New Guidance on Fake Reviews in the UK—What Consumer Businesses Need to Know Under the DMCC Act 2024

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The UK Government has issued important guidance on fake reviews, clarifying new obligations for businesses under the Digital Markets, Competition and Consumers Act 2024 (the "**DMCC Act**"). The Competition and Markets Authority (CMA) now has enforcement powers to act directly against violations of the legislation, including imposing significant financial penalties (without having to act through the courts). Businesses with presence in the UK involved in the collection, management, or publication of consumer reviews are advised to take steps to ensure compliance.

Overview of Prohibited Practices

Under the DMCC Act and accompanying guidance (CMA208), the following practices are now expressly prohibited in the UK:

- **Commissioning or submitting fake reviews**: This includes writing or arranging reviews that are fabricated or misleading, whether by internal staff, third-party providers, or automated tools.
- **Publishing incentivised reviews without disclosure**: While incentivising reviews is not banned outright, the CMA requires any material connection (such as discounts or free products) to be clearly disclosed. Failure to do so may constitute a misleading omission under applicable consumer law.
- **Manipulating review presentation**: Selectively displaying only positive reviews or suppressing negative ones, including through algorithms or manual curation, is likely to be considered deceptive conduct.
- **Facilitating or selling fake reviews**: Platforms and intermediaries that enable or promote the sale of fake review services may also be liable under the new regime.

Related People

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Related Capabilities

- Trademark, Copyright + Advertising
- Intellectual Property Litigation

Compliance Expectations for Businesses

Businesses are expected to adopt robust internal systems to prevent and detect the use of fake or misleading reviews. Specifically, the CMA expects businesses to meet the following requirements:

- **Develop and maintain clear internal policies and procedures** on how reviews are collected, moderated, and published, with particular attention to transparency and fairness.
- **Regular monitoring and auditing** of published reviews to identify suspicious activity, such as repetitive language or unverified users.
- **Training for staff and third-party providers** to ensure awareness of legal obligations, particularly in marketing, customer service, and IT functions.
- **Transparent disclosures** whenever reviews are incentivised. Disclosures must be prominent and understandable to a typical consumer.

Enforcement and Penalties

The CMA now has the power to issue fines of up to £300,000 or 10% of a business's global turnover (whichever is higher) for breaches. In addition, individuals involved in unlawful practices may face personal liability, including director disqualification in serious cases.

Next Steps

We recommend all businesses engaging with online reviews conduct an immediate compliance review in light of this guidance. Particular attention should be paid to contracts with third-party review providers, website review mechanisms, and any incentives offered to customers.

Here is a full PDF of the CMA's Fake Reviews guidance.