

# ASTROTURFING: WHAT'S REAL ONLINE

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Many things found on the internet may not be exactly what they seem. Last week the Canadian Competition Bureau reminded us that this truism has legal implications with regard to online reviews. For some time the Canadian Competition Bureau has indicated that it has concerns with respect to a number of on-line marketing practices, including "flogging" ("fake blogging") — which involves people promoting a product or service in blogs, without revealing ties to the supplier of the product; and "astroturfing" — purported grass roots user reviews of products which are in fact supplied by persons interested in the product rather than disinterested product users.

On October 14, 2015 the Competition Bureau announced it had entered into a Consent Agreement with Bell Canada to resolve concerns that certain Bell employees were encouraged to post positive reviews and ratings of the "MyBell" mobile app and the "Virgin My Account" app. The Bureau concluded that these reviews and ratings created the general impression that they were made by independent, impartial consumers, rather than by Bell employees. The results of these reviews affected, for a time, the overall ratings for the apps.

In resolving the Bureau's concerns Bell agreed to enhance its corporate compliance program with a specific focus on prohibiting ratings and rankings by its employees and contractors, and also agreed to pay an Administrative Monetary Penalty of \$1.25 million.

While the Bureau has expressed concern about these practices for some time, this is the first major enforcement action focused specifically on the astroturfing issue. It is a timely reminder for those who rely on online reviews of their products that care must be taken to ensure that what purports to be an unbiased independent review really is so.

by James B. Musgrove

## **A Cautionary Note**

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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