

New rules on fake and misleading consumer reviews

What

New rules on fake and misleading consumer reviews in force from **6 April 2025** under the Digital Markets, Competition and Consumers Act 2024.

Who

Broad range of businesses impacted including e-commerce websites, online intermediaries and influencers.

Scope

Covers consumer reviews, whether of products, services, digital content or traders, whether online or off, whether of a business's own practices or another's, and whether applying to the practice itself or matters such as delivery or after-sales service. Text, speech, graphic symbols, aggregated data, stars and rankings all in scope.

Examples

Reviews on a business's own website (even if just thumbs up/down), reviews in print advertising and in marketing letters, reviews on video sharing platforms, star ratings provided by search engines, influencer and affiliate marketing.

Banned practices

1. Submitting/commissioning

Ban on submitting, or commissioning, for publication a **fake consumer review** or a **concealed incentivised review**. Commissioning includes incentivising by any means. Particular risks for influencer and affiliate marketing.

2. Publishing

Ban on publishing **consumer reviews**, or **consumer review information**, in a misleading way. 'Publishing' includes disseminating, or otherwise making available, by any means.

Includes:

- not publishing, not removing, or giving greater prominence to, negative consumer reviews whilst publishing positive ones (or vice versa) and
- omitting relevant information (eg that a review has been commissioned).

3. Positive obligation

Ban on publishing **consumer reviews**, or **consumer review information**, without taking such reasonable and proportionate steps as are necessary for the purposes of preventing the publication or removal from publication of: (a) **fake consumer reviews**, (b) **concealed incentivised reviews** and (c) **consumer review information** that is false or misleading.

Includes:

- porting reviews from one product to another,
- cherry picking positive reviews and suppressing negative ones,
- failing to update a star rating when reviews have been identified and removed as fake and
- not disclosing that a review is incentivised or giving comparable weight to incentivised and non-incentivised reviews.

4. Offering/facilitating

Various practices relating to facilitating or offering to do the above.

Impact on publishers of reviews

Easy to breach eg by spotlighting a 5 star review when average review rating is lower than 5 stars. Positive steps needed; inaction is not an option. All publishers must have a published consumer reviews policy, conduct regular risk assessments and take other appropriate steps (eg detection, investigation and sanctions).

Impact on influencer and affiliate marketing

Incentivised reviews are legal, but such reviews must not be concealed or misleading. Incentivised reviews must be labelled. Mixing incentivised and non-incentivised reviews to form a star rating is likely to be misleading. Reviews should also represent the reviewer's genuine experience (or they are fake) which may impact influencer and affiliate marketing.

Sanctions

Potential for fines of up to £300,000 or 10% of worldwide turnover, if higher, for breaches.

Possible actions

- Identify responsible employee and employees/practices affected,
- conduct risk assessment,
- draft/update consumer reviews policy,
- update other policies, processes and technology taking safety by design approach,
- make necessary changes to website, marketing materials etc,
- consider impact on influencer and affiliate marketing,
- train marketing and other teams and
- watch what the CMA/regulators/ASA are doing to help guide practices.

Key definitions

Consumer review:

a review of a product, a trader or any other matter relevant to a transactional decision.

Consumer review information:

information that is derived from, or is influenced by, consumer reviews (such as aggregated data, stars and rankings).

Concealed incentivised review:

commissioning a person to submit or write an incentivised review, and not making that fact apparent. Incentives include money, commissions, discounts, 'freebies', free stays etc.

Fake consumer review:

a consumer review that purports to be, but is not, based on a person's genuine experience.

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information**

