


The DMCC Act and consumer protection: Fake reviews

27 May 2025  Cat Driscoll and Emma Roake

On 6 April 2025 the new rules on unfair commercial practices introduced by the Digital Markets, Competition and Consumers Act 2024 (DMCC) came into force.

Fake reviews have been a key area of focus for the CMA for a number of years (as reported in our article [CMA investigation spurs Google to crack down on fake reviews](#)).

With the DMCC providing the CMA with one of the strongest tools in its arsenal to tackle them, we know this focus will remain as the CMA has stated that it intends to centre its enforcement action for the next 12 months on the more harmful practices where the law is clear, including the new banned practice relating to fake reviews. The CMA has said it will give businesses a grace period (until July 2025) to get their compliance processes in place for fake reviews – that gives business a short but clear timeline to take action.

The list of banned practices when it comes to dealing with consumers (being practices which are automatically unfair and illegal) now includes provisions relating to fake consumer reviews. The prohibition covers:

- supplying a fake review;
- incentivising another person to submit or write a fake review;
- publishing reviews or consumer review information in a misleading way (for example reviews that do not disclose that the consumer has been incentivised (e.g., gathered as part of a promotion); and
- a failure to take the reasonable and proportionate steps necessary to prevent and remove from publication false or misleading reviews or consumer review information.

What is covered?

The rules regarding fake reviews cover obvious cases such as reviews/comments below a product listing on a website, and less obvious ones such as a star rating appearing next to a product or service or a business, and an opinion given on content posted on a platform. Also covered are reviews in traditional forms in marketing letters and brochures. The review could include reviews about delivery times, the product or service itself, and the after-care provided by the retailer.

What are fake reviews?

Fake reviews are reviews that purport to be (but are not in fact) based on a person's genuine experience of a product or service. They can be positive or negative. The law bans submitting fake reviews yourself or commissioning another person to submit a fake review with a view to publication. Retailers will need to review their controls over what is published on their websites, and also review their arrangements with professional reviewers, journalists, content creators and marketing companies.

What are the rules about concealed incentivised reviews?

In short, incentivised reviews (reviews in exchange for some kind of benefit e.g. in return for payment, a free gift, or a discount or vouchers) are fine as long as the business makes it clear that the review has been incentivised.

What is consumer review information and what is banned?

Consumer review information is information which is derived from or influenced by consumer reviews. Examples are overall ratings and rankings of products/services. The key take-away is that such information must not be:

- false or misleading; or
- published in a misleading way.

The CMA gives several examples of publishing reviews and consumer review information in a misleading way, including the following:

1. suppressing and cherry-picking reviews (for example editing, not publishing or removing genuine negative reviews, highlighting positive reviews, preventing some users from leaving reviews, stopping and starting review invitations to avoid negative reviews);
2. omitting information relevant to how reviews have been written (particularly incentivised reviews);
3. outdated genuine reviews where a product or service has changed over time; and
4. displaying a star-rating which ignores the impact of fake reviews or ranking reviews with the positive ones higher up the ranking so they appear to the consumer first.

What should retailers do to give themselves a defence to enforcement action for fake reviews?

If customers are able to write or publish reviews on your website you should check that processes and procedures have been built into the review functionality to enable you to verify that each review is genuine. You must also ensure that no measures are introduced which might lead to any form of censorship which gives a false impression that you only receive positive reviews (such as restricting the reviews published to those only with a certain score or number of stars).

The CMA has issued some detailed guidance on what businesses should put in place in terms of processes which includes a positive obligation to put compliance procedures in place.

1. Businesses must take reasonable and proportionate steps as are necessary to prevent and remove from publication banned reviews and false or misleading consumer review information.
2. All businesses who make consumer reviews or consumer review information available on their own websites and other publications must:
 - 2.1. have a clear policy on the prevention and removal of banned reviews and false or misleading consumer review information; and
 - 2.2. 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.

As part of its guidance, the CMA has given an overview of the steps it would expect businesses to take. These include putting in place processes to detect banned reviews, investigation of banned reviews, and actions to be taken in response to banned reviews (and the same processes for detecting, investigating and taking action against false or misleading consumer review information).

Most retailers rely on customer reviews to promote and sell products and services, and in some industries (such as the beauty and wellness industries), consumer reviews can make or break products and are carefully perused by potential customers to get a feel for the likely effect of a product (which cannot be discerned from images or product descriptions). This makes compliance with consumer reviews a hot topic for retailers generally, but for retailers selling beauty and wellness products and services in particular.

In summary, in order to put in place a compliance programme quickly, we recommend you start with the 3 Ps:

- put in place a **policy** on consumer reviews;
- put in place **processes** to identify fake reviews and non-compliance with the rules regarding consumer review information and make sure these processes are run regularly; and
- promptly **prevent** the publication of fake reviews and remove fake reviews from your media.

If you have any questions or would like to discuss anything raised in this article please [contact us](#).

Contents

[Retail Law Roundup: May 2025](#) →

[The M&S cyber attack: Lessons for UK retailers](#) →

[Consumer protection: Investigation, fines and other measures which the CMA can take](#) →

[Consumer protection: Unfair commercial practices](#) →

[Consumer protection: Drip pricing](#) →

[Consumer protection: Fake reviews](#) →

[Consumer protection: Vulnerable consumers](#) →

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