Journal of
Law of Torts and Consumer Protection Law

ISSN: 2583-3898
Volume 5, Issue 2, 2022
DOI (Journal): 10.37591/JLTCPL

http://lawjournals.celnet.in/index.php/jltcpl/index

Review JLTCPL

An Avenue to Combat Fake Reviews on E-Commerce Platforms Vis-À-Vis Consumer Rights

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Abstract

The digital world has altered how we find information, which has had an impact on how we shop. It is no longer only a collection of information because it provides an interactive platform for sharing personal experiences with products or services. As a result, suppliers no longer possess sole control over the provision of information. Because of the interactive aspect of the web, customers may also contribute information, which lessens information asymmetry. Online reviews provide valuable consumer-based information for potential buyers, making them a crucial component of the decision-making process when making a purchase. Products' values are impacted by emotions. Especially Indian middle-class consumers assess a product based on its usefulness and appeal, and to determine whether it lives up to their expectations, they rely on reviews of people who claim to have used the goods. Online reviews even serve as the foundation for the entire business model of several e-commerce platforms when the targeted market is the middle class. Due to this, sometimes companies will offer paid services for the creation of fake or falsified reviews to influence consumer attitudes, and certain influencers with tremendous followers have been paid to advertise goods that may not be as good as they claim to be. The false narrative of products is thus turning into a serious problem in the market because influencer marketing extends beyond mere e-commerce platforms. The fact that this method purposefully misleads customers has caught the attention of Regulators. Consequently, it is also critical to highlight how crucial it is to comprehend influencer marketing and how it differs from review on e-commerce platforms when employing it as part of a marketing strategy to appreciate the viability of having explicit legislation. The paper will analyse the implication of fake reviews on consumer rights in Indian legal ethos and the effective means to combat the pervasive issue in this regard.

Keywords: Fake review, influencer, E-commerce, consumer rights, spotting of fake reviews and combat fake-review

INTRODUCTION

Understanding E-commerce

E-commerce, often known as electronic commerce, is the exchange of goods, services, money, and data over an electronic network, most often the internet. These commercial exchanges could be B2B, B2C, C2C, or B2B. (business-to-business, consumer, or business-to-business). E-business and e-commerce are frequently used interchangeably [1,2]. The transactional procedures that make up online retail shopping are also referred to as “e-tail.” Based on the parties participating in the online transactions, the various types of e-commerce are divided into the following categories:

Due to consumers' daily use of e-commerce websites like Amazon, eBay, and others, online

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Received Date: December 06, 2022
Accepted Date: December 09, 2022
Published Date: December 20, 2022

Citation: Ruth Vaiphei. An Avenue to Combat Fake Reviews on E-Commerce Platforms Vis-À-Vis Consumer Rights. Journal of Law of Torts and Consumer Protection Law. 2022; 5(2): 1–8p.

shopping has increased significantly over the past 20 years. 5% of all retail purchases were made online in 2011, according to estimates from the U.S. Census Bureau and it has increased to more than 16% of retail sales when COVID-19 broke out in 2020 [3].

6 Types of E-commerce

To promote e-commerce start-ups, the government of India introduced several “Alternative Investment Funds” that are distinct from the conventional manner of fundraising. As a result, these start-ups have benefited from a steady infusion of capital from these Alternative Investment Funds. Additionally, funding for the e-commerce industry increased dramatically, reaching approximately 11 billion US dollars in 2021 [4]. This made it possible for start-ups to meet regional demands. Some online businesses have recently gained a firm foothold in the market and are now essential household items. Some of these achievements include food delivery services like Swiggy and Zomato, Grofers and Big Basket for online grocery shopping, the ticketing company BookMyShow, and the travel and accommodation business Oyo, Makemytrip etc. Additionally, the unicorns of e-commerce have been expanding into new markets and sectors. Additionally, ESG (Environmental, Social, and Corporate Governance) goals are receiving more attention from these start-ups. Even though exponential e-commerce growth has made consumers' lives easier, it also has negative effects because it limits the consumer's ability to physically inspect the product and forces them to rely on reviews from purported users of the products and services, some of which may not be genuine (Figure 1).

Figure 1. “Classification of e-commerce” by TechTarget company.

Online Review and Online User Feedback

Online user feedback and online reviews are frequently wrongly conflated in the minds of digital marketers or e-commerce users. These two appear to be identical on the surface: both collect feedback (Voice of the Customer data) from website users and customers; both provide user ratings or scores; both aim to build a loyal customer base; etc. However, they serve two quite different purposes. *"Online user feedback is data gathered from clients or visitors to websites regarding their online experiences. Digital marketers analyse these feedback results and utilise them to make adjustments to or improvements to a company's website or online service. These feedback results give organisations extensive insights into how visitors experience their website or online service [5].*” Online User Feedback has several advantages. Among these advantages are: Deep insights into key sales drivers including online procedures, usability, and the online customer journey are extracted. Gives users the tools they need to immediately optimise funnels and enhance the entire client journey. This indicates that input is gathered immediately and on the web page where a potential issue may arise, typically based on visitor behaviour (rather than afterwards by email or once the product has been delivered).

Lessens the workload for your phone-based customer service staff. It is possible to determine whether visitors receive the content they require and whether they can easily accomplish their online objective because feedback is gathered on a page level. With the help of these unique insights, you can quickly stop making pointless phone calls.

"Online reviews are remarks made about a good or service by users of the internet. These testimonials, which are frequently referred to as "social proof tools," are crucial components of User Generated Content (UGC) that are meant to assist businesses in establishing an online presence and gaining the trust of their customers [6]." Online reviews are often left after a user has completed a funnel, as opposed to User Feedback, which can be provided during the funnel (e.g., once a purchase has been made or the item has been delivered). For instance, if you order something from Amazon, you'll frequently get a follow-up email asking you about the item and/or the shipping procedure a few days later.

The main distinctions between online user feedback and online reviews are the types of data that are gathered and the methods used to process them. Online user reviews are used to gather information about all aspects of the online shopping experience. It essentially clarifies any potential roadblocks that website visitors can encounter that might prevent them from attaining their goals on a page or funnel level. After being gathered, this input is processed (for internal analysis) in a closed analytic platform, keeping it private from the public (only the digital team working with the feedback results). Online reviews, on the other hand, concentrate on establishing a presence and credibility while also finding out what customers think about particular goods or services, or even the website as a whole. In contrast to customer feedback, reviews are frequently made available to the public on websites or other third-party platforms to win over visitors.

Nowadays, almost everyone reads online reviews in today's internet-based environment. They are read by 91% of individuals, and 84% of people trust them just as much as they would a personal suggestion. A retailer with outstanding reviews may expect the average consumer to spend 31% extra. Reviews, both positive and negative, can be equally influential. According to one survey, 82% of those who read online reviews intentionally look for unfavourable ratings. This statistic mainly serves to highlight how noticeable negative reviews are, although there are some advantages. According to research, visitors interact with unfavourable reviews five times longer on websites, and the conversion rate rises by 85% [7].

Influencer

There is an alternative method of advertising a product by a company through influencers who are important participants in influencer marketing, as opposed to an online reviewer of the product on the platform or website of the company. "An influencer is a person who can influence other people's purchase decisions due to their authority, knowledge, position, or relationship with their audience or followers on social media especially a devoted audience in a specific speciality [8]." It is critical to remember that these people are not merely marketing tools, but rather social connection assets that businesses may use to further their marketing objectives. In the last ten years, social media has become increasingly important. More than 3.4 billion people, or 45% of the world's population, use social media regularly. These people rely on influencers to guide their judgments. Influencers on social media are people who have built a name for themselves as experts in a particular field. They routinely post about that topic on their preferred social media sites, gaining a huge following of ardent followers who pay close attention to their views. They convince their followers to buy the because of their capacity to establish trends which is why brands adore social media influencers.

TYPES OF INFLUENCERS AND INFLUENCER MARKETING

Influencers can be divided into many sorts according to their follower counts, the type of content they provide, or the niche in which they specialise. Although there are no hard-and-fast laws defining the borders between the various categories of followers, influencers can be further divided into Mega Influencers, Macro Influencers, Micro-Influencers, and Nano Influencers based on the amount of followers they have. "Mega influencers" are those who have a sizable following on social media. According to a widely held belief, mega-influencers have at least one social media platform with more than 1 million followers. Numerous celebrities are mega-influencers. People having 40,000–1 million followers on a social media platform are referred to as "Macro-Influencers". There are typically two categories of people in this category. They are either aspiring big-time actors or B-grade celebs. Or they are well-known online authorities who have larger fan bases than the normal micro-influencers. Regular people who have become well-known for their knowledge in a certain specialised speciality are known as "micro-influencers." Because of this, followers of that genre generally have a sizable social media following. Micro-influencers have cultivated specialised fan bases, and they won't want to endanger their relationship with them if they are thought to be advocating a dud. Since the relationship between micro-influencers and brands must be in line with target audiences, influencers are frequently picky about the companies they work with [9]. And the main players in influencer marketing are these Influencers. According to Forbes, influencer marketing is a type of advertising in which select key individuals are prioritised over the target market as a whole. Influencer marketing's success has attracted attention due to its rising popularity and favourable link with consumer consumption of goods and services. But does it always work out well for both parties involved in the transaction? When the product's story is false, the picture that social media influencers present when they endorse products as part of brand marketing frequently hurts the consumer. The problem is that sometimes the way things are depicted in the name of influencer marketing can be misleading and even harmful to the consumer.

Fake Review

In general parlance reviews that purposefully try to mislead the reader by appearing genuine are known as fake reviews, deceptive reviews, or fraudulent reviews. Choi, Choi, Mattila, van Hoof, and Quadri-Felitti define “fake reviews” as those that are submitted by people pretending to be customers but who have never really utilised the product or service. The purpose of fake reviews is to influence readers' purchasing decisions. In this regard, they are also referred to as misleading or made-up “opinion spam [10].” Online reviews are often regarded as the most effective way for customers to get information in the context of electronic word of mouth. By transferring traditional word-of-mouth to the internet, online reviews serve as a replacement for the traditional and ineffective word-of-mouth method that was previously used to spread information regarding goods and services. As a result, online reviews transcend the limitations of traditional word-of-mouth information which facilitate the contemporary avenue of disseminating a wide variety of messages. Despite how useful it may be, when a review is not genuine, it can have a major impact on consumer decision-making. The major participants in an online review are either the buyer of the goods and services or a paid reviewer who is employed by a business to evaluate the product, and this paid reviewer is the primary source of a fake review.

Other names for fake reviews include spam reviews, opinion spam, and bogus reviews. Some reviews that have been published are not relevant to the actual products, disrupting the accurate perception of the product. Some are useless because they are deficient or wholly irrelevant [11]. Fake reviews are given one of three valence types: negative, neutral, or positive. Negative reviews have a more significant influence on the evaluation and, thus, the purchasing choice. Positive evaluations may give the idea that they are being shared by the supplier, which makes them seem less reliable. However, as negative statements are more likely to result in legal action as a defence, positive fake reviews are more common. Companies pay individuals to write blog posts, create videos, open accounts, and give things five stars. Sales from fake reviews are thought to total $152 billion. Following an inquiry, Amazon eliminated 20,000 fake reviews that were all produced by a single person using "top review" accounts, which can generate hundreds to thousands of bogus reviews [12]. Also, according to The New York Times, a large percentage of book evaluations on amazon.com are started by the writers themselves [13].

Consumer and Consumer Rights

An individual who purchases goods and services for personal consumption is referred to as a consumer in the Oxford Dictionary. Consumers have a big impact on a country's economy. The Consumer Protection Act of 2019 in India serves as the primary safeguard for consumer rights and interests. As a result, the customer must meet the criteria outlined in Section 2(7) of the Consumer Protection Act of 2019, which divides the term "Consumer" into two categories: those who buy things and those who hire services in exchange for payment. The consideration may have been paid, promised to be paid, paid partially and promised in full, or received under any other deferred payment plan. It also includes any additional individuals who make use of the products with the buyer's consent. The term "consumer" does not apply to anyone who purchases such things for resale or any other business use. Both transactions for the delivery of products and the provision of services are covered by the Act. Additionally, the definition of a consumer covers offline or online transactions including technological tools, such as teleshopping, direct selling, or multi-level marketing, as well as the expressions "buys any goods" and "hires or avails of any services." Undisputedly this indicates the application of that the Consumer Protection Act 2019 to e-commerce consumers. It is also important to note for a person to be treated as a consumer that the requirement is that the transaction must be for consideration. The word “Consideration” used in the definition of “consumer” in section 2(7) has not been defined under the Act. However, "Consideration" generally refers to something that is viewed by the law as the equivalent of a return provided to or experienced by one for an act or commitment made by another. Accordingly, it could be established as a general rule that if there is any advantage to the promisor or any loss or harm to the promise, then there is sufficient consideration for the promise. Section 2(d) of the Contract Act of 1872 summarises the definition of consideration and its legal significance.

The foundation of the Consumer Protection Act of 2019 is consumer rights. These rights are protected by Section 2(9) of the Act, which trusted that consumers have the following rights [14]: (i) the right to be shielded from the marketing of goods, products, or services that endanger life and property; (ii) the right to information about the quality, quantity, potency, purity, standard, and price of goods, products, or services, as applicable, to safeguard against unfair business practises; and (iii) the right to be guaranteed, whenever practical, access to a variety of goods; (iv) the right to be heard and to be guaranteed that consumer interests would be given full attention at suitable fora; (v) The right to seek remedy against unfair trade practises, restricted trade practises, or unscrupulous exploitation of consumers;(vi) the right to consumer awareness.

Not only does the Consumer Protection Act of 2019 offer some protection to buyers of goods, whether they are consumers or not, but so does the Sale of Goods Act of 1930. It gives the buyer the option to return items that do not match their description, do not suit their intended use, are not of merchantable quality, or, generally speaking, do not match the sample. However, it did not give the parties access to any particular forum for the redress of their grievances; it only established the parties' substantive rights. To resolve his issue, the victim must appear before regular Civil Courts. The consumer protection act has now made it quite simple for those who are suffering to get their complaints resolved without having to deal with lengthy delays, expensive court costs, or other obstacles. In the form of District Commissions, State Commissions, and National Commissions, it has given consumers access to three quasi-judicial organisations. Consumer complaints are handled quickly and affordably by these redressal agencies. The Consumer Disputes Redressal Commissions cannot refuse to take the complaint under consideration on the grounds that the complainant raises complex problems of fact or law. It is not the difficulty of the factual and legal issues that need to be resolved that serves as the deciding factor.

THE IMPLICATION OF FAKE REVIEW

Consumer

It is evident from the aforementioned consumer rights that fake reviews directly violate, among other things, section 2(9)(ii), the right to information about the quality, quantity, potency, purity, standard, and price of goods, products, or services, as the case may be. This right exists to protect consumers from unfair trade practices. which includes the right of consumers to information about goods and services. As discussed already, e-commerce has made it easier to buy things by eliminating the time-consuming process of going to a store, but it has also limited the benefit of personally evaluating the items. As a result, customers have become more reliant on reviews found on e-commerce websites. which, occasionally, are false, conceal the true nature of the goods, deceive consumers, and affect their decision to buy. And the source of this fake review is not clear, and it is believed that the company hired paid reviewer or influencer to give a false narrative of the product which not only amounts to a violation of the consumer Right to information but unfair trade practice.

Consumer information is anything that adds to the knowledge about a product, a service, a law or anything that relates to the things consumers buy and use in everyday life. The right to choose is the summation of all consumer rights and without consumer information choice is meaning [15]. A consumer cannot decide on a product or service if they are not informed about its availability, performance, price, and value for money. This suggests that consumer information is significant when choosing a product. And because people are being paid to post "excellent evaluations" of products they haven't ever seen or touched [16], it is getting harder to spot bogus reviews, which have an impact on this important purchasing decision.

Company

As of May 22, 2020, the Competition and Markets Authority (CMA) has begun an inquiry into several key websites that post online reviews, and it has found that fraudulent reviews may have influenced up to £23 billion of annual consumer spending in the UK [17]. It was discovered that some businesses were purchasing reviews or paying third-party agencies to create a fictitious narrative for their goods and services. The analysis also showed that, in addition to tricking customers into spending money with a company or on a product, bogus reviews may also cause other firms/companies to lose out on sales they may have made otherwise. According to CMA's findings, fraudulent reviews particularly affect small businesses in the hospitality sector [18]. In addition, a firm shouldn't undervalue the value of trust because consumers are sceptical of fake reviews these days due to the sophisticated techniques for recognising them, and if a review appears even the slightest bit suspicious, the company runs the danger of losing a potential client. According to Bazaarvoice's findings from a survey, it conducted on 10,000 people in five different regions, 54% of buyers worldwide will not purchase a product if they believe the reviews are not genuine [19]. This reveals the intriguing truth that businesses whose market strategy is to draw customers through fake reviews also run the risk of losing potential clients as a result of such dishonest behaviour.

Spotting Fake Reviews

We are aware of how challenging it can be to spot the onslaught of fake reviewers. Identifying fake Google reviews and product reviews on e-commerce websites usually follows the same procedure. Here are a few simple common techniques for identifying fake reviews [20]:

1. ***Verifying Date:*** The review's publication date may be a dead way. Businesses that spend money on fake reviews often stack them to coincide with a product launch. In the days following a product's debut, a flood of reviews aids in boosting that firm. Even though many customers do utilise and review things for free as soon as they are released, this is not the standard. In some extreme circumstances, you can determine whether reviews are fraudulent by looking at whether the review date was earlier than the publication date.
2. ***Specific Words:*** Fake reviewers frequently misuse the words "Me," "I," and "tend to utilise a lot of verbs." The goal of overusing these terms is to make the review look genuine and establish and win a customer over.
3. ***Scene-setting:*** this is another technique to determine whether reviews are authentic. A person, a place, or an event will frequently be described by fake reviewers. Although honest reviews may bring up these points, they also tend to concentrate more on particulars, including the cost, the breakfast, and the check-in procedures.

4. ***Examine the Profile:*** The companies that hired reviewers utilised thousands of accounts from unidentified offshore companies. Although it's impossible to determine which business wrote a review, you can get some information from the reviewer's profile. Since they are produced in large quantities, generic names like "John Smith" are frequently utilised. The display name might occasionally be nothing more than a random collection of letters and digits.

Suggestions on avenues to combat fake reviews

1. To safeguard consumer interest against fake reviews posted on an e-commerce website, the government has now intervened and is underway developing a system. We may be lagging in addressing this issue given that several other countries, like Australia, Spain, France, the United Kingdom, and others, have already taken action and put legislation in place [21]. India should adopt one of these countries' common strategies, which is to establish a watchdog, that would be responsible for entertaining consumer complaints on fake reviews, as well as investigating and monitoring e-commerce companies in this regard.
2. In light of the aforementioned, it would be practical to have an online portal that only tracks complaints pertaining to fraudulent reviews and is monitored by the watchdog.
3. Just as the government is focused on combating fake reviews, businesses are also concerned since the issue is not only detrimental to consumer interests but also to the corporation. Hence, a framework for disclosure requirements about how the company manages this fake review on their website should be established as a result. This disclosure requirement is crucial as some major e-commerce companies, like Amazon and Flipkart, have asserted that they deploy artificial intelligence to detect and weed out fake reviews on their websites [22].
4. To dissuade businesses from deploying reviews, it is pertinent to formulate legislation that would impose a hefty fine on a corporation found guilty of engaging in such activity.

CONCLUSION

From the aforementioned findings, it is clear that fake reviews not only infringe on the rights of consumers but also are detrimental to businesses' competitors in the market and companies that rely on fake reviews to attract customers neither benefit from them in the long run. The fundamental problem is that, in addition to hiring people by a company to write fake reviews, some unscrupulous individuals are more than willing to get paid for doing so. In light of this, if a fake review emerges on a company's website, should the company only be held accountable or also the bogus reviewer? Additionally, customers place a high value on authentic internet reviews. They are a crucial decision-making tool and an essential component of a business's ability to make money which is why sales and search engine optimization increasingly place a huge emphasis on reviews. Fake reviews pose several problems for both businesses and consumers. Consumers are more likely to encounter fake reviews, and businesses are more likely to suffer from a competitive disadvantage if they don't follow dishonest rivals in purchasing or fabricating reviews to gain visibility on review platforms and e-commerce websites. Since businesses as well as consumers are impacted by fake reviews, there should be a concerted effort by businesses, consumer groups, media outlets, and governmental agencies to counteract fake reviews. Any investment in fake reviews is likely to backfire sooner rather than later because, according to the different studies cited, anytime a review even remotely seems suspect, the business faces the risk of losing a potential customer. Therefore, the company should refrain from investing in fake reviews.

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