invitations to events etc.

What is consumer review information?



- 2.11 Consumer review information is **information that is derived from, or is influenced by, consumer reviews**.⁹ Consumer review information typically indicates the quality, value, performance or reputation of products or traders, and can enable consumers to compare quickly the options available to them. Examples of consumer review information include aggregated information in the form of overall ratings, overall summaries, review counts and rankings. Because of the value of this information to consumers' decision making, it is important it is accurate.
- 2.12 The banned practice applies to consumer review information which:
- (a) is published in a misleading way – see [Chapter 5](#), and
 - (b) is false or misleading – see [Chapter 8](#).

⁹ Paragraph 13(5)(d) of Schedule 20 to the DMCC Act.

3. Submitting or commissioning fake reviews and concealed incentivised reviews



When are reviews unlawful under the banned practice?

3.1 Reviews are unlawful under the banned practice when they:

- (a) are fake, or
- (b) conceal the fact they have been incentivised

(banned reviews).

3.2 The law bans both submitting and commissioning another person to submit or write a banned review.¹⁰ Submitting a banned review means supplying it with a view to publication.¹¹ This includes:

- (a) providing it to a trader to publish it, for example to post it on their website after verifying the reviewer¹² or to include it in their marketing materials, or
- (b) the reviewer publishing the review themselves, for example by posting it in the review section of a website or on social media.

Commissioning another person to submit or write (or create by any other means) banned reviews includes incentivising by any means.^{13,14}

3.3 Anyone who engages in the commercial practice of either submitting or commissioning banned reviews will be in breach of the banned practice. This includes professional reviewers, journalists, content creators (such as bloggers, influencers, online streamers, celebrities, social media

¹⁰ Paragraph 13(1) of Schedule 20 to the DMCC Act.

¹¹ Paragraph 13(5)(e) of Schedule 20 to the DMCC Act.

¹² This may be the case with 'closed systems' where only a confirmed buyer or user of the product is able to submit a review. For example, the 'closed' review site receives a data feed on all sales transactions from the business client's order processing system and sends out emails to all customers inviting them to submit feedback.

¹³ Paragraph 13(5)(g) of Schedule 20 to the DMCC Act.

¹⁴ Depending on the facts, those who submit or commission banned reviews may also infringe other banned practices, such as banned practice 12 (using editorial content in the media to promote a product where a trader has paid for the promotion without making that clear in the content or by images or sounds clearly identifiable by the consumer) or banned practice 25 (falsely claiming or creating the false impression that the trader is not acting for purposes relating to the trader's business or falsely representing oneself as a consumer). The UCP provisions are not mutually exclusive.

personalities), marketing companies, individuals acting on behalf of traders, etc.

- 3.4 While it is not prohibited per se to publish an incentivised review, many publication media (for example, websites, platforms etc.) do not allow incentivised reviews. Where this is the case, submitting an incentivised review is likely to be misleading. The operator of the website may also take appropriate steps to prevent their publication and remove them.
- 3.5 Where it is permissible to post a review that has been incentivised on a platform, the review must be clearly identifiable as incentivised. This must be made clear to anyone engaging with the review, so that it is apparent that they are viewing incentivised content. Usually, it will be necessary for the reviewer at least to label the review prominently as incentivised, namely, as an advert. The label should not have an ambiguous meaning or be placed where it might not be seen.

Examples

Submitting fake reviews

1. Stating in a review that a product or trader met expectations, when in fact it did not, or the reviewer had not used the product or trader.
2. Making a video that claims to demonstrate the results of using a specific product, but in fact using a different product.



Submitting concealed incentivised reviews¹⁵

1. Submitting a review about a product without disclosing the fact that the reviewer has a commercial relationship with the trader and received products for free.
2. Posting a positive review about a product, which does not tell readers that the reviewer received the product for free unless they click on a link labelled 'learn more' in the review.

¹⁵ The fact that reviews have been incentivised should be made apparent. The CMA has published guidance for those who post incentivised reviews, endorsements etc. setting out examples of how to label these correctly and ensure they are clearly identifiable: [Hidden ads: Being clear with your audience - GOV.UK](#) and [Hidden ads: Principles for social media platforms - GOV.UK](#).

Commissioning fake reviews or concealed incentivised reviews

1. Offering an existing customer a free or discounted product in exchange for a five-star review (which is not reflective of their genuine experience) of their previous purchase.
2. Requesting a customer to give a review of a free or discounted product without making clear to the reviewer that they must clearly disclose the incentivisation, for example by labelling their review as an advertisement.
3. Sharing a post on social media asking for five-star reviews in exchange for free products.
4. Contacting a customer who has left a negative review and offering them a refund and/or a gift card if they change their review to remove the negative commentary (so that it is no longer reflective of their genuine experience).
5. Asking consumers to buy items with their own money and telling them they will be reimbursed once they have submitted a positive review.
6. Buying reviews which look like they have been written by individual consumers but have in fact been generated by software applications (such as bots).

What reviews are allowed?



- 3.6 Reviews that reflect a person's genuine experience of a product or service are allowed. There are many instances in which traders may want to encourage the submission of reviews, such as to gather feedback on the performance of products and/or customer satisfaction more generally. Doing so without predetermining the contents or sentiment expressed in the review, for example by merely emailing customers generally to ask if they wish to provide a review, is not prohibited under the banned practice.
- 3.7 Traders may want to incentivise customers to leave a review for example by paying them, offering them future discounts or free products. Traders are free to do this but to comply with the law they must:
 - (a) tell consumers that the review has been incentivised, and
 - (b) the review must still reflect the reviewer's genuine experience.

4. Publishing consumer reviews in a misleading way

- 4.1 Consumer reviews may be published in a variety of ways, both online and in analogue form. This may be done by the trader that is being reviewed or whose products are being reviewed (for example, on their own website) or by intermediaries who publish reviews about third-party traders. Such intermediaries include:
- (a) platforms (or third-party traders operating on platforms), including search engines, online marketplaces and social media,
 - (b) specialist review sites,
 - (c) trader recommendation platforms,
 - (d) retailers,
 - (e) booking agents.
- 4.2 Publishing consumer reviews in a misleading way is prohibited.¹⁶ Misleading publication may occur for example because important information is omitted or hard to see, or because of the way something is highlighted. The rest of this chapter provides a list of non-exhaustive examples of publishing reviews in a misleading way.

Suppressing and cherry-picking reviews



- 4.3 A trader may infringe the law if they suppress genuine negative or positive reviews, selectively promote positive or negative reviews or omit information around how reviews have been written.¹⁷ These practices might be used together or separately.
- 4.4 While it is important to suppress fake negative reviews, suppressing genuine negative reviews is problematic. Traders should not:
- (a) interfere with the ability and willingness of reviewers to leave negative reviews in the first place such as:
 - (i) through threats of harm or legal action,

¹⁶ Paragraph 13(2) and (5)(i) of Schedule 20 to the DMCC Act.

¹⁷ Paragraph 13(5)(i) of Schedule 20 to the DMCC Act.

- (ii) by preventing bona fide users from leaving reviews,
- (iii) by arbitrarily stopping and starting review invitations,
- (iv) by making an offer of dispute resolution contingent on a consumer not leaving a negative review etc.

(b) limit access to and/or the impact of negative reviews by editing, withholding or removing such reviews.

4.5 Cherry picking positive reviews for publication over negative ones might be done either through suppressing negative reviews that have been submitted or by encouraging just those who are satisfied to leave reviews. It might also involve selecting only favourable reviews to be presented or highlighting certain positive reviews when these do not reflect the experience being reported by reviewers overall.

Omitting information relevant to how reviews have been written



4.6 Withholding information relevant to the circumstances in which a review has been written may be misleading.¹⁸ This includes practices such as not telling consumers or hiding that reviews have been incentivised.¹⁹ It will include a situation where the reviewer has a financial interest in the trader or the product being reviewed (for example is an employee or shareholder of the trader) or has a commercial link with the trader (for example is a supplier of the trader).

4.7 Where incentivised reviews are being published, publishers must distinguish the incentivised review from other reviews and take appropriate steps to prevent incentivised reviews from misleading consumers.

Catalogue abuse



4.8 The practice of 'catalogue abuse', sometimes known as review hijacking or review merging, involves presenting reviews of a different product as relating to the product a consumer is considering. Where such practices are used, it is most likely for consumers to be misled where two (or more) different products have their reviews merged to boost one product's rating and review count when there are material differences between the products.

¹⁸ Paragraph 13(5)(i)(iii) of Schedule 20 to the DMCC Act.

¹⁹ See Chapter 3 above.

- 4.9 If, however, the consumer's experience is likely to be materially the same irrespective of any differences in the specifications of otherwise equivalent products, shared reviews between the products are more likely to comply. Therefore, determining whether it would be appropriate to merge reviews for the different specifications of the same product would depend on the extent to which any differences result in practice in a materially different experience for the consumer. For example, where different sized products were produced to a different quality standard, merging the reviews in this instance could mislead consumers and is, therefore, less likely to comply.

Outdated genuine reviews



- 4.10 If a product changes over time, traders need to consider whether genuine reviews published before the changes, which remain available, could be misleading. If the change has no material impact on the consumer's experience, such older reviews might reasonably remain, displayed either chronologically or otherwise. However, traders publishing or providing access to the reviews might need to change their approach if changes to products result in practice in a materially different experience for the consumer. This might be apparent from new reviews commenting about the changes.

5. Publishing consumer review information in a misleading way

- 5.1 Publishing consumer review information in a misleading way is prohibited.²⁰ This includes circumstances such as where a trader:
- (a) displays a star rating or review count that is based on the aggregation of a number of reviews, but fails to address the impact of fake reviews, for example by failing promptly to update a product's star rating and review count where reviews have been identified and removed as fake,
 - (b) allows consumer review information to be determined or influenced by accepting commissions from the trader who is being reviewed in return for greater prominence in rankings.

²⁰ Paragraph 13(2) of Schedule 20 to the DMCC Act.

6. Offering to procure banned reviews and information for traders

- 6.1 It is prohibited to offer to submit or commission fake reviews or concealed incentivised reviews for traders. It is also prohibited to offer to traders to publish reviews or consumer review information in a misleading way.²¹ This element of the banned practice is aimed at addressing and disrupting the business model of acting as a broker procuring banned reviews and information.

Examples

1. Offering a service to traders that involves setting up and running groups on social media to recruit individuals willing to post fake reviews or concealed incentivised reviews about a trader's products.
2. Selling reviews which look like they have been written by individual consumers but have in fact been generated by software applications (such as bots).
3. Offering a search engine optimisation service that promises to improve a trader's rating, when one of the means that will be used is generating fake reviews.



²¹ Paragraph 13(4)(a) of Schedule 20 to the DMCC Act.

7. Offering services that facilitate the submission, commissioning or publication of banned reviews and information

- 7.1 It is also prohibited to offer services to traders for the facilitating of the submission, or commissioning of banned reviews or publication of reviews or consumer review information in a misleading way.²² Such practices include, for example, offering services that increase the chance of a fake review being successfully posted on a platform or website by virtue of their expertise in bypassing the platform or website's fake review detection measures.²³

Examples

1. Offering services to traders that enable accounts to be set up in a way that avoids or reduces the risk of detection.
2. Running an online platform or a social media site while being aware of and allowing services to be sold by traders using the platform or site to offer to post or otherwise arrange for fake reviews or concealed incentivised to be posted on other sites.



²² Paragraph 13(4)(b) of Schedule 20 to the DMCC Act.

²³ Paragraph 1351 DMCC Act explanatory notes.

8. Prevention and removal of banned reviews and false or misleading consumer review information

- 8.1 Traders have to take such reasonable and proportionate steps as are necessary to prevent and remove from publication banned reviews and false or misleading consumer review information.²⁴
- 8.2 This element of the banned practice creates a ‘positive’ obligation, meaning it requires traders who publish consumer reviews or consumer review information by any means to take effective action to comply with the law, rather than merely refraining from a specified action. An short overview of traders’ obligations set out in this chapter can be found in the summary note that can be accessed [here](#).
- 8.3 ‘Publishers’ in this context include traders who display or make available by any means consumer reviews or consumer review information on their own media (retailer websites, print publications etc.) and various intermediaries who display or make available reviews of other traders or their products (for example, specialist review sites, online marketplaces, search services, social media, trader recommendation platforms etc.).²⁵
- 8.4 There is unlikely to be a ‘one size fits all’ or ‘tick box’ approach which is appropriate for all publishers to prevent and remove from publication banned reviews and false or misleading consumer review information. What is appropriate for one publisher may not be appropriate for another, for example because of the nature of the content that is posted by third parties.
- 8.5 However, **all publishers will need:**
- (a) **to have a clear policy on the prevention and removal of banned reviews and false or misleading consumer review information**, and in addition
 - (b) **assess the risks of such material appearing on their media and take such further proactive steps as are reasonable and proportionate to address the issues identified.**

²⁴ Paragraph 13(3) of Schedule 20 to the DMCC Act.

²⁵ See paragraph 13(5)(h) of Schedule 20 to the DMCC Act. The use of the term ‘publisher’ is not intended to have any impact on other areas of law where it is defined more specifically, such as the Defamation Act 2013.

- 8.6 Publishers will need to ensure that the steps they take are designed and applied for the purpose of preventing and removing these reviews and information, that they regularly evaluate the effectiveness of these steps and that where they identify inadequacies, they address them. Publishers who already have and apply a policy in relation to consumer reviews and consumer review information should assess the extent to which their existing systems and processes already achieve the purpose mentioned above and whether they should be enhanced accordingly.
- 8.7 Where banned reviews and false or misleading consumer review information are being shown to consumers, this may indicate that the publisher is not taking such reasonable and proportionate steps as are necessary to prevent and remove these reviews and information (and may also mean that other UCP provisions are being infringed). While the precise steps which are required will depend on the circumstances of the case, this Guidance sets out several general steps which are likely to constitute reasonable steps to be taken by publishers of consumer reviews or consumer review information in order not to infringe the banned practice. The diagram below provides an overview of these general steps.

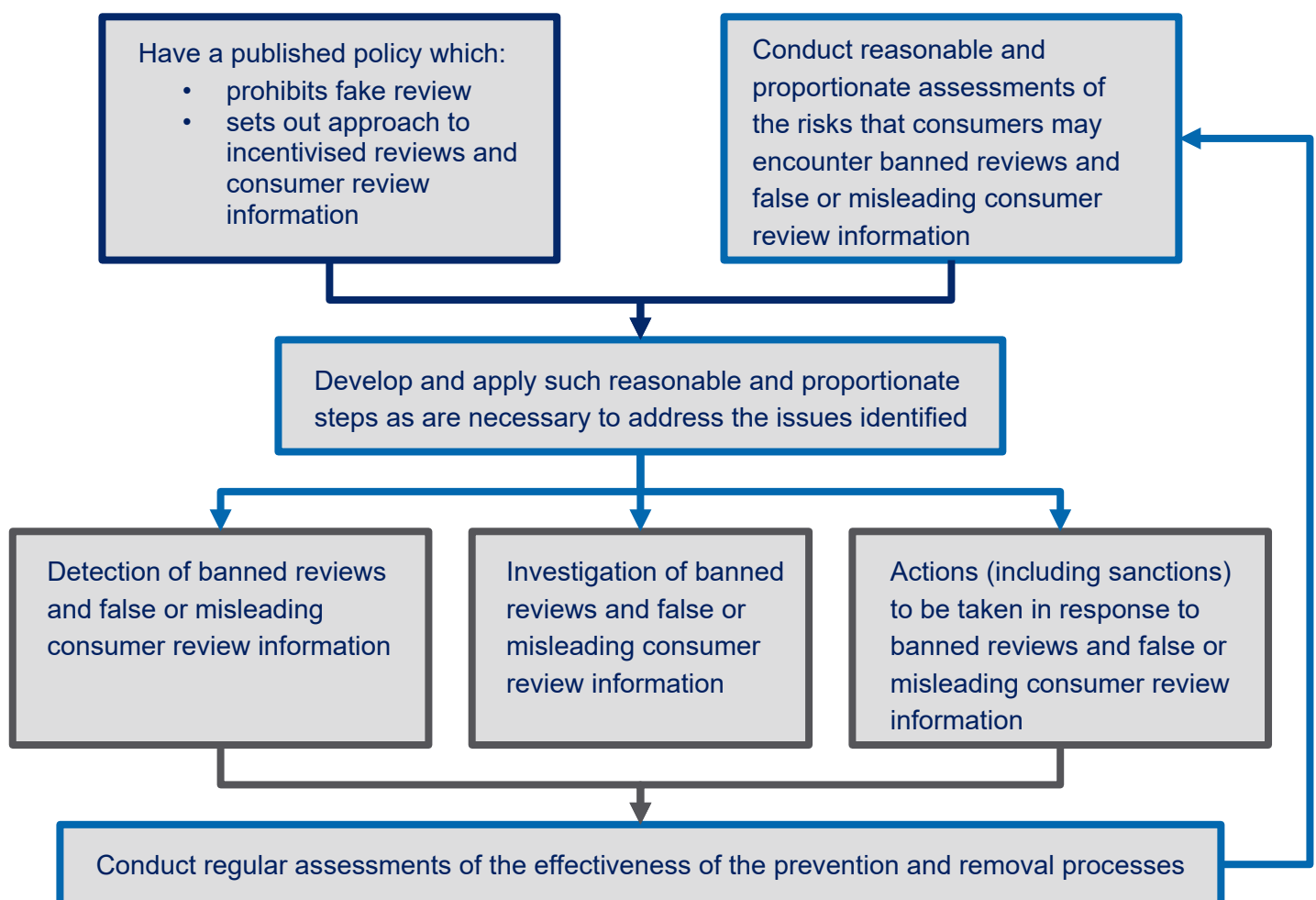


Figure 2: Overview of the general steps required of publishers of consumer reviews or consumer review information

- 8.8 For each of these general steps, the Guidance sets out a non-exhaustive list of examples of specific steps which, depending on the circumstances, might be required to comply with the law (see also the explanation of what is reasonable and proportionate in a given context at paragraphs 8.28-8.32 below).

Prevention and removal policy



- 8.9 Publishers should all have published policies which prohibit fake reviews. Such policies should also set out the publisher's approach to incentivised reviews and consumer review information. For example, where incentivised reviews are not allowed, the publisher's policy should clearly prohibit them. Where they are allowed, the policy should require that incentives are apparent through the contents of the review or otherwise. In either case concealed incentivised reviews must be prohibited. Likewise, where a publisher allows users any control over the functionality of how consumer reviews and consumer review information is presented, the publisher must make clear what is and is not permitted to ensure the law is complied with.
- 8.10 Publishers should make these policies readily available to users (including third-party traders and consumers). Policies may take various forms, but they should be easily accessible, with signposting from relevant parts of the medium used (for example, a website) and not tucked away in a hard-to-find place. They should also be written in plain English.
- 8.11 Where relevant, it should also be clear to consumers how they can submit reviews. Publishers will often have other processes in place that consumers can use for feedback on their experience with products or traders, such as complaints procedures. Publishers should explain the difference between leaving a review which is intended for publication and making a complaint. In particular, publishers should not:
- (a) try to persuade consumers to submit a complaint, rather than leave a review for publication,
 - (b) try to dissuade consumers from leaving a review of their experience even if their initial problem has been resolved through the complaints process,
 - (c) treat a negative review intended for publication as a complaint and not publish it.



Assessing the risks

- 8.12 Publishers should conduct risk assessments to:
- (a) assess the risks that consumers may encounter banned reviews and false or misleading consumer review information on the publisher's media, and
 - (b) identify appropriate measures to address such risks effectively.
- 8.13 Such assessments should be evidence-led, taking account of relevant internal and external sources of information that are reasonably available to the publisher, such as:
- (a) content or activity on the publisher's media, including by using technology designed to identify banned reviews and false or misleading consumer review information,
 - (b) third-party reports to the publisher, and
 - (c) the findings of investigations or internal evaluations.
- 8.14 The information gained through assessing the specific risks which apply to the publisher's particular activities will inform the development of appropriate prevention and removal measures to address such risks (including by improving existing prevention and removal measures). Depending on the nature of the material being published, it is possible that a publisher may reasonably identify the risk of banned reviews or false or misleading consumer review information appearing as low, such that only limited further steps are necessary. However, publishers should review and update their risk assessments as necessary – this is not a one-off exercise. Other publishers will rightly identify a higher risk of banned reviews or false or misleading consumer review information appearing (in particular, if such material has appeared already or where functionalities of the medium may facilitate the presence or dissemination of this content), in which case they should take the appropriate steps that are necessary to address the problem.
- 8.15 At a minimum, where there is a risk of banned reviews or false or misleading consumer review information appearing, such steps should include systems, processes and policies relating to:
- (a) the detection of banned reviews and false or misleading consumer review information,
 - (b) the investigation of banned reviews and false or misleading consumer review information,

- (c) actions to be taken in response to banned reviews and false or misleading consumer review information.
- 8.16 In developing and implementing these measures, the publisher should balance the need for screening and responding to suspicious activity with the need not to prevent genuine, lawful and relevant reviews from being displayed (for example, removing a negative review that was genuinely created may mislead consumers as much as publishing a fake positive review). In particular, the measures should encompass:
- (a) how the publisher collects and checks reviews, ensuring that appropriate checks are in place for both negative and positive reviews,
 - (b) the basis on which the publisher makes decisions about publishing and removing reviews,
 - (c) how its ratings (or other aggregation-related systems such as rankings) work.
- 8.17 The measures should reflect how the detection, investigation and response procedures would apply before and after the publication of consumer reviews and consumer review information.

Detection



- 8.18 Publishers must take proactive steps to identify banned reviews and avoid the presentation of false or misleading consumer review information (both before or after publication). There are various methods of detection that a publisher may adopt; the reasonable and proportionate steps that are necessary will depend on the facts of the case. Publishers should use the information obtained from their risk assessments to inform their choice of detection methods.
- 8.19 Appropriate detection measures can include a combination of one or more of the following, but are not limited to:
- (a) Controls over review sources, such as:
 - (i) having clear rules, applied consistently, for who can submit a review in order to minimise the risk of fake reviews being published, while still allowing all genuine users of products to leave reviews. For example, depending on the type of publication medium concerned, this could involve requiring the reviewer to provide identifying information. It may also involve allowing users to submit a review only

if it is possible to verify that they have used or attempted to use the product in question. Publishers should not prevent users from leaving reviews merely because they have not bought the relevant product themselves (for example, where it is received as a gift).

- (ii) where relevant, vetting traders before allowing them to join a trader recommendation platform.

(b) Checks by the publisher, such as:

- (i) monitoring, considering and keeping sufficient records of the review submission history and the profile of traders, products and reviewers using the site, to be able to spot patterns of behaviour,
- (ii) manual checks, for example regularly analysing a sample of reviews of traders or products and proactively looking for suspicious content,
- (iii) using automated software designed to identify banned reviews and spot anomalies or other patterns that may be indicative of banned reviews (for example, reviews written by different reviewers from the same email or IP address, networks of reviewers reviewing the same products or businesses, average review length, a spike in highly positive or negative reviews over a short period of time etc). If a publisher is not able themselves to create an automatic detection system, they could consider using a third-party provider who can offer such services.

(c) Third-party notification systems, including:

- (i) providing publicly accessible mechanisms to enable consumers, traders and other third parties (including enforcement authorities) easily to report suspected banned reviews or false or misleading consumer review information. Such notification systems should be coupled with an internal policy that sets out publishers' criteria for investigation of these reports and how they will make determinations.
- (ii) letting users see a reviewer's public review history. This may help users to consider whether to rely on and/or to report suspicious content. However, publishers should not rely on users (especially consumers) to police suspected banned reviews or false or misleading consumer review information. The publisher is ultimately responsible for taking such reasonable and proportionate steps as are necessary to prevent and remove from publication banned reviews and false or misleading consumer review information.



- 8.20 Publishers must have a process for conducting investigations in response to suspicious reviews they have identified or have been notified of. Investigations should be used, as appropriate, to support the detection measures outlined above (for example, to determine whether reviews are fake) and to establish what a suitable response should be (for example, determining whether to apply a sanction).
- 8.21 In many cases the publisher may be able to determine automatically that identified content is unlawful based on the available information and remove it without further investigation, for example using appropriate automated detection measures. In other cases (such as where there is a genuine dispute about the facts set out in a review possibly suggesting that the review is fake) forming a definitive view may be more difficult. Publishers should consider in advance when further investigation is likely to be necessary and what sort of evidence they may require to establish the facts and how long they will give traders or reviewers to provide information required to make a determination. Publishers should remember that fake reviews could be positive or negative (see paragraph 2.6) and that the evidence they need to gather and evaluate may differ in respect of each.
- 8.22 It is important that such investigations are conducted proportionately to the circumstances and reasonably timely to ensure that:
- (a) there are no unreasonable delays before publication of genuine reviews,
 - (b) genuine reviews (particularly genuine negative reviews) are not removed merely because a trader objects to the reviewer's assessment of their experience of the trader or their product,
 - (c) in respect of reviews which have already been published, there are no delays to correction or removal of banned reviews (including fake positive and fake negative reviews) and false or misleading consumer review information.
- 8.23 If publishers apply temporary measures during investigations of suspicious content (such as withholding reviews, or marking them as pending or suspicious) the publisher should set out how users should interpret these messages (for example, so they know it is being investigated). Further, where a review is identified as suspicious but has not yet been determined to be a banned review, the publisher should consider taking steps to ensure that it cannot improperly contribute to consumer review information (for example, overall ratings) in the interim.



8.24 Where the publisher determines that identified content constitutes a banned review or false or misleading consumer review information, the publisher must take steps to prevent consumers from being misled as a result of encountering it. Publishers should therefore adopt a combination of measures to tackle:

- (a) the banned reviews by removing them, and
- (b) ensuring they do not impact consumer review information (for example, correcting published review counts, overall ratings, rankings and AI-generated review summaries, and removing their product or trader endorsements that are based on banned reviews and false or misleading consumer review information).

8.25 Publishers should also take such measures, based on the circumstances of the case, as are appropriate, reasonable and proportionate to address the sources of the unlawful activity, namely, sanctioning those who submit, commission, procure or facilitate banned reviews and information on the publisher's media.

8.26 The use of sanctions should be considered on a case-by-case basis, with regard given to whether and what particular sanctions would be reasonable and proportionate. Any such sanctions should be effective so as to dissuade, deter and prevent this activity from taking place in future. It may be appropriate for escalating sanctions to be imposed, with increasing severity based on the nature and frequency of the content or activity that has been identified. Appropriate measures, depending on the circumstances, may include:

- (a) suspending or revoking privileges (for example, a user may still be able to visit/use a site but may not be able to leave reviews any longer, or reviews may not be written or submitted for a particular trader),
- (b) putting clear and prominent warnings on the pages of traders that have been assessed to have benefited from banned reviews-related activity, for example, an alert which notifies consumers that banned reviews have been identified for this trader,
- (c) banning user accounts that have submitted or benefited from banned reviews and preventing the creation of new accounts,
- (d) removing from public view all published reviews on the website for traders who have submitted or benefited from banned reviews,

- (e) terminating memberships of trader recommendation platforms or contracts with clients (namely, reviewers or sellers) for traders who have submitted or used banned reviews (in addition to removing product endorsements based on banned reviews and information),
- (f) keeping sufficient records of actions previously taken in relation to reviewers and traders so the publisher can monitor and escalate sanctions accordingly,
- (g) notifying the CMA of breaches of the banned practice where these are systematic by one trader.

Internal evaluations



8.27 Publishers should conduct regular assessments of the effectiveness of their prevention and removal processes, including in response to observed and emerging practices. These may be done as part of the process of regularly reviewing and updating publishers' risk assessments. Where inadequacies are identified, steps should be taken to ensure that they are addressed appropriately, for example by adjusting applicable processes.

What is reasonable and proportionate in a given context



- 8.28 The banned practice requires traders that publish consumer reviews or consumer review information to take 'reasonable and proportionate steps' to prevent and remove from publication fake reviews, concealed incentivised reviews or false or misleading consumer review information. This requirement reflects the fact that consumer reviews originate from third parties and the publisher may therefore make such banned reviews and false or misleading consumer review information available inadvertently.
- 8.29 What is reasonable and proportionate will depend on the circumstances of each case and on what proportionate steps are necessary (as identified by the publisher when carrying out reasonable and proportionate risk assessments) to effectively prevent and remove from publication this content on the publisher's media. It will require publishers to take an outcomes-focused approach to compliance.
- 8.30 In particular, the steps publishers must take to prevent and remove banned reviews and false or misleading consumer review information will depend on the nature of the risks of consumers encountering such content. For example, practices that pose higher risks (whether by seriousness or by volume) will

require publishers to implement more extensive measures to address banned reviews and false or misleading consumer review information.

- 8.31 Publishers cannot avoid implementing effective prevention and removal steps solely due to the (lack of) resources and capabilities available to them. Even a small trader publishing only reviews from their own customers or a nascent platform which presently enables a relatively small number of users to upload consumer reviews directly is required to implement reasonable and proportionate measures where their content poses a risk.
- 8.32 Considerations that would help determine what is reasonable and proportionate in each case include:
- (a) **the publisher's business model** – for example, the steps required of a trader operating a search platform which publishes user reviews about third-party products may differ from, and be more significant than, a trader operating a website which publishes reviews from its own customers and where there is likely to be direct proof of a purchase or genuine experience.
 - (b) **the source of the consumer reviews or consumer review information** – while the duty to take steps to prevent and remove banned reviews and false or misleading consumer review information is non-delegable and applies to all traders who publish consumer reviews or consumer review information, what is reasonable and proportionate would vary depending on whether a trader is directly responsible for obtaining, verifying and managing reviews and information (namely, a 'first-party publisher' such as a review website) or 'syndicates' reviews and information (namely, a 'second-party publisher' such as a trader who displays on its own website ratings for its business given on a first-party publisher's site).
 - (i) In practice, the steps required of a first-party publisher may differ from, and be more significant than, those required of a second-party publisher. However, each publisher has to take a risk-based approach to the steps they take to comply with their duties.
 - (ii) For example, if a second-party publisher wishes to rely on the steps taken by a first-party publisher whose reviews or information they reference, the second-party publisher should review the first-party publisher's policies and arrangements for tackling banned content to satisfy themselves, on reasonable grounds, that those arrangements meet the duty. If they cannot find, evaluate and have reasonable confidence in the procedures of first-party publishers, this may require the second-party publisher to take more significant steps themselves.

- (c) **the publication medium's functionality** – for example, the risks of encountering banned reviews and false or misleading consumer review information could be greater where website users (such as traders whose products are being reviewed or other third parties) are granted a degree of control over the website's functionality. This includes where users can take actions to merge reviews for different products, create 'variants' of existing products or recycle reviews from previously listed products, thereby creating a risk of catalogue abuse.
- (d) **the type of content shown to consumers** – for example, the publisher might reasonably be expected to take more significant steps where they use consumer reviews to influence or determine consumer review information concerning the reliability or trustworthiness of traders, products or reviewers presented to consumers on the website, for example the awarding or presentation of trader or product endorsements.
- (e) **the potential impact of the trader's activity** – while size is not determinative, publishers' media which enable many users to generate and read reviews about third-party traders or their products, or which facilitate many potential transactions, may pose higher risks, for example by creating a strong incentive for third-party traders to procure banned reviews and obtain high overall ratings. In such cases, the publisher might reasonably be expected to take more significant steps to address such risks, for example applying automated tools designed to spot suspicious networks of reviewers and other anomalies.
- (f) **any additional risk** (including the risk of harm to other traders) stemming from the impact or potential impact of banned reviews on aggregated consumer review information.