

The Consumer Voice in Europe

Turning Stars into Trust: How to make online reviews more reliable?

BEUC position paper



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Why it matters to consumers

Online reviews are now a key element in consumers' purchasing decisions. So much that market surveys show that 93 % of consumers read online reviews before making a purchase¹. European consumer law, particularly the Unfair Commercial Practices Directive (UCPD) and the Digital Services Act (DSA), only partly addresses issues with fake or misleading online reviews and is not sufficiently and consistently enforced across EU Member States. This impacts consumers' trust in the internal market and constitutes a form of unfair competition with providers that use real consumer reviews. EU law needs updating in the context of the upcoming Digital Fairness Act (DFA) to provide stronger harmonised solutions to unfair commercial practices across EU Member States, and to ensure that consumers can rely on online reviews.

Summary

Online reviews are an important element of consumers' online purchasing decision. They allow consumers to easily compare feedback and appreciations before making their choice. However, how can consumer know they are genuine, and can they rely on them?

EU Consumer Law, especially, Directive 2005/29/EC more commonly known as the **Unfair Commercial Practice Directive (UCPD)** is fully applicable to *online reviews*, in particular the provisions introduced by the **Modernisation Directive (EU) 2019/2161**². However, despite the current regulatory framework, the findings of the implementation report of the Directive are unequivocal: “[...] *the challenges with fake reviews, whether ‘positive’ or ‘negative’, are on the rise*”³.

This position paper recommends to both:

1. **improve online reviews regulation** in the context of the upcoming Digital Fairness Fitness Act⁴ and,
2. **improve the enforcement of existing EU legislation** applicable to online reviews (e.g., UCPD, DSA).

¹ Jean Michel Sahut, Michel Laroche, Eric Braune, Antecedents and consequences of fake reviews in a marketing approach: An overview and synthesis, Journal of Business Research, Volume 175, 2024, 114572, ISSN 0148-2963, <https://doi.org/10.1016/j.jbusres.2024.114572>.

² Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules, last consulted on 20 November 2024.

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024DC0258R%2801%29&qid=1726811961274>

⁴ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13413-Digital-fairness-fitness-check-on-EU-consumer-law_en, last consulted on 8 August 2024.

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1. Introduction

Consumer reviews have strongly shaped the current online shopping landscape across various sectors such as e-commerce, tourism, and entertainment. The European Commission (EC) already found in 2018 that prominently displaying reviews or ratings increased the likelihood of consumers choosing a product by 200%. The same trend was found about best-ranked products⁵. These reviews serve as a crucial element in consumers' decision-making process, with numerous studies indicating that a substantial majority consults reviews prior to making purchases⁶.

Consumers heavily rely on reviews due to the complex nature of navigating information asymmetry in the digital realm, where it becomes challenging to assess the quality of products or services. In such scenarios, consumers tend to perceive these opinions as genuine and authentic experiences from other consumers.

Aside from helping consumers dealing with the information overload coming from traders, online reviews serve not only as a valuable resource for consumers but also as a tool for companies to enhance the quality of their products and services and attract a larger audience of consumers⁷.

While many traders are playing fair and want to provide consumers with a clear and transparent experience on their websites, **numerous platforms and traders actively engage in less transparent practices regarding their reviews policies, for instance, by creating or purchasing reviews, removing the negative ones, mixing reviews of different products or services.** The use of manipulative and misleading reviews ultimately serves companies' commercial interests, undermining the provision of genuine insights for consumers. Those issues persist, are growing and have a profound impact on consumers' trust in the EU online market⁸.

**The 2025 Consumer Score Board revealed that
66% of surveyed consumers encountered fake reviews⁹.**

⁵ https://commission.europa.eu/publications/behavioural-study-transparency-online-platforms-2018_en (2018).

⁶ According to UOKiK's commissioned study (2020), 93 % of consumers resort to reviews prior buying products/services, see <UOKiK - About us - About us - News - Tailor-made reviews - UOKiK President presses charges against Best-Review>; Based on Which? study (2021), 86 % of individuals rely on reviews when making purchases decisions, see <https://www.which.co.uk/news/article/how-facebook-fuels-amazons-fake-reviews-a11TH6L1QH2>.

⁷ <https://www.acm.nl/nl/publicaties/publicatie/17217/Eindrapportage-ACM-verkenning-naar-online-reviews-Reviews-gereviewd> (2017), see p. 3.

⁸ [https://www.europarl.europa.eu/RegData/etudes/BRIE/2015/571301/EPRS_BRI\(2015\)571301_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2015/571301/EPRS_BRI(2015)571301_EN.pdf)

⁹ Key consumer data - European Commission, last consulted on 19 March 2025.

2. Problems associated with online reviews

Online reviews are prevalent across various websites, platforms, including online marketplaces, comparison websites, search engines, social media. As reiterated in the updated Unfair Commercial Practices Guidance, reviews are defined broadly by nature¹⁰. Hence, these reviews come in different forms, including star ratings, written comments, quotes, and overall numerical ratings.



Figure 1: Example of "Star rating"

2.1. Fake reviews

The prominent problem is the **ever-increasing prevalence of fake reviews** and its implications for consumers. Reviews or ratings that do not reflect the genuine opinions of consumers who purchased the product/service in question, but are portrayed as authentic experiences, are considered fake¹¹.

Studies conducted by our Spanish Member OCU in 2019 revealed that up to 8.4% of products on Amazon, up to 6.2% of hotels on TripAdvisor, and up to 2.1% of those listed on Booking have fake reviews¹². Following such findings, in 2021, OCU initiated a formal complaint addressing this issue¹³. The complaint was filed in front of the Spanish Consumer protection Authority. To date, the action remains pending.

2.1.1. Fake review brokers

Fake reviews often originate from services provided by entities known as fake review brokers. These companies exist with the sole purpose of creating fake reviews in exchange for a commission. This clearly appears in numerous investigations conducted by the Polish Office of Competition and Consumer Protection (UOKiK), exposing companies that engage in the sale of

¹⁰ Guidance on the interpretation and application of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market (COM 2021 UCPD guidance) OJ C 526/1, p. 94.

¹¹ [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2015\)571301](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2015)571301), p. 2.

¹² Opiniones falsas en Internet: fake reviews | OCU (2021).

¹³ Ibid.

counterfeit consumer reviews¹⁴. Following these investigations, several companies faced financial penalties¹⁵. Similarly, in the Netherlands, the Authority for Consumers and Markets (ACM) took action against fake review brokers¹⁶.

Our German member *Stiftung Warentest*'s published a study in 2020 which provides more details on how this market operates¹⁷. It examines the processes involved, providing perspectives from both traders purchasing fake reviews and reviewers working for review brokers.

To understand how reviewers work for such agencies, *Stiftung Warentest* conducted a covert investigation and tried to sign up for brokers found online. Becoming a paid reviewer is rather easy, often with the sole requirement of having an Amazon account. Upon registration, reviewers were allowed to select products to review, but with no guarantee of receiving them. However, once confirmed, reviewers had to purchase products themselves to receive the 'verified purchase' status on Amazon.

Reviewers were paid and/or compensated of the costs of purchased items only after reviews were approved. *Stiftung Warentest* tested how those agencies responded to lower ratings (3 stars) and critical comments. The study shows that agencies reacted to such feedback in 63% of all reviews submitted. **When intervening, brokers requested to upgrade ratings to 4 or 5 stars for every fourth review, and in some cases to modify negative comments.** The conclusion is that if content remains unaltered, reviewers' compensation is withheld, which was estimated to be 0.01 dollars per review for product or purchasing those items at a reduced price.

In other scenarios, **anonymous reviewers were asked to leave reviews for products, merely based on photos** or even fictional scenarios ("imagine you need to leave a review for a dating app"). This occurred in 21 % of the products reviewed.

On the other hand, *Stiftung Warentest* attempted to purchase four or five-star reviews for a fictional shop to be displayed on Google. All four agencies contacted provided similar prices, with single reviews costing around 10 euros. Frequently, these services were bundled into packages (e.g, 10 reviews for 99 euros). Once purchased, first reviews started appearing within a few days. Eventually, the shop gathered 49 fake reviews, of which only 11 were detected and presumably removed by Google.

Our British member *Which?*¹⁸ conducted another investigation, exploring the ease of integrating fake reviews into platforms such as Facebook, Google and Trustpilot, to boost the ranking of a fictional business, named Gold Lion Labs. On all three platforms, *Which?* undertook services of fake review broker Xealme for under 4 pounds.

Results of the investigation illustrate the rapidity with which these fake reviews become visible to the public. In a mere five days, 19 five-star reviews surfaced on Facebook, followed by Google in a week and three weeks on Trustpilot. The swift rise of fake reviews shows how easily

¹⁴ [UOKiK - About us - About us - News - Tailor-made reviews - UOKiK President presses charges against Best-Review \(2023\)](#).

¹⁵ Ibid.

¹⁶ <https://www.acm.nl/en/publications/acm-taking-action-against-fake-review-sellers-marks-new-phase-fight-against-online-deception>. The ACM had also previously taken action against websites that purchased and used fake reviews. Last consulted November 2024.

¹⁷ [Fake Reviews: How Sellers Manipulate Customers with Purchased Praise | Stiftung Warentest \(2020\)](#).

¹⁸ [Facebook, Google and Trustpilot fail to filter out fake reviews, Which? finds - Which? Policy and insight \(July 2022\)](#)

they can infiltrate major platforms, raising significant concerns about existing detection mechanisms' effectiveness.

2.1.2. Fake reviews offered on social media

These services are not confined to companies only, they are publicly offered on social media platforms like Facebook groups.

Which? has been actively involved in detecting and reporting such groups, in which people are offering fake review services in exchange for small fees or free products. The organisation estimated that all the reported groups amounted to 1.16 million members¹⁹. Following this, Amazon took initiative to target 10.000 fake review Facebook groups²⁰. However, despite *Which?*'s efforts, Facebook still fails to prevent such groups from operating. The latest investigation indicated that groups still exist for the creation of fake reviews on Amazon, Google, and Trustpilot²¹.

These findings clearly show that platforms are not effectively removing fake reviews even when they are directly reported to them, nor are they adequately preventing such reviews from being posted in the first place.

2.1.3. AI-generated reviews

The rapid growth of **Artificial Intelligence (AI) technology** makes **fake reviews even more easily widespread online**. Literature found that, since the introduction of ChatGPT, Amazon has witnessed a 400 % rise of AI-generated reviews across 2000 products. Among these AI-generated reviews the number of unverified, and fake reviews is only expected to grow²².

Furthermore, preliminary testing has demonstrated the difficulty to differentiate genuine reviews and those generated by AI using existing detection platforms. Three different detection systems produced conflicting results: one identified content as 100% AI generated, another indicated that it was written by human, and the third suggested a 50% chance of AI content²³.

This already raises questions on the chances of detecting AI-generated reviews and accurately distinguish them from authentic reviews. Given digital detection platforms difficulties in recognising AI-generated online reviews, what chances do average consumers have in practice?

It is also worth noting that certain **traders are starting to use generative AI to review summaries of the main consumers feedback on a product**²⁴. For instance, Amazon introduced its new feature in 2023 which is now available in the US, the UK, India, Australia, the United Arab Emirates, and Singapore. While this could be useful to provide consumers with a snapshot of other consumers' reviews, consumers also need to have access to detailed reviews to gather more precise feedback before making their mind.

¹⁹ Facebook still infiltrated by soon to be illegal fake review factories, *Which?* warns – *Which?* Press Office (April 2023).

²⁰ *Which?* response as Amazon targets 10,000 fake review Facebook groups – *Which?* Press Office (July 2022).

²¹ Facebook still infiltrated by soon to be illegal fake review factories, *Which?* warns – *Which?* Press Office (April 2023).

²² <https://originality.ai/blog/amazon-ai-generated-reviews>

²³ <https://www.linkedin.com/pulse/ai-fake-consumer-reviews-chatgpt-detection-test-kenneth-myers%3FtrackingId=zQl3ZFxxGX32pe1BajZtEg%253D%253D/?trackingId=zQl3ZFxxGX32pe1BajZtEg%3D%3D> (September 2023).

²⁴ See How Amazon continues to improve the customer reviews experience with generative AI, available [here](#), last consulted on 26 November 2024.

Customers say

Customers find the headphones comfortable to wear and easy to use. They appreciate the good quality and noise-cancelling features. However, opinions differ on the sound quality.

AI-generated from the text of customer reviews

Select to learn more

✓ Fit | ✓ Quality | ✓ Ease of use | Sound quality

Figure 2 : AI-Generated summary of consumer reviews on Amazon UK

The emergence of AI-generated reviews/recommendation by chatbots could also be considered.

Investigations conducted by BEUC members in different Member States (e.g. Belgium, Italy and Spain)²⁵ revealed that when asking Bing which vacuum cleaner a specific consumer organisation recommends, the recommended products did not match the most recent recommendations at the time.

In this context, BEUC members launched a complaint with their respective national consumer protection authorities.

2.2. Other misleading practices

While not necessarily indicative of fake reviews, **misleading practices related to online reviews can significantly distort consumer decisions**. Therefore, it is imperative to address additional concerns surrounding reviews that, while not fabricated/fake, can still be misleading by nature.

2.2.1. Deceptive nature of star ratings

One significant issue is the **deceptive nature of star ratings**, as consumers commonly link them directly to product quality.

However, a 2019 study by our German Member *Stiftung Warentest* challenges this assumption, revealing that "*stars are not a reliable source of product quality*." The study, analysing 1322 electronic products (on Amazon), found that **only one-third of highest quality products had the best Amazon rating**²⁶.

The study also emphasises that Amazon's star ratings **are not a simple average**, contrary to common belief. They are influenced by various factors, including the review date, perceived usefulness of the review, and authenticity, not explaining clearly enough how the average is calculated. Our Dutch and Luxembourgish members *Consumentenbond* and *Union Luxembourgeoise des Consommateurs-ULC* made the same observation²⁷. This complexity adds to the confusion, in cases where products with numerous negative reviews still ended up with

²⁵ Investigations were conducted by Altroconsumo, Testachats, OCU, and DecoProteste. Results are available here : <https://www.euroconsumers.org/the-misleading-maze-of-bing-chat/>.

²⁶ Fake reviews: Magazine article as PDF | Stiftung Warentest (March 2019).

²⁷ *Consumentengids 12 december 2022 valse reviews (consumentenbond.nl)* (December 2022); <https://www.ulc.lu/fr/konsument/?T=6&Y=2022> (2022), p. 6.

high ratings²⁸. Consumers are often misled by assuming stars represent the average ranking of a product.

Overall, the problem lies within the fact that platforms often base the star ratings on a mix of different reviews covering aspects such as the product itself, the seller, product or service quality, price/quality ratio, customer service, and delivery.

2.2.2. Possibility to rate reviews

Our German member *Verbraucherzentrale Bundesverband-vzbv* conducted investigation in 2023 and uncovered a potentially misleading practice wherein websites allow any users to rate reviews (e.g. in Coolblue, Amazon marketplaces), such as by giving a thumbs up or marking them as “helpful”²⁹. What is concerning is that individuals can mark reviews without needing to register or undergo any verification process.

Moreover, *vzbv* highlighted that one provider explicitly stated that such ratings impact the order in which reviews are presented to users. In turn, this could be manipulated and negatively influence consumers’ decisions. It is important to mention that fake review brokers tend to instruct their workers to mark certain products’ reviews as helpful by accrediting more points for such work, which the 2020 *Stiftung Warentest* study revealed.

2.2.3. Sponsored and incentivised reviews

The Dutch Consumer Protection Authority, Autoriteit Consument & Markt (ACM), noted that most consumers refrain from leaving feedback following their purchases, unless they have clearly positive or negative experience³⁰. This is why traders engage in various tactics to increase consumers’ engagement in rating their products or services.

New sellers entering the market, initially lacking reviews, often opt to sponsor reviews by offering products or services for free or at a reduced cost. Meanwhile, established traders also employ review incentivisation techniques (e.g. discounts, refunds, vouchers) to encourage feedback on purchases.

Our German member *vzbv*, highlighted that **the provision of incentives, no matter how small they are, tends to lead consumers to provide more positive feedback**³¹.

Consequently, **incentivisation techniques have a clear potential to distort the reviews’ reliability.**

Sponsored reviews

Sponsored reviews occur due to either traders being active in contacting consumers to offer such sponsorship or via campaigns (e.g., Amazon Vine³²).

²⁸ Ibid.

²⁹ <https://www.vzbv.de/pressemitteilungen/online-bewertungen-null-sterne-beim-marktcheck> (July 2023), p. 6.

³⁰ <https://www.acm.nl/nl/publicaties/publicatie/17217/Eindrapportage-ACM-verkenning-naar-online-reviews-Reviews-gereviewd> (May 2017), see p. 8.

³¹ *Stellungnahmen Positionspapiere mit vzbv-Logo* (August 2019), p. 7.

³² <https://www.amazon.com/vine/about>

The *Consumentenbond*'s 2021 study confirms that **reviews tend to be more positive when individuals receive products or services for free in exchange**³³. The research highlighted a case in the Netherlands where Unilever provided products for free to solicit reviews on the Bol.com website. The analysis revealed that most of these sponsored products' reviews were positive. Specifically, the analysis found that 69 out of 70 reviews for Cup-a-Soup's Chinese tomato soup were sponsored, and all recipients who received the soup for free recommended it, resulting in a 4.4-star rating.

Another way companies can provide sponsorship is through campaigns, like Amazon's Vine program. These programs target "the most insightful reviewers" to participate and order items free of charge in exchange for providing feedback³⁴. According to Amazon, such reviews are labelled with a badge indicating "Vine Customer Review of Free Product"³⁵ for transparency reasons.

However, despite this, **concerns about the reliability of sponsored reviews persist due to potential biases**. Firstly, Vine members are allowed to request specific items they prefer to test, indicating a possible implicit favourable bias even before receiving those products. As previously mentioned, the fact that products are provided for free already introduces some biases. Moreover, it is possible that members of the program might feel hesitant to leave honest reviews, fearing being excluded from this sponsorship.

Incentivised reviews

Regarding incentivised reviews, consumers are often encouraged to only leave positive reviews or withdraw their initial negative feedback to improve it. It is estimated that 80% of submitted reviews online are submitted after a follow up by traders, for instance by email³⁶.

The findings of our UK Member *Which?*'s October 2023 research show that while incentivising reviews is not illegal *per se*, such practices carry a clear risk of abuse³⁷. **The study finds that 1 in 10 Amazon customers have been offered some form of incentive to leave positive feedback, including 5-star ratings or altering negative reviews to turn them into positive ones**. These incentives took the form of gift cards, free products, and refunds. For instance, an individual was enticed with £50 (approximately €60) in Amazon vouchers along with a full refund in exchange for a positive review. Moreover, sellers used various methods to reach out to consumers, with 10% receiving notes enclosed with their purchased products, while another 8% were contacted via email or alternative communication channels.

Despite Amazon's assertions that its policies prohibit such exploitative practices and direct seller-to-consumer contact for review solicitation, the prevalence of incidents like those revealed in the study suggests that these measures may not be sufficient.

Therefore, as highlighted by our German member *vzbv*, those **monetary incentives (e.g., vouchers, discounts, free products) are problematic**³⁸. For example, in scenarios, where such

³³ *Reviews on websites: What to look out for? | Consumers' Association (consumentenbond.nl) (July/August 2021), pg 72.*

³⁴ *Amazon Vine.*

³⁶ *Mateja Đurović & Tim Kniepkamp (2022) Good advice is expensive – bad advice even more: the regulation of online reviews, Law, Innovation and Technology, 14:1, 128-156, DOI: 10.1080/17579961.2022.2047523*

³⁷ *Up to tenth of Amazon shoppers in Great Britain 'bribed' by sellers to offer good review, poll finds | Amazon | The Guardian (October 2023).*

³⁸ *Effectively addressing consumer mismanagement | Federation of German Consumer Organisations (vzbv.de) (2019/2020).*

sponsored reviews are factored into average star ratings, there is a risk of introducing bias and inaccuracies into the overall rating.

To prevent consumers from being misled, the European Commission in the context of the upcoming Digital Fairness Act (DFA), should consider a ban on incentivised and sponsored reviews.

3. A clear detriment to consumers and businesses

3.1. Impact on consumers

The issue of fake and misleading reviews poses significant detriment to consumers in various aspects. **By relying on such reviews, consumers are exposed to financial losses.**

According to the *vzbv* study, consumers often report financial setbacks after placing trust in positive reviews³⁹. Estimating the total losses is challenging, but several studies offer some indications. One study finds, that by choosing lower quality products when misled by fake reviews, **consumers suffer loss from each review “at approximately \$0.12 for every dollar spent (roughly equivalent to €0.11 in every euro spent)”⁴⁰.**

The Competitions and Markets Authority’s research indicates that fake reviews on products alone lead to annual harm between £50 million (approximately €62 million) to £312 million (€371 million) for UK consumers⁴¹. Considering that this estimate excludes the impact on those for services and the additional influence of inflated star ratings often accompanying such reviews, the losses are likely to be even higher.

Consumers risk purchasing items they would otherwise avoid, such as low-quality or unsafe products, as deceptive reviews mislead their decision-making process. This is supported by findings of *Which?* study that involved 10.000 participants and found **that consumers are more than twice as likely to purchase poor-quality products endorsed by fake reviews⁴²**. The striking results show that those products that were supported by fake reviews and inflated star ratings saw a 136% increase in purchases although the product was labelled as a “don’t buy product”.

Glowing reviews discourage consumers from price and/or product comparisons.⁴³

3.2. Impact on EU enterprises

In addition to being detrimental for consumers, fake and misleading reviews, also strongly impact EU traders in several ways.

³⁹ Ibid.

⁴⁰ [Enforcers are failing consumers on fake reviews | Euroconsumers](#) (June 2023).

⁴¹ <https://www.gov.uk/government/publications/investigating-the-prevalence-and-impact-of-fake-reviews/fake-online-reviews-research-executive-summary> (April 2023).

⁴² [Fake reviews make consumers more than twice as likely to choose poor-quality products - Which? News](#) (May 2020).

⁴³ <https://www.vzbv.de/pressemitteilungen/kein-verlass-auf-online-bewertungen> (February 2022), p. 4.

First, they constitute a form of unfair competition with providers that do use real consumer reviews. According to a European Commission's data⁴⁴, **fake consumer reviews are recognised as one of the most market-distorting factors in the e-commerce sector.**

Second, fake reviews influence consumer decisions, with estimates suggesting they can redirect up to €312 million annually in certain sectors in the EU. This reflects the direct economic harm caused to businesses losing consumers to competitors who exploit fake reviews and clearly break the law.

Third, beyond direct revenue losses, **48% of surveyed businesses in related markets** (e.g., the UK⁴⁵) **reported reputational damage impacting sales due to fake reviews.**

One reason behind the significant raise of fake or misleading online reviews is because the “return on investment” of soliciting fake reviews is highly profitable to rogue traders. For instance, it is reported that an extra star on a restaurant's Yelp rating can increase revenue by 5% to 9%⁴⁶. In the US, the Federal Trade Commission has shown⁴⁷ that the outlay on fake reviews can provide a payoff time twenty. For instance, in an enforcement case launched by the US authority, it was found that \$250.000 (approximately €230.000) spending on fake reviews generated more than \$5 million (approximately €4.6million) in sales. Therefore, for certain traders, deploying fake reviews leads in the short term to a substantial increase in search positions and sales rankings for up to four weeks, even after their removal or detection.

What is even worse, is that by using fake reviews, non-compliant actors can establish their reputation with false information. According to the World Economic Forum⁴⁸, the eventual culling of fake reviews occurs only after around 100 days, giving fraudsters enough time to turn a profit.

4. Initiatives taken up by the industry

In addition to ongoing efforts by public authorities and consumer organisations to combat the issue of fake reviews, companies also try to take initiatives to address this concern. But these initiatives remain insufficient⁴⁹.

4.1. Consumer Protection Pledge

Among those initiatives, one is the Consumer Protection Pledge, signed by representatives of 11 marketplaces on 30 November 2023, which contains industry voluntary platforms commitments to make consumer reviews more transparent and reliable.

⁴⁴http://ec.europa.eu/consumers/consumer_evidence/market_studies/docs/final_report_study_on_comparison_tools.pdf

⁴⁵<https://www.igniyte.co.uk/reports/the-reputation-report-2021/>

⁴⁶<https://www.weforum.org/stories/2021/08/fake-online-reviews-are-a-152-billion-problem-heres-how-to-silence-them/>

⁴⁷<https://www.ftc.gov/news-events/news/press-releases/2011/03/firm-pay-ftc-250000-settle-charges-it-used-misleading-online-consumer-independent-reviews>

⁴⁸<https://www.weforum.org/stories/2021/08/fake-online-reviews-are-a-152-billion-problem-heres-how-to-silence-them/>

⁴⁹<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024DC0258R%2801%29&qid=1726811961274>

The pledge sets out the following measures:

- **Clear and accessible consumer review policy for sellers** prohibiting to create of fake reviews, unduly reach out to consumers to modify reviews, provide the removal of reviews, impose sanctions upon sellers that do not comply with the policy.
- **Clear and accessible consumer review policy for reviewers** prohibiting posting, commissioning, and coordinating fake reviews; requiring disclosure of incentivised reviews; ensuring removal of reviews that infringe such policy.
- **Invite users to leave reviews independently** even if it is not necessarily positive experience.
- **Publish all reviews** that are not contrary to policies and rules.
- Enable **easy access to consumer reviews**.
- Subject to marketplaces' policies and requirements for illegal content:
 - Allow to write reviews only by registered users **that have bought the product on the marketplace**; or
 - Allow reviews **by other registered users**, but such reviews should be labelled as non-verified consumer reviews unless marketplaces take reasonable and proportionate measures to prevent and remove fake reviews.
- **Clearly inform users about incentivised reviews** (of sellers or marketplaces itself).
- Provide **clear and easily accessible notices on rewards** related to reviews.
- **Exchange information** among signatories regarding actions against fake reviews providers.

While the commitments outlined represent a step towards enhancing reviews' reliability, their effectiveness depends on their practical implementation by online platforms. The pledge includes reporting obligations to the European Commission for signatories every six months on the actions undertaken to comply with commitments.

For the reviews, the key performance indicator is the number of reviews that were removed due to existing policies infringements (general policy, consumer review policy) and the available percentage of total published reviews⁵⁰.

Yet, uncertainties persist regarding actions the European Commission will take in case of non-compliance⁵¹. Clarification is crucial to evaluate the overall impact of the Consumer Protection Pledge. Furthermore, **in the Digital Fairness Fitness Check Report, the Commission acknowledged the initiative's limited scope as it only concerns online marketplaces that signed up to it**⁵². When drafting these lines, to our knowledge, no public information is available regarding signatories' compliance.

The Commission is also preparing a *Code of Conduct for Online Ratings and Reviews* in the tourism accommodation sector. The code of conduct is expected not only to increase consistency in the provision of quality accommodation services but also improve comparability and transparency for consumers across the EU⁵³.

⁵⁰ Ibid, p. 10.

⁵¹ Ibid, p. 9.

⁵² https://commission.europa.eu/document/download/707d7404-78e5-4aef-acfa-82b4cf639f55_en?filename=Commission%20Staff%20Working%20Document%20Fitness%20Check%20on%20EU%20consumer%20law%20on%20digital%20fairness.pdf, last consulted 21 November 2024.

⁵³ <https://op.europa.eu/en/publication-detail/-/publication/957eef55-24e8-11ed-8fa0-01aa75ed71a1/language-en>

4.2. Coalition for Trusted Reviews

In the US, in response to the Federal Trade Commission's (FTC) considerations of stricter regulations regarding national fake reviews, prominent companies, including Amazon, Booking.com, Expedia Group, Glassdoor, TripAdvisor, and Trustpilot, joined forces to establish a global coalition for trusted reviews (17 October 2023)⁵⁴.

The key objectives are to formulate common standards, share best practices, and raise awareness regarding fake review producers' activities.

4.3. AI detection systems

Another initiative undertaken by Amazon and Google involves the use of AI to identify and prevent the publication of fake reviews. For instance, on Amazon, when potential abuse is suspected, reviews undergo analysis by machine learning models (ML), which assess data related to investments in ads, consumers reported abuse, risky behavioural patterns, and review history. According to Amazon, in 2022, over 200 million suspected fake reviews were proactively blocked globally⁵⁵.

Similarly, in 2023, Google introduced a new machine learning algorithm designed to detect suspicious patterns, such as instances where a user posts identical reviews across multiple businesses or when traders receive a sudden surge of one or five-star reviews. As a result, recent data shared by Google indicates a 45% increase in the removal of fake reviews (total 170 million) from Google Search and Maps compared to 2022⁵⁶.

However, at this stage, AI detection systems' reliability remains questionable, as highlighted in testing⁵⁷.

4.4. Option to report reviews

Many major platforms have implemented mechanisms to report suspicious or fake reviews, which is very commendable⁵⁸. Often, the reporting process includes submitting a notification, followed with a request to provide reasoning or evidence.

However, our German member *vzbv* highlighted that consumers have raised concerns on the process of such procedures in their 2020 report. Users perceive the requirement to provide evidence within a short timeframe as unjust and unattainable⁵⁹. For example, our Dutch member *Consumentenbond* revealed that on the TripAdvisor forum, consumers reported being given only 48 hours to verify their reviews by clicking the link via email⁶⁰. This short timeframe may seem inadequate for thorough review verification. Unjust requirements discourage consumers from pursuing their claims, resulting in deletion of critical reviews, as emphasized by our German member *vzbv*.⁶¹

⁵⁴ [Amazon, Booking.com, Expedia Group, Glassdoor, TripAdvisor, and Trustpilot Launch First Global Coalition for Trusted Reviews \(aboutamazon.com\)](https://aboutamazon.com).

⁵⁵ [Amazon blocks millions of fake reviews \(aboutamazon.co.uk\)](https://aboutamazon.co.uk).

⁵⁶ <https://blog.google/products/maps/how-machine-learning-keeps-contributed-content-helpful/> (February 2024).

⁵⁷ See section 2.1.3 of this paper.

⁵⁸ <https://consumer.ftc.gov/articles/how-report-suspicious-online-reviews>.

⁵⁹ <https://www.vzbv.de/pressemitteilungen/kein-verlass-auf-online-bewertungen> (February 2022), p. 39.

⁶⁰ [Consumentengids 7 juli 2021 genept door de reviews \(consumentenbond.nl\)](https://www.consumentenbond.nl) (July 2021), p. 71.

⁶¹ <https://www.vzbv.de/pressemitteilungen/kein-verlass-auf-online-bewertungen> (February 2022), p. 39.

Ultimately, this places sellers in a more favourable position, particularly those who purposely report negative reviews. Overall, it is estimated that when additional information for verification is requested from the reviewer, **60% of contested reviews will be deleted solely on the ground that reviewers do not provide the feedback in the allocated time-period**⁶².

In turn, it might be useful to have clear timelines set that provide reasonable timeframe for consumers to substantiate their views.

5. Legislation applicable to online reviews

5.1. Unfair Commercial Practices Directive

The main framework that governs fake or misleading reviews is the Unfair Commercial Practices Directive (UCPD), which aims to regulate unfair business-to-consumer commercial practices⁶³. Initially, the UCPD did not explicitly address issues related to user reviews. However, the 2017 fitness check clarified that the UCPD's application is explained in the directive's guidance document⁶⁴. Despite this, since guidance is non-binding, there was a need for further clarification.

In 2018, the introduction of the New Deal for Consumers marked a significant step towards strengthening consumers' rights online. Considering this, the UCPD was revised through the Better Enforcement and Modernisation Directive, known as the Modernisation Directive, which included among others, provisions on online reviews.⁶⁵ Key provisions are points No 23b and 23c in Annex I, alongside an additional provision Art. 7(6) UCPD under misleading omissions.

Since May 2022 the measures have been implemented. Yet, questions remain regarding these measures' effectiveness in tackling issues associated with reviews and the extent to which traders are complying with it, as demonstrated by the report on the Modernisation Directive⁶⁶.

5.1.1. Origin of reviews

Point 23b Annex I UCPD, prohibits traders from stating that reviews of a product are submitted by consumers who have used or purchased the product without taking reasonable and proportionate steps to ensure the origin of reviews⁶⁷.

As Recital 47 in the UCPD states, such steps may include *“requesting information to verify that the consumer has actually used or purchased the product”*⁶⁸. More measures are mentioned in

⁶² Đurović, M., & Kniepkamp, T. (2022). Good advice is expensive – bad advice even more: the regulation of online reviews. *Law, Innovation and Technology*, 14(1), 128–156. <https://doi.org/10.1080/17579961.2022.2047523>

⁶³ Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) [2005] OJ L 149/22.

⁶⁴ Commission, 'Report of the Fitness Check' SWD (2017) 209 final < https://ec.europa.eu/newsroom/just/document.cfm?doc_id=44639>, p. 91.

⁶⁵ Directive 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules [2019] OJ L 328/7.

⁶⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024DC0258R%2801%29&qid=1726811961274>

⁶⁷ UCPD, point 23b Annex I.

⁶⁸ UCPD, Recital 47.

the updated UCPD guidance, namely: registration requirements, check of IP address, email verifications, setting rules for reviewers, using tools to automatically detect fraud, and efficient complaint mechanisms⁶⁹.

While not legally binding, the COM 2021 UCPD guidance suggests that whether traders make such a claim depends on the average consumer's perception. Importantly, the guidance indicates that simply having references to "consumers" or "consumer/user reviews" might lead individuals to believe that the reviews are submitted only by those who have actually used or purchased the product⁷⁰.

5.1.2. Material information on authenticity and processing of reviews

Based on **Art. 7 (6) UCPD**, when reviews are made accessible to consumers, traders must **provide information on whether and how they ensure that reviews originate from consumers that actually used or purchased the product**⁷¹.

Recital 47 provides further clarification on the scope of the Art. 7 (6) by indicating that if traders disclose the implementation of authenticity procedures, consumers should be informed not only about how those procedures work but also about **processing of reviews more broadly**.⁷² This includes information on:

- Whether all reviews are published (e.g., positive/neutral/negative),
- Sources of reviews (e.g., if they are sponsored),
- The methodology behind calculations of average review scores (as explained in the UCPD guidance)⁷³.

Additionally, Recital 47 highlights that such information should be provided in clear language, with additional requirements in the UCPD Guidance that it should also be easily accessible and identifiable for consumers⁷⁴.

5.1.3. Prohibition on fake reviews

Point 23c in Annex I UCPD stipulates that submitting or commissioning false consumer reviews, misrepresenting consumer reviews or social endorsements for product promotion, will be considered as an unfair commercial practice in all circumstances⁷⁵.

The prohibition targets two distinct types of unfair practices: the creation of fake reviews and misleading consumers' perceptions through tactics like selectively publishing positive reviews or actively removing negative ones⁷⁶. However, the former applies to online platforms only if they are

⁶⁹ COM 2021 UCPD guidance, p. 95.

⁷⁰ COM 2021 UCPD guidance, p. 95.

⁷¹ UCPD, Art 7(6).

⁷² UCPD, Recital 47.

⁷³ COM 2021 UCPD guidance, p. 94.

⁷⁴ UCPD, Recital 47; COM 2021 UCPD guidance, p. 94.

⁷⁵ UCPD, Point 23c Annex I.

⁷⁶ COM 2021 UCPD guidance, p. 95-96.

involved in the process of submission of reviews, not merely hosting and providing access to reviews⁷⁷.

5.2. Digital Services Act (DSA)

The UCPD guidance regarding online intermediaries highlights that fake reviews constitute illegal content and are subject to the DSA's requirements for the removal of illegal content. By virtue of making reviews – in DSA terms, information – available to third parties at their request, service providers publicising fake news are online platforms, and as such, subject to the cumulative obligations of intermediary service providers and third platforms. Those online platforms that have a large base of users in the Union (above 45 million users on average each month), have more obligations.

5.2.1. Online Platforms

First, as discussed in Section 5.1., fake reviews are illegal content. As such, online platforms must:

- Act upon receipt of an order by a relevant authority against fake reviews (Article 9).
- Put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual considers to be illegal content, including fake reviews (Article 16).
- Cooperate with trusted flaggers, such as consumer organisations, to moderate content such as fake reviews after receiving notice (Article 22).
- Adopt measures against misuse of the platform of users that frequently provide manifestly illegal content, such as fake reviews (Article 23).

In sum, online platforms must act upon notice by authorities, individuals or trusted flaggers against content such as fake reviews and justify their action or inaction.

5.2.2. Very Large Online Platforms (VLOPs)

Very Large Online Platforms (VLOPs) must go one step further than online platforms and adopt what constitutes a “due diligence approach” to assess and mitigate risks in various areas.

As per Article 34, VLOPs must “diligently identify, analyse and assess any systemic risks in the Union stemming from the design or functioning of their service and related systems, including algorithmic system, or from the use of their services”.

Among the list of systemic risks to be included in the risk assessment, various risks cover the dissemination of fake reviews, such as “*the dissemination of illegal content*”, “*any actual or foreseeable negative effects for the exercise of fundamental rights, in particular the fundamental rights to (...) a high-level consumer protection enshrined in Article 38 of the Charter*” (...).

Therefore, VLOPs must assess the risks stemming from the use and misuse of their services with due consideration to fake reviews.

Article 35 of the DSA is also relevant as it provides for an open list of possible risk mitigations that VLOPs shall put in place in a reasonable, proportionate and effective way.

⁷⁷ COM 2021 UCPD guidance, p. 95.

Some of them are particularly relevant to the phenomenon of fake reviews, such as:

- Adapting their terms and conditions and their enforcement.
- Adapting content moderation processes, including the speed and quality of processing notices related to specific types of illegal content and, where appropriate, the expeditious removal of, or the disabling of access to, the content notified.
- Initiating or adjusting cooperation with trusted flaggers.
- Taking awareness-raising measures and adapting their online interface in order to give recipients of the service more information.

5.3. Artificial Intelligence Act

The problem of fake reviews became worse with the emergence of Generative AI services such as ChatGPT. For example, in the aviation sector, there are reports that the number of fake online reviews grew by 189% since the launch of ChatGPT⁷⁸.

The recently adopted AI Act tried to address this issue. It imposes an obligation on AI operators to watermark any text and images created by their generative AI services⁷⁹. In other words, according to the AI Act, a (fake) online review drafted by Generative AI should be signalled as being artificially generated.

There is however an ongoing discussion on how to ensure compliance with this provision. Indeed, **watermarking used in AI generated images are not a bullet proof solution**. For example, visual watermarks can be cropped out of the picture, unless the watermark is so obtrusive that it significantly detracts from the image quality.

The same will apply to AI-generated reviews. There are ongoing efforts to create textual ‘signatures’ to text generated by ChatGPT, but this may be circumvented by making changes to the text or by feeding the text through another text generator⁸⁰.

Systems that are supposed to detect and flag whether a text was written by a text generator or a human have been notoriously inaccurate⁸¹, and are not a scalable solution as all text needs to be fed into the detector system. For example, OpenAI released a generative AI model to detect whether a text has been written by ChatGPT, but this model only had a 26% accuracy rate⁸².

6. The compliance check: Do traders comply with the ‘Modernisation’ Directive?

6.1. Fake reviews are widespreading

In June 2024, the European Commission published its report on the implementation of Directive (EU) 2019/2161 with regards to improving the application and modernising the Union's consumer protection rules. The report's conclusions on the implementation of the New Rules for Online

⁷⁸ AviationSourceNews, Fake AI-Generated Airline Reviews Soar by 189% After ChatGPT Launch, 4 November 2024

⁷⁹ Art. 50 of AI Act establishes that “Providers of AI systems, including general-purpose AI systems, generating synthetic audio, image, video or text content, shall ensure that the outputs of the AI system are marked in a machine-readable format and detectable as artificially generated or manipulated.”

⁸⁰ <https://theconversation.com/we-pitted-chatgpt-against-tools-for-detecting-ai-written-text-and-the-results-are-troubling-199774>

⁸¹ <https://techcrunch.com/2022/12/10/openais-attempts-to-watermark-ai-text-hit-limits/>

⁸² <https://techcrunch.com/2023/01/31/openai-releases-tool-to-detect-ai-generated-text-including-from-chatgpt/>

Reviews, are unequivocal: “*challenges related to fake reviews, whether ‘positive’ or ‘negative’, are on the rise*”, traders “*need to invest more in stopping fake reviews*” and “*online platforms also need to comply with DSA rules to curb illegal content*”⁸³.

This observation is corroborated by the results of the 2022 European Commission and national consumer protection authorities EU-wide website screening (“sweep”) on online consumer reviews, which reveals that 55% of analysed websites violate EU Law⁸⁴ and by the investigations and testing carried out by our members at national level and available below.

6.2. Vzbv investigation

Traders are largely failing to comply with such obligations under Art. 7 (6) UCPD and Point 23b Annex I. According to the 2023 *vzbv* study, **27 out of 30 providers⁸⁵ were found to be inadequately complying or not complying at all⁸⁶**.

The study revealed that out of the 30 providers examined, 25 failed to inform consumers about the origin verification of reviews, or did so insufficiently, thus not complying with Article 7(6) UCPD.

The remaining two providers that did comply with this obligation also fell short in providing material information regarding both the authenticity verification procedures and the general review processing, as well as in taking the necessary reasonable and proportionate steps outlined in Point 23b of Annex I.

Vzbv emphasised that websites frequently assert claims regarding verification of consumers such as “only buyers can leave reviews” or “100% real customer feedback”. Yet, they often provide little to no information on how these verifications are carried out, if at all⁸⁷. Hence, there is often a lack of clarity on whether such tests are conducted in the first place. Frequently, in cases where such information is presented, it is not easily accessible and is typically concealed behind several clicks, pop-up windows, drop-down menus, or additional information links⁸⁸. Such material information should be already communicated to consumers once they encounter reviews, which is also suggested by *vzbv*.⁸⁹

Another concern related to material information raised in the *vzbv*’s study is the practice of certain platforms **incorporating reviews**, which encompass star ratings, review counts, and quotes, **from external portals**. Traders do not provide information to consumers regarding whether these third-party reviews adhere to the same standards and verification processes⁹⁰. Our German member suggests that consumers “*must be able to assume that the stated standards of the website operators apply to all reviews on the site, including external ones.*”

⁸³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024DC0258R%2801%29&qid=1726811961274>, section 11. Last consulted 21 Novembre 2024.

⁸⁴ https://ec.europa.eu/commission/presscorner/detail/it/ip_22_394

⁸⁵ 30 providers examined are: Amazon, Apple App Store, Audible, Babymarkt, Check24 Reise, Check24 Shopping, DocMorris, Ebay, Epic Games Store, Eventim, Facebook, Google (local search), Google Play Store, Holidaycheck, Ikea, Jameda, Kaufland, Lidl, Mediamarkt, Medimops (Momox), MyHammer, Mytoys, Obi, Otto, Rebuy, Refurbed, Star Of Service, Ticketbande, Yelp, Zalando.

⁸⁶ <https://www.vzbv.de/pressemitteilungen/online-bewertungen-null-sterne-beim-marktcheck> (July 2023).

⁸⁷ <https://www.vzbv.de/pressemitteilungen/online-bewertungen-null-sterne-beim-marktcheck> (July 2023), p. 4.

⁸⁸ *Ibid.*, p. 3.

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*, p. 5.

6.3. Consumentenbond investigation

Another recent investigation conducted by our Dutch member *Consumentenbond* (2023) yielded similar findings to those of *vzbv*, revealing that most of the 17 websites examined⁹¹ failed to clearly inform consumers about review processing, how they handle it, how review score is calculated, and whether reviews have been sponsored⁹².

Regarding explanations on how review scores are being calculated e.g. through star ratings, *Consumentenbond* found that 7 out of 17 websites provided no such information. Among the remaining websites, five offered very little information on this, while only five fully met the disclosure requirement.

Furthermore, information about sponsored reviews was missing on 7 websites. *Consumentenbond* also highlighted concerns about all types of reviews being merged for those overall ratings, which in turn mislead consumers. ***Consumentenbond* suggested that there should be a possibility for consumers to differentiate those reviews through filters.**

Lastly, 3 % of survey participants reported being contacted by websites to modify their negative reviews, and 5% had their reviews deleted.

6.4. Which? Study

Despite this prohibition in place, fraudulent reviews persist, as evidenced by a study conducted by our UK member *Which?*, reveals a surge in such reviews on Apple Store and Google Play⁹³. When investigating the most popular categories of apps, **25% of top 100 apps on Google Play and 17% on Apple's App Store displayed fake reviews.**

Apps with fake reviews displayed a disproportionately high number of five-star ratings, creating significant variations among apps within the same category. For instance, certain dating apps featured 60.5% of reviews as five stars, while Tinder had only 9.7%. In the health app category, those with fake reviews boasted 45.8% five-star ratings, while Garmin, devoid of such practices, had a mere 6%.

The presence of these fake reviews not only compromises the integrity of consumer feedback but also raises questions about the effectiveness of existing measures in ensuring the authenticity of reviews.

7. A strong need for enforcement

The reform of the UCPD aimed to improve EU rules to better protect consumers online and enhance enforcement. However, despite growing issues in this area, enforcement remains scarce, potentially due to the still recent implementation of the Modernisation Directive in May

⁹¹ 11 webshops (Amazon, Belsimpel, Bol, Hema, Coolblue, Decathlon, H&M, Ikea, Leen Bakker, MediaMarkt, Wehkamp) and 6 review platforms (Google local reviews, Google Shopping reviews, Trustpilot, Kiyoh, Kieskeurig, Tweakers).

⁹² [Online reviews bekeken | Consumentenbond](#) (December 2023).

⁹³ [Apple App store and Google Play flooded with fake reviews. Which? finds – Which? Press Office](#) (March 2023).

2022⁹⁴. When enforcement actions are conducted, findings reveal important non-compliance by traders with the new obligations^{95 96}.

Online consumer condition survey published in 2023, reveals that 69% of consumers faced “reviews that do not appear to be genuine”,⁹⁷ such proportion is increasing since 2021, where it was 67%⁹⁸. **This highlights the growing scale of the problem, even with the new rules.**

As previously mentioned, in 2021, OCU launched a formal complaint against Amazon, TripAdvisor, and Booking.com regarding the prevalence of fake reviews⁹⁹. However, despite the Modernisation Directive coming into effect, to date, no subsequent actions were taken by the Spanish consumer protection authority¹⁰⁰.

Similarly, in 2022, our Italian member *Altroconsumo* launched four complaints in Milan, Bologna, Ivrea, and Rome against websites and social groups engaging in fake reviews sales¹⁰¹. These complaints identified nine websites, seven Facebook groups, and eight Telegram channels involved in such practice¹⁰². Investigations revealed that websites refunded costs for purchasing items to paid reviewers via PayPal after they posted fake reviews. This confirms again that such reviews might seem reliable to other consumers, since they often are identified as a “verified purchase”.

In parallel, *Altroconsumo* submitted its findings to the national consumer protection and competition authority (AGCM) and requested an investigation into these unfair commercial practices. However as of now, no further action has been taken.

Fake reviews negative impact on consumers is likely to increase over time, if consumers are generally not able to distinguish genuine and well-written “subtle” fake reviews, and fake reviews are becoming more sophisticated and difficult to detect.

With the Modernisation Directive’s new provisions in place, it is imperative that national authorities become more active in addressing fake reviews and associated misleading practices to prevent further harm to consumers.

8. Recommendations

Based on the findings and conclusions made, BEUC recommendations are as follows:

⁹⁴<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024DC0258R%2801%29&qid=1726811961274>, last consulted on 21 November 2024.

⁹⁵ In 2023, the Swedish Consumer Agency conducted a sweep regarding consumer reviews in the insurance sector, covering 20 traders that published consumer reviews. The conclusion is that almost all the companies investigated did not indicate together with the reviews whether the reviews came from consumers that had actually used or bought the products. Available [here](#). Last consulted 21 November 2024.

⁹⁶ ACM taking action against fake-review sellers marks a new phase in fight against online deception (August 2024), Available [here](#), last consulted on November 2024.

⁹⁷ Similar proportions are highlighted by the 2025 Consumer Score Board which reveals that 66% of surveyed consumers encountered fake reviews.

⁹⁸<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024DC0258R%2801%29&qid=1726811961274>, last consultation on 21 November 2024.

⁹⁹ [Opiniones falsas en Internet: fake reviews | OCU \(2021\)](#).

¹⁰⁰ [Enforcers are failing consumers on fake reviews | Euroconsumers \(July 2023\)](#).

¹⁰¹ [altroconsumo.it/organizzazione/media-e-press/comunicati/2022/azioni-penali-e-segnalazione-recensioni-abusive \(October 2022\)](#).

¹⁰² [Enforcers are failing consumers on fake reviews | Euroconsumers \(July 2023\)](#).

8.1. Recommendations on enforcement

- **Make online reviews a CPC-Network enforcement priority:** Given the growing issues raised by fake or misleading online reviews and their importance for consumers, they should become a CPC-Network enforcement priority. Public authorities should intensify their efforts to address the issue of fake reviews and brokers responsible for creating them, along with other misleading practices.
- **Use the Digital Services Act (DSA),** where relevant, notably its broad definition of illegal content which encompasses fake and misleading online reviews, to enhance consumer protection.
- **Develop cross-sector enforcement cooperation** to tackle problematic practices related to online reviews when several authorities might be competent.
- **Develop and disseminate e-enforcement tools:** deploying AI use and Machine Learning (ML) to detect fake and misleading online reviews, and prevent sellers from manipulating review systems (e.g., through review merging). Those IT tools should empower enforcers to detect infringements and launch enforcement actions¹⁰³.
- **Define more clearly the role of online platforms:**
 - Platforms allowing to post consumer reviews should deploy digital tools (AI tools) to detect and delete fake reviews. Some enforcers launched investigations into Amazon and Google for their lack of action to combat fake reviews¹⁰⁴.
 - Platforms should impose adequate sanctions on reviewers or businesses to deter them and others from posting fake or misleading reviews on their platforms – including those who have published these types of reviews many times.
- **Raise awareness of online platforms and traders** about their obligations under the relevant EU legislation (UCPD, DSA).

8.2. Recommendations to better regulate online reviews

An “Average consumer” is not making only rational and well-informed choices but is also vulnerable and susceptible to fake or misleading online reviews. Recent research conducted by the UK Department for Business and Trade¹⁰⁵ revealed that informing consumers about the steps that traders take to moderate misleading content on their platforms does not impact consumer purchasing behaviour. The study highlights that there was not a statistically significant difference in the likelihood of choosing a product with fake reviews when participants saw a banner with this additional information. Therefore, transparency, though needed, will not solve all the issues related to online reviews.

¹⁰³ In 2023 only, according to Amazon 125 million consumers contributed to nearly 1.5 billion reviews and ratings to Amazon stores. In practice this means that 45 reviews are posted every second, available [here](#).

¹⁰⁴ CMA to investigate Amazon and Google over fake reviews, <https://www.gov.uk/government/news/cma-to-investigate-amazon-and-google-over-fake-reviews>, last consulted on 21 November 2024.

¹⁰⁵ <https://www.gov.uk/government/publications/investigating-the-prevalence-and-impact-of-fake-reviews/fake-online-reviews-research-executive-summary>, last consulted on 21 November 2024.

In the context of the upcoming Digital Fairness Act (DFA), sharper rules to regulate online reviews should be introduced through a revision of the Unfair Commercial Practices Directive.

Certain practices should be forbidden and others further regulated, to ensure that consumers can continue trusting online reviews which are an important element of choice for them. To do so, we recommend the following:

1. Amend the UCPD Annex to ban certain practices related to online reviews:

- **Prohibition of mixed reviews:** Mixing reviews of different products or services should be considered unfair in all situations. The reviews presented under the items consulted by consumers should only represent the reviews for the item in question. Some traders and online platforms mix reviews of several products, creating confusion for consumers¹⁰⁶. Such a practice is *de facto* misleading for consumers as it does not represent solely the reviews for a specific article. It is also a way to artificially enhance the global rate of reviews.
- **Prohibition of sponsored or incentivized reviews.**
- **Prohibition of Evidence Bias:** Requiring a different level of evidence when posting a negative review than when posting a positive review, should be considered as unfair in all circumstances¹⁰⁷.

2. Further regulate reviews to increase their reliability

- **Review verification requirements:** Only verified users, with accounts, purchase history, or which have real interaction with the trader, should be able to post reviews and rate them if such an option is available (e.g., thumbs up/down). Ensuring that reviews are verified is also in the interest of traders and is reported to enhance the conversion rate by 15%¹⁰⁸.
- **Reporting mechanisms for fake or misleading reviews:**
 - All traders allowing to post consumer reviews should have features (or at least the possibilities, for instance via an email address), to signal suspected fake or misleading reviews.
 - When providing for features to signal fake or misleading online reviews, traders and online platforms should grant a reasonable timeframe for consumers to provide evidence during the review reporting process (e.g. minimum 14 days).
- **Measures against non-adherence to terms and conditions (T&Cs) and fake reviews:**
 - Traders and platforms should be required to include the rules governing user behaviour in their T&Cs, particularly concerning fake reviews, as well as the consequences of non-compliance.
 - These rules should be recalled before posting any online review.
 - These T&Cs should clearly outline measures such as public "name and shame" campaigns to expose misconduct, de-referencing non-compliant entities or content to reduce their visibility and banning repeat offenders.

¹⁰⁶<https://tracefuse.ai/blog/why-do-some-amazon-reviews-not-match-the-product/#types-of-review-inconsistencies>

¹⁰⁷ Idem.

¹⁰⁸ Đurović, M., & Kniepkamp, T. (2022). Good advice is expensive – bad advice even more: the regulation of online reviews. *Law, Innovation and Technology*, 14(1), 128–156. <https://doi.org/10.1080/17579961.2022.2047523>

Properly enforced rules as matter of professional diligence and coupled with efficient and easy-going reporting tools, could increase reliability of online reviews.

- **Ensure consistency in aggregated reviews across platforms and traders websites:** reviews from external portals and websites should align with the standards set within the platform (that external reviews are displayed on) to maintain consistency and let consumers presume the application of the conditions to all reviews. If such alignment cannot be guaranteed, reviews from external portals should not be considered in the platform ratings.
- **A framework for transparency in review removal decision:** Any refusal to publish reviews or any withdrawal of reviews originating from a verified consumer should be duly justified by the trader or the platform. Such a decision should always be appealable. If the online review is posted, as long as the final decision is taken, the review should remain visible to other users.
- **Reviews check rules should be reinforced and standardized.** Such checks could include:
 - Providing clear and easily accessible information about the interpretation of star ratings, including:
 - Whether they reflect product quality, consumer service, delivery, or other factors.
 - This information should be available in a clear and transparent way, directly next to the rating scheme.
 - Specifying whether they represent an average of all consumer reviews. When consumer face a notation scheme, they expect it to be based on a simple average. All other methods should be forbidden under the UCPD Annex.
 - Sponsored reviews should not be included.
 - A single wording should be established to ensure this transparency and that consumers can easily recognize where to find the information across sites and platforms (ex: How do consumer reviews work?).
- **Minimum filtering options and presentation of online reviews should be available for consumers:** Consumers should be able to categorize or sort reviews with standardized minimum filters (e.g. services, product, quality, delivery, the type of complaint raised, the age of the reviews, the type of complaint raised etc.). This would enhance consumers' rating systems understanding and would empower them to carry out searches based on criteria relevant to them.
- **Preserving consumer access to review details when traders use AI-made summaries:** When using generative AI to summarize the main consumers feedback on a product consumers should still be able to access detailed consumer reviews to gather more precise feedback before making their purchasing decision.

