

May 23, 2016

Dear Chairman Burgess and Ranking Member Schakowsky:

Each day, online review sites encourage millions of Americans to share their experiences and opinions on the businesses and services they depend on; and nearly 70% of customers say that they rely on these sites before making a purchase.¹ By educating consumers and informing their decisions on everything from what doctor to visit to where to shop, eat or stay, online consumer reviews have become an important fixture in our everyday lives.

Unfortunately, their integrity is in danger. Businesses are increasingly employing gag clauses, hidden in non-negotiable form contracts, in an effort to silence consumers. These clauses are used to limit a customer's right to free speech, penalizing or fining those who wish to share a negative experience with others in an online review.

These gag clauses allow bad businesses to bully their clientele into silence, inhibiting citizens' abilities to both share their experiences online and learn from the experiences of others. To combat these efforts to stifle free speech, we are joining together to express our support for the Consumer Review Fairness Act (H.R. 5111), legislation that will help protect consumers' right to share legitimate speech online and off.

This critical legislation, sponsored by subcommittee Vice Chairman Rep. Leonard Lance (R-NJ), will prohibit the use of gag clauses in consumer contracts nationwide, strengthening our First Amendment right to free speech. Prohibiting these clauses will make it more difficult for businesses to intimidate and muzzle honest reviewers and easier for those who wish to share their experiences and opinions online without fear of retaliation. Further, this legislation will ensure American businesses are held accountable to the public, thwarting deep-pocketed bullies from silencing their critics.

Today, our state laws do not equally protect the free speech rights of all Americans. The Consumer Review Fairness Act will resolve the patchwork of contradictory state laws, creating a national standard that will preserve the free speech rights of all American consumers, no matter their home state.

We thank the Subcommittee on Commerce, Manufacturing, and Trade for holding this important hearing and look forward to continuing our work with the Committee to ensure this legislation advances to the benefit of American consumers.

Respectfully,

¹ The Consumerist (Jun. 3, 2015), <http://consumerist.com/2015/06/03/nearly-70-of-consumers-rely-on-online-reviews-before-making-a-purchase/>; Ashlee Kieler, *Nearly 70% Of Consumers Rely On Online Reviews Before Making A Purchase*.



Internet Association

