



The Consumer Reviews and Testimonials Rule: Questions and Answers

Tags: [Advertising and Marketing](#) | [Endorsements, Influencers, and Reviews](#)

The Commission's [Rule on the Use of Consumer Reviews and Testimonials](#), which went into effect on October 21, 2024, addresses deceptive and unfair conduct involving consumer reviews and testimonials. The rule authorizes courts to impose civil penalties for knowing violations and is important because fake, false, or otherwise deceptive reviews and testimonials have polluted the marketplace. They harm the many consumers relying on them to pick products and providers, and they hurt competitors who work hard to comply with the law. You can read more about the background and content of the rule [here](#), and you can also review our other [guidance](#) on reviews and testimonials, including materials relating to our [Endorsement Guides](#).

Here are FTC staff answers to some questions businesses may have about the rule. We start with general questions and then address questions about particular sections of the rule.

Our staff guidance isn't definitive or comprehensive, and it doesn't provide a safe harbor from potential liability. As with many other laws and rules, the answers to some questions will depend on the context and the specific facts at issue. We hope that these questions and answers will nonetheless help companies better understand the rule's scope and provisions.

General

What is the difference between a consumer review and a testimonial?

A consumer review is a consumer's evaluation, or a purported consumer's evaluation, of a product, service, or business that is submitted to and published on a website or platform dedicated in whole or in part to receiving and displaying such evaluations. So, consumer reviews could appear, for example, on a site dedicated to consumer reviews or on product pages of retailer websites.

A testimonial, one type of endorsement, is an advertising message that consumers are likely to believe reflects the opinions, beliefs, or experiences of a consumer or celebrity who has purchased, used, or otherwise had experience with a product, service, or business. Testimonials can appear in a variety of contexts, such as in television or radio ads, on a company website, in Internet ads, or in social media.

Most consumer reviews are not consumer testimonials, and most consumer testimonials are not consumer reviews. But if a business pays for or gives incentives for consumer reviews of its business, products, or services, then those incentivized reviews would also be considered consumer testimonials under the rule.

Can individuals be liable under the rule for what they say or don't say in reviews or testimonials?

Ordinary consumers can't be liable under the rule for what they say or don't say in reviews or testimonials. The provisions that address what reviews or testimonials say or don't say only apply to the conduct of businesses.

Influencers who are in the business of posting testimonials about products or services are selling celebrity testimonials and could be liable under Section 465.2(a) if they lie about having used the product or service or about their experience with it.

Also, an individual in the business of selling or creating fake consumer reviews could be liable under Section 465.2(a).

Can advertising agencies, public relations firms, review brokers, or reputation management companies be liable under the rule?

Yes. These entities are not immune from liability under the rule. For example, they could be liable under Section 465.2(a) if they write, create, or sell a fake or false consumer review, consumer testimonial, or celebrity testimonial. They could be liable under Section 465.4 if they provide compensation or other incentives conditioned on the writing or creation of consumer reviews expressing a particular sentiment. They could also be liable under Section 465.7(a) if they engage in review suppression or under Section 465.8 if they misuse fake or false indicators of social media influence.

Does the rule cover the obligations of businesses or other entities when they give endorsements?

The only section of the rule that applies to endorsements by entities or purported entities is Section 465.6, which prohibits a business from misrepresenting that a website, organization, or entity that it controls provides independent reviews or opinions (other than consumer reviews) about a category of businesses, products, or services including its own. The terms “celebrity testimonial” and “consumer testimonial” in the rule do not include endorsements by business or other entities.

When is a person well known enough to be a celebrity under the rule?

Well-known individuals include those famous in the areas of entertainment, such as film, music, writing, or sport, and those known to the public for their positions or successes in business, government, politics, or religion. Individuals who earn money through their work as influencers are also well known, as are those who have been featured in the news or media.

More important, whether someone is well known does not matter for purposes of rule interpretation and enforcement, because any provisions that apply to celebrity testimonials also apply to consumer testimonials.

Does the rule cover our business hiring a celebrity to come to our grand opening and sign autographs?

It is highly unlikely that hiring a celebrity who does nothing more than sign autographs or appear at your business would violate the rule, because such signings or appearances alone would likely not communicate anything fake or false about the celebrity’s use or experience with your product, service, or business.

Does the rule cover when and how influencers should disclose their relationship to a brand?

No. The rule’s only disclosure requirements relate to certain situations involving company insiders. But failing to disclose relationships between influencers and brands could violate the FTC Act. FTC staff has [guidance](#) about such disclosures to help businesses and influencers avoid violations.

Is there a private right of action under the rule?

No, the rule does not provide a private right of action.

§ 465.2 Fake or False Consumer Reviews, Consumer Testimonials, or Celebrity Testimonials.

Does this section of the rule apply to brokers of fake reviews?

Yes. Brokers of fake reviews would generally fall under Section 465.2(a)'s prohibition against selling a consumer review, given that such brokers are generally being paid to provide fake reviews.

Does this section of the rule apply to individual consumers who are paid or given incentives to write honest reviews?

No.

I'm a retailer, and on my website, I host consumer reviews of the products I sell. Do I need to worry about whether the reviews submitted are fake or false?

You should care about it, but you're not liable under the rule for such reviews, assuming you didn't write or buy them. Section 465.2(d) of the rule provides an exception for reviews that appear on a website or platform when the business is doing nothing more than hosting consumer reviews.

Can a business be liable under the rule for hosting false testimonials on its website?

Testimonials are, by definition, advertising or promotional messages. A business that puts testimonials on its own website is disseminating them and is not merely "hosting" them. If those testimonials are fake or false, the business could be liable.

Does the rule's exemption for mere review hosting apply to a business that solicits review submissions or aggregates star ratings?

Yes, that exemption applies to mere consumer review hosting, even if the business prompts review submissions or aggregates star ratings.

Does a business hosting reviews on its website have to investigate whether the reviews are fake or false, such as by screening or reaching out to the reviewers?

There is no such requirement or obligation under the rule.

When could a business that hosts reviews on its retail website be liable under this section of the rule?

The business could be liable if it wrote or created fake or false reviews or if it purchased consumer reviews that it knew or should have known were false.

My business shares the consumer reviews that are submitted to our website with a third-party review platform. Those reviews then appear on that third-party review platform together with consumer reviews from other sources. Are we liable under the rule if it turns out that some of the reviews we shared were fake or false?

Not unless the some of the consumer reviews you shared were fake or false reviews that your business procured from company insiders or purchased.

My business sells its products on its website and routinely emails every purchaser and asks them to post a consumer review. If one of those purchasers happens to be an employee of my business, and if that employee sees such an email and writes a false review, are we responsible for it?

No. Section 465.2(d) of the rule provides an exception for reviews that resulted from a business making generalized solicitations to purchasers to post reviews about their experiences with a product, service, or business.

Our business hires influencers to review our products. Are those reviews covered by the rule?

Under the rule, a hired influencer's social media post touting a product would be considered a celebrity testimonial, not a review. Your business could be liable under Section 465.2(b) if it knew or should have known that any such influencers misrepresented that they used or had experience with the product or misrepresented their experiences with it.

When our business hires influencers, how are we supposed to know that they are telling the truth about their experience with the product?

Businesses should look for red flags indicating that a testimonial is likely fake or false, and they should act accordingly if such a flag is present. For example, if someone gives a testimonial and then asks for the product, a business should question whether the testimonialist used the product. Similarly, if you know that someone who gives a testimonial is using a competing product, you should inquire into whether the testimonial for your own product is truthful. Also, a business shouldn't provide the text for a testimonial without a reasonable basis to conclude that the text is truthful about the testimonialist's experience.

When should a business know that it is buying reviews that are fake or false?

The rule does not impose a general duty for businesses to investigate whether each consumer review of its products is fake or false. However, sometimes there may be clear indications that purchased reviews are likely to be fake or false, in which case failing to investigate may trigger liability under the "should have known" standard. For example, let's say that a business hires a third party to generate reviews by providing free samples of its products to consumers. The business would likely be on notice that resulting reviews are likely fake or false if, for example, the reviews appear so quickly after purchase that it's doubtful they reflect real experiences with the product, an unusually large number of reviews appear in a very short period of time, or they refer to the wrong product.

Does the rule apply to a reviewer or testimonialist who misrepresents their opinion about a product, such as by saying they like it when they really don't?

No. Section 465.2 addresses misrepresenting a reviewer's or testimonialist's "experience" with a product or service, that is, what actually happened when they used or otherwise experienced it. It does not address merely their "opinion" of it.

Can my business ask for reviews only from customers whom we think are happy with our services?

The rule does not contain a specific prohibition against such conduct. But this practice could violate the FTC Act. See, e.g., [Endorsement Guides](#) 16 C.F.R 255.2(d) and (e)(11).

My company has a question and answer section for each product listed for sale on our website. People can post questions and other people can answer them. Are the answers in that section covered by the rule?

Not if the answers were posted by people who were not incentivized to do so and who had no other connection to the company. Such posts are not testimonials.

I want to have actors portray testimonialists in a television ad. Would that violate the rule?

Such conduct is not covered by the rule unless the underlying testimonials were fake or false. But using actors to portray testimonialists could be deceptive in violation of the FTC Act. See, e.g., [Endorsement Guides](#) 16 C.F.R 255.1(g) and 255.2(c).

When actors in a dramatized television commercial say good things about a product, are they giving fake testimonials?

If the television commercial is an obviously fictional dramatization, then the actors are not giving testimonials. Having actors portray testimonialists is not covered by the rule unless the underlying testimonials were fake or false, but using actors to portray testimonialists could be deceptive in violation of the FTC Act. See, e.g., [Endorsement Guides](#) 16 C.F.R 255.1(g) and 255.2(c).

Does the exemption for review hosting apply to consumer reviews that a business features in its advertising or marketing materials?

No. When featured in that context, consumer reviews become testimonials and the exemption for review hosting does not apply to them.

How does Section 465.2 apply to marketing that uses AI stock avatars (like TikTok's Symphony Avatars)?

The rule has no blanket prohibition on the use of AI-generated avatars in marketing. As discussed in our Federal Register notice, Section 465.2 of the rule is drafted specifically so as to not prohibit companies from using virtual influencers.

Further, AI-generated "stock avatars" would not be giving "consumer reviews" as that term is defined in the rule. It's possible that a company's use of such an avatar might be considered a "testimonial" under the rule. That would be prohibited under the rule only if the underlying testimonials were fake or false. The use of avatars could also be deceptive in violation of the FTC Act. See, e.g., [Endorsement Guides](#) 16 C.F.R 255.1(g) and 255.2(c). It would also violate the rule for someone to use a celebrity avatar without the celebrity's permission to speak favorably about a product, if reasonable consumers would think that the celebrity actually gave a testimonial for the product.

§ 465.4 Buying Positive or Negative Consumer Reviews.

Is our business allowed to give consumers incentives for reviews?

The rule does not prohibit giving incentives for reviews, as long as there isn't an express or implied requirement that the reviews have to express a particular sentiment. But remember that failing to disclose incentives could be a violation of the FTC Act. See, e.g., [Endorsement Guides](#) 16 C.F.R 255.5(a) and (b)(6)(ii).

Can my business pay incentives for 5-star reviews on third-party review platforms, so long as we ask the reviewers to add a disclosure about the incentive?

No. That conduct would violate Section 465.4. Note also that this section applies whether the reviews appear on your website or third-party review platforms.

Does Section 465.4 apply when a business hires influencers to review its products?

No. Section 465.4 only applies to consumer reviews. Hired influencers are providing testimonials, which are covered under other parts of the rule.

The rule prohibits businesses from implying that a review has to be positive in order for consumers to get an incentive for the review. What does that mean in practice?

It means that you can't suggest to consumers that their reviews must be positive (or negative) in order to obtain a promised incentive – even if you don't say so explicitly. For example, you would be implying that reviews have to be positive if you said: "Tell us how much you loved your visit to John's Steakhouse and get a \$5 coupon" or "Tell your friends about all the fun you had at Jane's Arcade for a chance to win prizes."

Does a business violate the provision by offering a consumer an incentive for a review that it merely expects to be positive?

No. Just because a business expects that an incentivized review will be positive does not mean there is either an express or implied requirement that it needs be positive to obtain the incentive. However, such a practice could violate the FTC Act. See, e.g., [Endorsement Guides](#) 16 C.F.R 255.2(d) and (e) (11).

Does the rule prohibit my business from offering compensation to a consumer to remove or change a review?

No, but paying consumers to change or remove truthful negative reviews may violate the FTC Act as an unfair or deceptive act or practice, because it may wind up distorting or otherwise misrepresenting what consumers think about your business or its products. See, e.g., [Endorsement Guides](#) 16 C.F.R 255.2(d).

Would individual consumers be violating the rule by accepting money in exchange for posting a 5-star review?

No. Section 465.4 only applies to the businesses that provide compensation or other incentives, not to the consumers who accept them.

§ 465.5 Insider Consumer Reviews and Consumer Testimonials.

Is my business complying with this section of the rule if we ask insiders to write reviews of our products, so long as they disclose their relationships to the company in the reviews?

Yes, so long as the reviews the disclosures are clear and conspicuous. But be aware that, if these reviews materially increase the average star rating of a product, the business could be violating the FTC Act even with such disclosures, because consumers might see only the star rating and not look at the individual reviews. See, e.g., [Endorsement Guides](#) 16 C.F.R 255.5(b)(6)(ii).

I own a small business. Can I ask my family members to write consumer reviews of my business?

Yes, but ask them to clearly and conspicuously disclose their relationship to your business.

Section 465.5(b) refers to a business disseminating testimonials by agents of the business. Does that cover social media posts by paid influencers?

No, the term "agents" here does not include influencers. The term "agents" is meant to apply to people like representatives of advertising agencies, public relations firms, and review management firms.

This section of the rule talks about testimonials not needing disclosures if a material relationship with the business is "otherwise clear to the audience." What does that mean?

The audience may already be aware that the testimonialist is an executive or is otherwise associated with that business. It's also possible that the context of a testimonial communicates a relationship with the business, such as an image or video showing the testimonialist working in the company's offices or wearing a company uniform.

Has our company violated this section of the rule if we sent an email to all recent customers asking for a review, and a few of those customers happened to be our employees, who then posted reviews that

didn't disclose their employee relationship? And what if we offered an incentive to all customers who post reviews after receiving the email?

Your company didn't violate this section of the rule, which exempts generalized solicitations to purchasers for them to post reviews about their experiences with the product, service, or business. The answer is the same regardless of whether you've offered an incentive to all recipients who post reviews.

Does a business need to ask every potential testimonialist if they are an agent of the business? Or if they are the immediate relative of an employee?

The Commission does not expect that a business will ask these questions of every potential testimonialist. There may be red flags, however, that should cause a business to realize that a prospective testimonialist is likely an insider, such as the testimonial featuring an image of that person standing in front of the company's headquarters. If a business routinely asks prospective testimonialists how they became interested in the business or its products, it should not avoid looking at answers that might indicate a material relationship.

What does a business need to do after an officer asks employees to get reviews from their relatives? Does it need to take affirmative steps to see whether any reviews are then posted by such relatives and appear without disclosures?

The Commission does not expect an officer or manager to scour every review of the business for possible insider reviews appearing without a disclosure. There may be red flags, however, that should cause officers or managers to inquire further. An example that is at least applicable to smaller companies is when an officer or manager asks employees to obtain reviews from relatives and later spots a review without a disclosure by someone who the officer or manager recognizes as having the same last name as an employee. Another example is an employee sending a soliciting officer or manager a link to the resulting review, in which case the officer or manager should take the time to see if that review has a disclosure.

The rule says that, when a disclosure is required, it has to be "clear and conspicuous," and the definition of that term says that the disclosure needs to be "unavoidable." What does "unavoidable" mean? Can I use a hyperlink?

“Unavoidable” is an objective standard that turns on whether consumers could have avoided the disclosure. The rule’s “clear and conspicuous” definition says that a disclosure is avoidable when “a consumer must take any action, such as clicking on a hyperlink or hovering over an icon, to see” it.

Is a disclosure in the first line of a consumer review unavoidable?

For the purposes of this rule, the Commission would consider such a disclosure to be unavoidable.

Can a hashtag be a “clear and conspicuous” disclosure? If so, can it be a short one like “#Ad”?

Maybe. Depending upon their wording and appearance, hashtags can be clear and conspicuous disclosures for purposes of the rule. Whether “#Ad” would be adequate depends on the specific context. For testimonials in social media, it could work at the beginning of a text-only post, as readers are more likely to see it there, but it may be too easy to miss in a video post.

In general, disclosures can indeed be short and simple. The only provision for which the “clear and conspicuous” definition is relevant is Section 465.5, which addresses the failure to disclose insider relationships. An adequate disclosure could be the testimonialist’s description of a product as “my company’s” or “my wife’s company’s.”

Would using a platform’s built-in disclosure tool make the disclosure clear and conspicuous?

Not necessarily. Some of these tools may generate inadequate disclosures that are fleeting, too hard to read because of poor contrast or small size, or placed in locations too easy to miss.

The “clear and conspicuous” definition says that a visual disclosure has to “stand out.” How can my business make such a disclosure in a post appearing on a social media platform?

For the purposes of this rule, a disclosure at the beginning of a text-only testimonial would “stand out.” Note that, if you want to use a textual disclosure in a video testimonial, that disclosure would have to stand out such that viewers would actually notice it.

§ 465.6 Company-Controlled Review Websites or Entities.

Does this provision about company-controlled sites apply to consumer reviews that appear on our retail website?

No. The provision states explicitly that it does not apply to consumer reviews.

Does this provision just apply to review websites?

No. The scope of the provision is broader than just websites, and it's broader than just websites that solely post reviews. Instead, it covers a "website, organization, or entity" that "provides independent reviews or opinions." So it would apply, for example, to a company that created a fake seal program and awarded the seal to its own products.

Our company has an affiliated institute test our products and then publish a review. The reviews reflect the affiliate's objective and independent opinions and, when we refer to those reviews, we explain why they're objective and independent. Have we violated the rule's provision involving company-controlled sites and entities?

No, so long as you are not misrepresenting that the reviews are independent reviews or opinions.

Our business sells products to consumers, and we also own and operate a website that reviews and ranks our products and competing products. Are we violating the rule if that website has a clear and conspicuous disclosure that our business owns and operates it?

It depends. Section 465.6 says that you can't materially misrepresent, expressly or by implication, that this website provides independent reviews or opinions. So, you would violate this section if the website has an express claim of independence, because that false express claim can't be cured by your contradictory disclosure. If the website merely implies that the reviews or opinions are independent, your disclosure may or may not be adequate to cure that false implication. That determination would depend on the net impression of the website, i.e., whether it materially misrepresents independence even with the disclosure.

We run a media company and operate a website that posts movie reviews by independent film critics. Some of the movies reviewed were created by a studio that we own. Does this section of the rule apply to these reviews?

If the reviews are by independent film critics, then you wouldn't be misrepresenting their independence.

§ 465.7 Review Suppression.

If someone posts a negative review about my product, can I respond publicly? Do I need to watch what I say?

Yes, you can respond publicly to the review, and yes, you should watch what you say. The rule prohibits making a false accusation about the reviewer if you know that the accusation is false or make it with reckless disregard as to its truth or falsity. Your response also shouldn't use physical threats or intimidation to get the review (or a portion of it) removed or changed.

The rule talks about not using "intimidation" to get a reviewer to take down a negative review. What does intimidation mean besides physical threats?

Intimidation is not limited to physical threats and can include abusive communications, stalking, character assassination, and sexual harassment when those things are used to intimidate, that is, to force someone into or deter someone from taking some action by inducing fear.

If a review defames me, does the rule prevent me from threatening to take legal action?

No. You can threaten a legal action if you have a legitimate basis for doing so. The rule states that you can't use an "unfounded or groundless legal threat" either to prevent a consumer from leaving a review or to get a consumer to remove a review. Such threats are defined in the rule as those based on legal contentions unwarranted by existing law or based on factual contentions that have no evidentiary support or will likely have no evidentiary support after a reasonable opportunity for further investigation or discovery.

Does the rule prohibit my company from contacting customers who post negative reviews to resolve the reported issues?

No. It also does not prohibit simply asking satisfied customers to update their reviews.

Does the rule prohibit offering incentives to consumers for taking take down their negative reviews?

No, but offering such incentives could be an unfair practice in violation of the FTC Act. See, e.g., [Endorsement Guides](#) 16 C.F.R 255.2(d).

On our company's website, we publish all the reviews we receive, but we organize them by putting at the top those reviews that the public has voted to be most helpful. Could we be violating the rule's

prohibition against review suppression if organizing reviews this way means that some negative reviews are at the bottom?

No. Organizing reviews is not suppressing reviews under the rule.

What if, by default, our website orders reviews by rating, with all five-star reviews on top? Is that a violation of the rule?

No, the rule does not cover that situation. However, organizing reviews in a way that makes it difficult for consumers to know about or find negative reviews could be an unfair or deceptive act or practice in violation of Section 5 of the FTC Act.

Does this rule provision prohibit the selective use of particularly positive consumer reviews in marketing materials?

No. This provision applies only to reviews “displayed in a portion of its website or platform dedicated in whole or in part to receiving and displaying consumer reviews.” However, the use of non-representative consumer reviews in marketing could be deceptive in violation of Section 5 of the FTC Act. See, e.g., Endorsement Guides 16 CFR 255.2(b).

My business publishes consumer reviews of our products on our website. Can we refuse to publish a review when it is about the wrong business and is thus patently false?

Yes.

Can a business that posts reviews of its products on its website have a policy of not posting reviews that mention other products?

Yes, as long as your policy treats all such reviews equally, whether they are positive or negative.

Would our company violate the rule if we exclude reviews that only discuss customer service, with no comments on our product itself?

No, as long as you treat equally all reviews that solely discuss customer service and don't exclude such reviews only when they're negative. But be aware that suppressing customer reviews about a “particular seller's customer service, delivery, returns, and exchanges” can be deceptive in violation of Section 5 of the FTC Act. See, e.g., Endorsement Guides 16 CFR 255.2(e)(8)(ii).

§ 465.8 Misuse of Fake Indicators of Social Media Influence.

What if my business pays a third-party company to run a promotional campaign to increase our followers but, without our knowing, that company lied to us and just provided fake followers? Are we potentially liable under this provision of the rule?

The provision is limited to the purchase of fake indicators of social media influence which you knew or should have known to be fake. So, you wouldn't be liable unless there were some red flags that should have tipped you off that the followers were fake.

If our business hires social media influencers to recommend that their followers also follow our social media account, would that count as procuring fake indicators of social media influence?

No, because these followers are real people who chose to follow the business account. In contrast, the rule defines "fake indicators of social media influence" as ones generated by bots, purported individual accounts not associated with a real individual, accounts created with a real individual's personal information without their consent, or hijacked accounts, or indicators that otherwise do not reflect a real individual's or entity's activities, opinions, findings, or experiences.

Would our business be liable under the rule for hiring influencers who happen to have fake followers?

No. The provision focuses on the "distribution" of fake indicators of social media influence, which is defined to mean the distribution to individuals or businesses who could use the indicators to misrepresent their influence.

Questions?

Send questions to endorsements@ftc.gov.

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