



TRAVEL TECH
The Travel Technology Association

January 9, 2023

Federal Trade Commission
Office of the Secretary
Suite CC-5610 (Annex B)
600 Pennsylvania Avenue NW
Washington, DC 20580

Re: Reviews and Endorsements ANPR, P214504

Dear Commissioners:

The Travel Technology Association (“Travel Tech”) appreciates the opportunity to respond to the Federal Trade Commission’s (“Commission’s”) Advance Notice of Proposed Rulemaking (“ANPR”) on deceptive or unfair uses of reviews and endorsements.¹

Travel Tech is the voice of the travel technology industry, advocating for public policy that promotes transparency and competition in the marketplace to encourage innovation and preserve consumer choice. We represent the leading innovators in travel technology, including online travel agencies and metasearch companies, short-term rental platforms, travel management companies, and Global Distribution Systems.

First-hand and timely traveler reviews are an important resource to assist consumers in making informed travel choices. Reviews or other quality rankings are often incorporated into search results to help consumers find, compare, assess, and book travel-related services based on a variety of factors, including value, quality, and safety. Consumers greatly value these services, and they are a key driver for travel planning and decision-making.²

The integrity of reviews is essential to maintain the trust and confidence of the customers of Travel Tech members. For this reason, our members have strong market-based incentives to proactively mitigate against the risk of fraudulent or deceptive reviews. They do so through a variety of manual and automated tools that facilitate the trust and safety of reviews. These solutions and tools are aligned with the Commission’s Endorsement Guides³ and constantly tuned to incorporate lessons learned from evolving bad actor tactics and Commission enforcement.

¹ *Trade Regulation Rule on the Use of Reviews and Endorsements*, Advance Notice of Proposed Rulemaking and Request for Public Comment, 87 Fed. Reg. 67424 (Nov. 8, 2022) (“ANPR”).

² TripAdvisor, *The Power of Reviews: How Tripadvisor Reviews Lead to Bookings and Better Travel Experiences* (2022), <https://www.tripadvisor.com/PowerOfReviews#group-section-How-Reviews-Help-50mVOg1KHr>.

³ Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 C.F.R. Pt. 255.

Travel Tech appreciates the Commission’s focused efforts to act against fake and deceptive reviews, which includes updating the Commission’s guidelines and putting bad actors on notice of potential liability for deceptive or fake reviews.⁴ We recommend that the Commission utilize its existing authority to combat nefarious paid review-generation sites, referred to as “click farms,” which often operate overseas and seek to harm consumers and travel operators and providers.⁵

First-hand reviews and endorsements enable consumers to make informed choices about travel services and experiences.

Many of Travel Tech members include the submission and display of reviews as part of the services they offer to inform consumer choice of services based on value, quality, and safety. These first-hand reviews can provide assurance and confidence to consumers that they are making choices that fit their travel goals or budget, while also alerting consumers to avoid potential issues. Reviews can provide tips and recommendations for things to do and see, as well as information about the local area and culture that consumers can use to plan before traveling or enhance their local experiences.

Reviews also help set expectations for both consumers and travel operators and providers—such as hotels, restaurants, tour operators, or historical or nature sites—by ensuring that experiences match expectations (*i.e.*, that a consumer is getting what they think they are buying). Likewise, reviews also provide important insight to travel operators and providers about the positive and negative experiences of their guests and customers, providing an opportunity to respond, and where appropriate, modify their offerings. Indeed, travel platforms can often facilitate engagement between travel service providers or operators and travel reviewers, which can demonstrate a supplier’s general responsiveness and set helpful expectations for future travelers about the operators’ responsiveness and efforts to resolve issues.

Travel Tech members offer a variety of review systems that use various manual and automated methods to strive to prevent and remove fraudulent reviews.⁶

Travel Tech members offer a variety of review systems, including open and closed review platforms. An “open” review platform allows any qualified user to post a review of travel services and experiences so long as it meets certain guidelines. An open review system encourages crowd-sourced information that may reinforce the authenticity of a review by

⁴ *Guides Concerning the Use of Endorsements and Testimonials in Advertising*, Proposed Changes to Guides; Request for Comments, 87 Fed. Reg. 44288, 44294, 44298 (Sept. 26, 2022); Florida Automobiles Dealers Association, *FTC Puts Hundreds of Businesses on Notice about Fake Reviews and Other Misleading Endorsements*, <https://www.flada.org/ftc-puts-hundreds-of-businesses-on-notice-about-fake-reviews-and-other-misleading-endorsements> (last visited Jan. 9, 2023); Federal Trade Commission, *FTC Puts Hundreds of Businesses on Notice about Fake Reviews and Other Misleading Endorsements* (Oct. 13, 2021), <https://www.ftc.gov/news-events/news/press-releases/2021/10/ftc-puts-hundreds-businesses-notice-about-fake-reviews-other-misleading-endorsements>.

⁵ See, e.g., Megan McCluskey, *Inside the War on Fake Consumer Reviews*, Time (July 6, 2022), <https://time.com/6192933/fake-reviews-regulation>.

⁶ See ANPR Question 9.

confirming similar experiences among a wide range of sources. A “closed” review platform only posts reviews from customers who have used the product or service.⁷

Travel Tech members’ review systems are buttressed by robust trust and safety operations to protect the reliability of the reviews appearing on the platform. These operations employ a variety of policies and technologies to minimize fake and deceptive reviews, including content moderation, community feedback, and machine learning algorithms to identify and filter out fake or biased reviews.⁸ While the overwhelming majority of reviews are legitimate, Travel Tech members have systems in place to address the minority of reviews that can be harmful to consumers or travel-related operators and providers.⁹

The travel technology industry’s ability to maintain consumer confidence and trust in traveler reviews relies in part on protections afforded under Section 230 of the Communications Decency Act.

Section 230 is important to consumers because it protects the ability of online platforms to offer reviews and to employ content moderation processes and solutions. These tools help ensure that reviews are first-hand, relevant, and timely, in part based on Section 230,¹⁰ which encourages operators of interactive computer services to invest the resources necessary to prevent and take down fake or deceptive reviews. As reforms to Section 230 and related measures are being considered more broadly, the Commission should take into account the positive benefit reviews bring to consumers and the impact that reforms may have on companies like Travel Tech members and their ability to mitigate the risk of fake reviews.

⁷ See, e.g., *What are guest reviews and who can write one?*, Booking.com, <https://partner.booking.com/en-us/help/guest-reviews/general/what-are-guest-reviews-and-who-can-write-one> (last visited Jan. 9, 2023) (“On Booking.com, only guests who booked through us and/or stayed at your property can leave a review.”); *Expedia Community Guidelines*, Expedia, <https://www.expedia.com/p/info-other/community-guidelines.htm> (last visited Jan. 9, 2023) (“Note: We do not post reviews of customers who cancelled their reservations or who were ‘no shows’.”).

⁸ See, e.g., TripAdvisor, *Review Transparency Report 2021* (2021), <https://www.tripadvisor.com/TransparencyReport2021> (describing TripAdvisor’s multi-factor approach to preventing and addressing fake reviews on TripAdvisor) (“*TripAdvisor Review Transparency Report 2021*”).

⁹ See, e.g., *TripAdvisor Review Transparency Report 2021* at 4 (reporting that 3.6% of all review submissions in 2020 were “determined to be fraudulent” and “[o]f those, TripAdvisor prevented 67.1% of all fake review submissions from ever making it onto the platform”).

¹⁰ Enacted in 1996 and codified as Section 230 of the Communications Act, this law immunizes “interactive computer services” (i.e., internet platforms) from most forms of liability for the content that others post on their sites. Section 230 has two principal provisions, which in short protect “interactive computer services” from liability for (1) harms caused by content posted on their platforms by others, and (2) actions taken to restrict access to objectionable content. 47 U.S.C. § 230(c)(1), (c)(2).

*The Commission should use its existing authority granted by Congress to act against “click farms.”*¹¹

The Commission should utilize its existing authority to combat bad actors that employ the increasingly nefarious paid review-generation sites, referred to as “click farms,” which predominantly operate at a massive scale outside the U.S. to harm consumers and travel operators and providers.¹² The international nature of this online threat makes it difficult for individual companies to address this issue without the support and/or partnership of the federal government. Under the authority granted to the Commission, including the U.S. SAFE WEB Act,¹³ more efforts should be made to alert and provide evidence to foreign law enforcement agencies related to their investigations and prosecutions of “click farms.”¹⁴

Travel Tech members are committed to providing consumers with first-hand and timely reviews that help them make informed choices in travel services and experiences. The Commission should encourage industry-led solutions and focus on enforcing existing rules against bad actors. Travel Tech looks forward to continuing to work with the Commission to prevent and mitigate review fraud in travel services and enhance competition and consumer value through innovation.

Sincerely,

/s/ Laura Chadwick

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¹¹ See ANPR at Question 1(a).

¹² See, e.g., Megan McCluskey, *Inside the War on Fake Consumer Reviews*, Time (July 6, 2022), <https://time.com/6192933/fake-reviews-regulation/>; Florida Automobiles Dealers Association, *FTC Puts Hundreds of Businesses on Notice about Fake Reviews and Other Misleading Endorsements*, <https://www.flada.org/ftc-puts-hundreds-of-businesses-on-notice-about-fake-reviews-and-other-misleading-endorsements/> (last visited Jan. 9, 2023); Federal Trade Commission, *FTC Puts Hundreds of Businesses on Notice about Fake Reviews and Other Misleading Endorsements* (Oct. 13, 2021), <https://www.ftc.gov/news-events/news/press-releases/2021/10/ftc-puts-hundreds-businesses-notice-about-fake-reviews-other-misleading-endorsements>.

¹³ U.S. SAFE WEB Act of 2006, Pub. L. No. 109-455, 120 Stat. 3372, extended by Pub. L. No. 116-173, 134 Stat. 837, codified at 15 U.S.C. §§ 41 et seq.

¹⁴ See, e.g., Dani Deahl, *Three men in Thailand reportedly ran a clickfarm with over 300,000 SIM cards and 400 iPhones*, The Verge (June 12, 2017), <https://www.theverge.com/2017/6/12/15786402/thai-clickfarm-bust-iphones>.