



September 29, 2023

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

Re: Reviews and Testimonials NPRM, R311003

Dear Commissioners:

The Travel Technology Association (“Travel Tech”) appreciates the opportunity to respond to the Federal Trade Commission’s (“Commission’s”) Notice of Proposed Rulemaking (“*NPRM*”) on a Trade Regulation Rule on the Use of Consumer Reviews and Testimonials.¹

Travel Tech is the voice of the travel technology industry, advocating for public policy that promotes transparency and competition in the travel marketplace, encourages innovation, and preserves consumer choice. We represent the leading innovators in travel technology, including Online Travel Agencies (“OTAs”) and metasearch engines, short-term rental platforms, travel management companies, and Global Distribution Systems (“GDS”).

Authentic and timely reviews are key resources that consumers use to make informed choices about travel services. Travel Tech’s member companies are committed to ensuring that reviews provided to consumers on their platforms meet those expectations through solutions and processes uniquely designed to mitigate fake or deceptive reviews.

Travel Tech welcomes the Commission’s efforts to support industry’s proactive review integrity solutions by adopting rules that would expressly prohibit seven unfair and deceptive practices that unlawfully undermine trust in consumer reviews. The *NPRM* proposes rules that are appropriately scoped to target the bad actors intent on committing fraud through fake or deceptive reviews. In adopting such rules, the Commission should avoid imposing broader or more proscriptive rules that would undermine our member companies’ existing and effective efforts to ensure review integrity.

¹ *Trade Regulation Rule on the Use of Consumer Reviews and Testimonials*, Notice of Proposed Rulemaking and Request for Public Comment, 88 Fed. Reg. 49364 (Jul. 31, 2023) (“*NPRM*”).



Consumer confidence in reviews is essential to making informed choices and enhancing competition among travel services and experiences.

Authentic and timely traveler reviews are an important resource to assist consumers in making informed travel choices. Many Travel Tech members support the submission and display of reviews to help consumers make informed choices in travel services experience. Reviews provide first-hand knowledge about the value, quality, and safety of travel services and experiences. These reviews can provide assurance and confidence to consumers that they are making choices that fit their travel goals, budget, or unique needs (e.g., access for people with disabilities, food allergies, etc.), while also providing feedback to businesses that helps them improve their services and experiences. Reviews and other rankings are often incorporated into search engine results to help consumers find, compare, assess, and book travel-related services based on a variety of factors, including value, quality, and safety. Consumers have high confidence in reviews, and they are a key driver for travel planning and decision-making.²

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 intend to buy). 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 member companies are proactively mitigating the risk of fraudulent or deceptive reviews to maintain consumer confidence and promote competition.

Recognizing the importance of authentic reviews, Travel Tech members invest significant resources in robust trust and safety operations to protect the reliability of the reviews appearing on their platforms. 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. Examples of Travel Tech members’ commitments to protecting

² According to Tripadvisor, 3 out of 4 respondents said online reviews were “extremely or very important” when making travel decisions regarding accommodations, attractions or restaurants. 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-50mVQg1KHr>.

travelers from fraudulent reviews include:

- Establishing and enforcing community standards;³
- A multi-step process for pre-screening reviews to ensure they meet community standards before reviews are made public;⁴
- Being attuned to potential fraud triggers, such as travel during large events in less traveled markets;⁵
- Imposing penalties for fraud, including de-platforming fraudsters⁶
- Working with governments to prosecute fraudsters;⁷
- Collaborating to identify and promote industry best practices;⁸
- Being transparent via review transparency reports about policies and progress enforcing those policies;⁹ and
- Employing fraudulent-review detection systems and teams.¹⁰

These efforts serve as the first lines of defense against bad actors that are constantly evolving and tailored to the use and design of the member’s platform that complement

³ See, e.g., Airbnb, *Airbnb’s Reviews Policy*, <https://www.airbnb.com/help/article/2673/> (last visited Sept. 20, 2023); Booking.com, *Guest review process and conditions*, <https://partner.booking.com/en-us/help/guest-reviews/general/what-are-guest-reviews-and-who-can-write-one> (last visited Sept. 6, 2023) (“Only guests who booked stays through our platform—including no-shows and people who booked a property for family or friends—and/or stayed at your property can leave a review.”); Expedia, *Expedia Community Guidelines*, <https://www.expedia.com/p/info-other/community-guidelines.htm> (last visited Sept. 6, 2023) (“Note: We do not post reviews of customers who cancelled their reservations or who were ‘no shows’.”).

⁴ See, e.g., Tripadvisor, *2023 Tripadvisor Review Transparency Report* (2023), <https://www.tripadvisor.com/TransparencyReport2023> (describing Tripadvisor’s three-step process for screening reviews) (“*TripAdvisor Review Transparency Report 2023*”).

⁵ *Id.* (describing how Tripadvisor “implemented unprecedented degrees of scrutiny on what it assessed as high-risk submissions being made in Qatar over a month prior to the [FIFA Men’s World Cup] tournament’s start”).

⁶ *Tripadvisor*, *Our Approach to Fraud Penalties*, https://www.tripadvisor.com/Trust-lj0DdVPszYWM-Our_approach_to_fraud_penalties.html (last visited Sept. 6, 2023).

⁷ *Tripadvisor*, *2019 TripAdvisor Review Transparency Report* at 22, https://www.tripadvisor.co.uk/TripAdvisorInsights/wp-content/uploads/2019/09/TripAdvisor_Review_Transparency_Report_Full-GB-1.pdf

⁸ *Tripadvisor*, *The #1 Top-Rated 5* Conference on Earth*, https://www.tripadvisor.com/Trust-lkMJkkMDGxFk-Fraud_summit_registration.html.

⁹ See, e.g., *TripAdvisor Review Transparency Report 2023*.

¹⁰ Airbnb, *Airbnb’s Reviews Policy*, <https://www.airbnb.com/help/article/2673/> (last visited Sept. 20, 2023) (“We also have a detection system that proactively looks for signs that a review may not relate to a genuine stay.”); Booking.com, *How guest reviews work*, https://www.booking.com/reviews_guidelines.html (last visited Sept. 20, 2023) (noting that there is a fraud team to investigate suspicious reviews).



the Commission's efforts target bad actors.

The NPRM strikes the appropriate balance between enhancing the Commission's tools to target bad actors and preserving industry flexibility to develop innovative and effective solutions to maintain consumer confidence in reviews.

Travel Tech welcomes the adoption of the Commission's proposed rules that appropriately target bad actors "without significantly burdening honest businesses and provide benefits to consumers and honest competitors."¹¹ Specifically, the proposed rules correctly focus on the actors posting deceptive reviews and misleading consumers, and they rightly do not sweep in platforms that host and publish content consistent with the Commission's Endorsement Guides.¹²

For example, the Commission appropriately scoped Proposed § 465.2 so that it does not unduly burden review platforms.¹³ A "knew or should have known" standard for Proposed § 465.5 aptly reflects that the rule is targeting bad actors that intend to commit fraud through fake reviews.¹⁴ Accordingly, the Commission should adopt its proposed "knew or should have known" standard for the new requirement in Proposed § 465.5, rather than a "know or could have known standard."

The Commission should not expand its proposed rules or add specific obligations on travel platforms. Combined with the industry's evolving and innovative efforts and the Commission's recent efforts to act against fake and deceptive reviews,¹⁵ the proposed rules will help maintain consumer confidence in reviews and target bad actors.

¹¹ NPRM, 88 Fed. Reg. at 49377.

¹² See Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 C.F.R. Pt. 255.

¹³ NPRM, 88 Fed. Reg. at 49378 (observing that Proposed § 465.2 does not apply "to businesses, like third-party review platforms, that disseminate consumer reviews that are not of their products, services, or businesses" or "to any reviews that a platform simply publishes and that it did not purchase" and that it does not impose an obligation "on those publishing consumer reviews to manually review consumer reviews or poster profiles").

¹⁴ See NPRM Questions 8, 16, and 19.

¹⁵ Press Release, *Federal Trade Commission Announces Updated Advertising Guides to Combat Deceptive Reviews and Endorsements* (June 29, 2023), <https://www.ftc.gov/news-events/news/press-releases/2023/06/federal-trade-commission-announces-updated-advertising-guides-combat-deceptive-reviews-endorsements>; 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>.



Travel Tech members are committed to providing consumers with authentic and timely reviews that help them make informed choices and enhance competition in travel services and experiences. The Commission's proposed rules strike the right balance to target bad actors while preserving industry flexibility to develop innovative and effective solutions that will help to maintain consumer confidence in reviews.

Sincerely,

Laura Chadwick

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President & CEO
The Travel Technology Association
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