



Legal Regulation of Online Commodity Evaluation Behaviors

Xinyu Zhou Xiulingjia Rui & Yanping Wang

Southwest University of Political Science and Law, Chongqing, China.
Email: 1657918260@qq.com; Corresponding Author Xiulingjia Rui & Yanping Wang

Abstract: Online commodity evaluation behaviors entail influencers disseminating experiential insights and empirical testing results to evaluate products for consumers. These behaviors have transformed from information tools into market-influential business paradigms. However, regulatory inadequacies spanning administrative supervision, civil liability, and self-regulation have turned them into both consumer rights infringements and market disruptors, manifesting as both overt and covert malpractices. A regulatory framework that incorporates an administrative regulatory paradigm of access filing and risk-classified supervision, a legal regulatory pathway that involves improving identification methods and refining legal elements, and a collaborative governance system that includes platform supervision, industry self-regulation, and consumer association verification should be developed in the future. This framework aims to bring misused tools back to the right track, repair consumer trust, and reshape market order.

Keywords: Online Commodity Evaluation, Commercial Defamation, Reputation Right Infringement, Dishonest Marketing Behavior, Collaborative Regulation

Introduction

Against the backdrop of explosive growth in commodity information within the digital consumption environment, consumers' decision-making burden continues to intensify. The detrimental extent of dishonest marketing practices like counterfeiting and brand confusion has increased due to the extensive use of algorithm recommendation methods. In the meantime, the information asymmetry between buyers and sellers on product specifics is worsened by high-tech commodities, which are distinguished by complicated functionalities and little intuitive physical interaction in online consumption scenarios. In this situation, customers' need for efficient information filtering and reliable verification methods has become more pressing.

From the standpoint of information supply, traditional advertising models concentrate on disseminating product information in a one-way manner, which falls short of satisfying consumers' demands for comprehensive comprehension of product performance and comparative analysis. In a similar vein, fragmented consumer transaction assessments that lack professionalism and systematicity are unable to satisfy the information-acquisition desires of contemporary customers. Concurrently, the homogenization of product promotional content on e-commerce platforms has become increasingly prominent, making commodity evaluation mechanisms a key breakthrough for marketing and customer acquisition. Coupled with low entry barriers in the evaluation field, a large number of evaluation entities have flooded the market, driving rapid expansion in the volume of evaluation content.

Against this backdrop, Leveraging the synergistic advantages of the Internet and social media algorithms, online commodity evaluations have emerged as a large-scale consumption guidance mechanism through low-cost and efficient diffusion networks, shaping market competition patterns. There were 1.108 billion Internet users in China as of December 2024. With the continuous expansion of the Internet user base, such evaluation information can reach massive consumers, and its communication power and influence have grown exponentially. 189 million users watched unboxing and review videos on Bilibili in 2021; a 2023 report by the China Consumers Association found that almost 80% of consumers view "third-party evaluation" content prior to making a purchase; and 5.7 billion views were made of digital product evaluation content on the Kuaishou platform in 2024. These data confirm that such evaluation mechanisms have become crucial tools for digital consumption decision-making.

However, there are regulatory issues with online product evaluation methods. There are currently disagreements about what a legitimate boundary for these kinds of activities is, and evaluative content does not do a satisfactory job of showing misleading risks and possible effects. The majority of current governance initiatives are reactive and dispersed, and they fall short of creating a thorough regulatory framework. Defining the legitimacy boundaries of these evaluation behaviors and effectively regulating improper practices have become pressing issues for relevant regulatory entities.

In light of this, this paper will first establish the boundaries of legitimacy for such behaviors; then, it will analyze the types and harms of improper evaluation practices, thereby elucidating their potential risks to market order and consumption decisions; third, it will analyze the regulatory status of online evaluation behaviors under the current legal framework and the regulatory conundrums therein; and finally, it will suggest optimization strategies for legal regulation in line with the growth of China's digital economy, with the goal of standardizing improper evaluation practices and fostering the ecosystem of digital consumption in a healthy and orderly manner.



Delineation of the Legitimacy Boundaries for Online Commodity Evaluation Behaviors

In essence, online commodity evaluation behaviors are a neutral type of commercial discourse or an information reference tool. "Evaluation behaviors, to a certain extent, make up for the deficiencies of ordinary consumers in professional knowledge frameworks, helping consumers make more rational judgments. Additionally, they act as a kind of social oversight for companies," the Foshan Intermediate People's Court noted in a reputation dispute case in which a technology company sued Mr. Yao. In terms of academic research, while some academics have suggested that "their widespread dissemination has a significant impact on social commercial order and consumer welfare," (Wu Handong et al., 2015) others have pointed out underlying risks and argued that "this does not mean commercial speech is protected under all circumstances" (Huang Tao, 2020) and that commercial speech that contains inappropriate content should be regulated within the parameters of the law. In fact, the latter perspective exposes the danger of alienation in online commodity appraisal practices as interest-driven commercial communication. As a result, the validity bounds of online commodity evaluation behaviors must first be recognized and defined.

Determining the limits of legitimacy in online commodity evaluation practices basically entails striking a balance between the freedom of commercial speech and the order of market competition. According to the stratified theory of free speech, "commercial speech freedom is the extension of freedom of speech in modern constitutions to the economic field" (Long Jun, 2024), and "everyday economic speech also constitutes part of the freedom of speech clause in the Constitution" (Dong Heping, 1993). But compared to political speech and creative expression, it is not as protected (Zheng Yuedi, 2017), necessitating limitations based on the principles of impartiality, authenticity, and public interest. The Wuhan Economic and Technological Development Zone Court ruled that "legitimate online commodity evaluation behaviors should remain within the boundaries of commercial speech freedom and the scope of normal public opinion criticism and supervision" in a case involving network infringement liability between a technology company and an automobile company. According to some academics, "commercial speech must possess authenticity, objectivity, and verifiability to be recognized as legitimate and form the basis of speech freedom" (Zang Junheng, 2018). Therefore, the freedom of online commodity evaluation behaviors is not absolute but should be exercised within the framework of being truthful, objective, non-deceptive, and considering public interest. The question of how to precisely and accurately define the acceptable bounds of online commodity evaluation behaviors—that is, how to strike a reasonable and scientific balance between the freedom of commercial speech and the order of market competition—has emerged as a crucial issue that requires immediate attention.

Evaluation can be broken down into "testing" and "commentary" from the standpoint of behavioral elements. "Testing" is derived from objective operations such as detection, investigation, and experience, which relate to objective facts, whereas "commentary" stems from subjective judgment that involves expressing opinions. This format allows the aspects of legitimacy borders to be separated into the following categories:

First and foremost, online commodity evaluation practices must be impartial. Experiments must be carried out independently under universally accepted and comparable settings, assessment objectives must be comparable, and material data must have a scientific foundation. One-sided comparisons, unprofessional testing, and data manipulation or fabrication must be avoided. According to certain behavioral norms, reviewers must strictly refrain from three common problems. First, they cannot use non-standard indicators or unscientific testing methods to conduct unfair evaluations. Second, they cannot manipulate or falsify test data to conduct false reviews. Third, they cannot conduct biased reviews by excluding superior products and only comparing the product under review with inferior ones (Li Aijun et al., 2023).

Second, the behaviors and substance of online commodity evaluations should be honest and not deceptive. In particular, the ideas and sentiments expressed by the reviewer must originate from a genuine and comprehensive purchasing and usage procedure when the evaluation method is based on actual consuming experience. Due to financial interests or other relevant relationships, reviewers are not allowed to falsify usage experiences purposefully or alter facts. To guarantee that customers can make informed decisions, assessment expressions should be precise and unambiguous, avoiding ambiguous or deceptive wording. In addition to the material itself having to be true to reality, authenticity necessitates the adoption of responsible and rigorous expression techniques, essentially removing any remarks that could lead to misunderstandings or public ambiguity.

Third, commercial ethics should be followed when evaluating commodities online. The Shaanxi Higher People's Court clarified the fundamental ethical guidelines for evaluation behaviors in the commercial defamation case between Xueshan Orchard Company and Caihong Planet Company. These guidelines state that evaluation videos should prioritize maintaining goodwill, adhering to general business ethics, and avoiding harming the reputation of other companies. Instead of depending on sentimental statements or commercial smears, all evaluation opinions ought to be grounded in facts and logical analysis. To prevent publishing unsuitable assessment comments during the crucial time of product marketing or significant business operations, evaluators should also carefully consider when to publish their findings.

Last but not least, the acceptable limits of online product reviews differ depending on the identity of the subject. Given their prominence and professionalism, review bloggers and organizations with technical know-how and expertise should be held to a higher standard of care than regular customers. In addition to ensuring the scientific nature of methods and the accuracy of information, professional subjects should also proactively disclose potential conflicts of interest, maintain objectivity throughout the evaluation process, use their knowledge bases to conduct thorough verification of product performance, safety, and compliance, and refrain from releasing false information due to negligence when publishing remarks. On the other hand, even if regular consumers have a comparatively weaker duty of care in their evaluation behavior, they should nonetheless adhere to the excellent faith standard and refrain from purposefully creating or disseminating misleading information.

Types of Improper Online Commodity Evaluation Behaviors

The main difference between improper online commodity evaluation behaviors and traditional false advertising or commercial defamation is that the former are not always carried out by rival business operators, nor do they always include overt claims of superiority or inducements to buy. Rather, they use "testing" and "commentary" to affect the way consumers think and make decisions. Inappropriate online commodity evaluation behaviors can be divided into explicit and implicit categories according to the guiding technique and detectability.

Explicit Improper Online Commodity Evaluation Behaviors

Such behaviors adopt explicit guidance methods like attaching shopping links or direct recommendations, making the impropriety easily identifiable. Crude data falsification, poor experimental designs, or unfair comparisons are common examples of impropriety in testing. Examples include fabricating extreme experiences, exaggerating promoted products, demeaning competitors with double standards, or purposefully manipulating variables to render control and experimental groups incomparable. Reasonable buyers may readily spot these awkward, illogical defects. Exaggerated language, arbitrary conclusions, and overt prejudice are all signs of improper evaluation practices. Examples include utilizing absolute superlatives to claim effectiveness or making unfounded claims about competitors' inferiority. When combined with clear purchasing instructions, this kind of exaggeration makes it simple for customers to identify the entire practice as unfair and unobjective commercial marketing.

Implicit Improper Online Commodity Evaluation Behaviors

With its barely perceptible impropriety and concealed buying advice, this kind of activity is an advanced version of inappropriate internet product reviews. Impropriety is adeptly concealed in testing: ostensibly scientific procedures conceal subtle biases in data processing, sampling, or the testing environment; intricately designed scenarios conceal defects while enhancing "accidental" strengths, rendering methodological traps and systemic biases invisible to the average consumer. In evaluation, objective-neutral rhetoric conceals misconduct. To guide voluntary purchase intent through scenarios and narratives, framed as invitations to value identity, reviewers employ gentle phrases, like sharing experiences or lifestyle counsel, rather than sales language, leaving conclusions unsaid. Consumers rarely detect economically filtered persuasive evaluations in the midst of emotional resonance, failing to spot the manipulation and inherent impropriety.

Harms of Improper Online Commodity Evaluation Behaviors

Improper online commodity appraisal techniques negatively impact the underlying integrity of digital information ecosystems, market competition, and consumer autonomy.

First of all, they flagrantly violate customers' inalienable right to accurate information and consistently impair their ability to make logical decisions. Evaluators often conspire with merchants to purposefully conceal critical flaws and artificially inflate product efficacy, often through selective data presentation or misleading visual evidence, while artfully disguising themselves as legitimate user experiences or authoritative professional assessments. The psychological confidence that customers place in peer reviews is exploited by such misleading information, which skews decisions toward results that are not in line with real demands and seriously infringed upon consumers' right to know.

Second, these immoral actions limit small and medium-sized businesses' chances of surviving and seriously impair fair market competition. Influential reviewers, wielding monopolistic control over premium traffic channels, enable deep-pocketed businesses to secure disproportionate market visibility through exorbitant sponsorship fees. Some even weaponize their platforms to disseminate malicious rumors or fabricated comparison data targeting rival products. Deprived of resources to navigate this pay-to-play ecosystem, SMEs find their high-quality offerings marginalized by algorithmic invisibility, crippling the market's intrinsic mechanisms for merit-based competition.

Third, they undermine the credibility of the evaluation system, exacerbating information asymmetry. Because of widespread wrongdoing, customers are unable to distinguish trustworthy information, and real, high-quality content is algorithmically buried beneath carefully planned lies, creating a crisis of confidence. The rise of "meta-evaluation" content, which claims to "reassess evaluations themselves," is a notable example of the problematic hierarchical proliferation in the evaluation landscape. This situation includes endless cycles of review validation and counter-validation that force users to navigate multiple layers of assessment. This "matryoshka doll-style" environment doesn't lower the costs of making decisions; instead, it adds new cognitive burden. Ordinary consumers become trapped in this maze of filtered information, which exacerbates informational inequities and erodes the social credit base that is essential to the viability of e-commerce.

The Regulatory Dilemma of Online Commodity Evaluation Behaviors

Administrative Regulatory Paradigm: Special Campaigns Struggle to Achieve Long-Term Governance

Administrative supervision relies on special campaigns to crack down on malpractices such as evaluation fabrication and promotional exaggeration. The Central Cyberspace Affairs Commission's *Qinglang Cracking Down on Traffic Fraud, Black Public Relations, and Online Trolls* special campaign in 2021 included hiring professional writers and online trolls to create fake influencer evaluations and grassroots user testimonials. Launched in April 2025, the *Qinglang campaign to Rectify Malicious Marketing Chaos in the Short Video Field* specifically identified the spread of fraudulent evaluation content as a major objective for rectification. This content aims to skew users' views of product quality and brand image. Nevertheless, present regulatory initiatives face the following obstacles:

First, the regulatory framework overuses the special campaign approach. This approach's intrinsic temporality and intermittency hinder the development of long-term governance mechanisms, despite its ability to produce deterrence and noticeable short-term results. Second, Inappropriate evaluation procedures keep changing from overt to covert forms, always testing the ability of regulators to detect and decide cases. Implicit strategies that purposefully evade keyword filtering and algorithmic review systems, such as "user experience sharing" and ostensibly neutral comparative analysis, have progressively replaced early obvious fraudulent techniques. This leads to regulatory blind spots and loopholes since a number of implicit inappropriate evaluation practices within gray regions are still not fully integrated into regulatory control. Third, governance is forced into a drawn-out "catch-up" situation as regulatory technology development lags behind the iterative evolution of non-compliant practices. Existing identification methods, evidence-gathering tools, and computational models are insufficiently responsive, precise, and comprehensive in real time when faced with changing fraudulent and marketing strategies.

Legal Regulation Path: Dilemmas in the Application of Competition Law and Private Law Competition Law

The two main manifestations of improper online commodity evaluation activities are "self-promotion" and "disparagement of others." In particular, perpetrators fabricate and spread false or misleading material to damage the reputation of other operators' businesses and products in addition to engaging in false or misleading commercial propaganda for their own goods or services. Such inappropriate evaluation practices could be considered false advertising or commercial defamation from the standpoint of competition law, which is regulated by the Anti-Unfair Competition Law. However, identifying these offenders presents three challenges:

First, it can be difficult to identify the behavioral topic. Debate surrounds whether the activities of participating merchants or assessment bloggers directly link to the "commercial propaganda of operators." The question of whether a party with a competing connection can be legally recognized comes up, especially when an assessment weblog asserts that they are an "independent third party." Others insist on rigorously following the subject identification rules under the Anti-Unfair Competition Law, stating that failure to do so "would blur the boundary between Civil Law and Anti-Unfair Competition Law" (Xie Zhenke et al., 2023). Still others support a broad interpretation of competitive relationships, suggesting that "competitive acts violating competition principles should replace the elements for identifying unfair competition acts" (Wang Yanfang, 2021).

Second, it can be challenging to identify instances of commercial defamation. Within a limited bound, merchants are obligated to tolerate unfavorable reviews; yet, it is still difficult to distinguish between bad content that is considered valid criticism and commercial defamation. In reality, these decisions are heavily influenced by case-specific circumstances and frequently necessitate a thorough evaluation of several elements, such as the subject's identity, the publication date, and the extent of dissemination; however, the lack of consistent and clear objective standards makes regulatory challenges worse.

Lastly, it can be difficult to decide if inappropriate evaluation practices constitute "false or misleading" content. Evaluation data usually combines empirical facts with subjective perceptions, making it challenging to define "falseness" precisely. The problem of subjective judgment is further exacerbated if "misleading" is chosen as the criterion.

Private Law

Inappropriate online commodity evaluation practices frequently do not fall within *the Anti-Unfair Competition Law's* definition of false advertising or commercial defamation when there is no competitive relationship between operators. Rather, they ought to be recognized as general infringements of reputation rights governed by the *Civil Code's* provisions on the right to reputation protection. Furthermore, such actions may potentially qualify as civil fraud if customers are misled by evaluative content and end up making purchases against their genuine will. However, the burden of proof and identity provide real-world challenges for the application of the *Civil Code*.

First, "testing" and "evaluation" are the two main components of evaluation behaviors. In practice, such as when evaluating food, evaluators usually use extremely subjective sensory evaluation techniques, even though "testing" is founded on factual facts. Evaluation results cannot be simply classified as "true" or "false" due to natural variances in consumer tastes and preferences, nor can subjective views be equated with legally significant misleading information. "Evaluation" itself constitutes the expression of subjective opinions, which is afforded a high degree of legal latitude. It is challenging to categorize either component into the *Civil Code's* "factual defamation" or "personal insult" categories due to the variation in "testing" results across people and the entirely subjective character of "evaluation" content.

Second, consumers must demonstrate that their statement of will was prompted by a misunderstanding brought on by the evaluation's substance in order to comply with the *Civil Code*. However, because consumers typically view evaluations as having only reference value, it is very difficult for judicial authorities to decide that such content is sufficient to create a "misconception." In addition, it is difficult to apply liability for breach of pre-contractual obligations because it is unclear how to define and prove "damaged interests."

Industry Self-Regulatory Mechanisms: Flexible Constraints Fail to Achieve Effective Operation

To give evaluation subjects behavioral benchmarks, pertinent social entities are encouraging the release of norms and criteria for online commodity evaluation. Three group standards were developed and published in October 2022 by the China Consumer Product Quality and Safety Promotion Association in collaboration with several institutions: *Guidelines for Consumer Products Evaluation Work* (T/CPQS E00041—2022), *Code of Recommended Practice for Consumer*

Product Evaluation Institutions (T/CPQS E00042—2022) and *General Rules for Consumer Electrical Appliance Evaluation* (T/CPQS E00043—2022). Additionally, the Third-Party Evaluation Integrity and Self-Discipline Alliance was formally established on December 5, 2024, with 30 organizations or individuals involved in third-party evaluation as founding members, under the direction and initiative of the China Consumers Association and the State Administration for Market Regulation of China. However, a number of issues hinder the effective implementation of these standards and methods.

The first conundrum is that standards are merely recommendations and do not have mandatory binding force. Released standards such as the *Guidelines for Consumer Product Evaluation Work* are all group standards, and compliance relies on the voluntary adherence of evaluation subjects. This leads to uneven implementation effectiveness and limited regulatory impact. Second, the discrepancy between standard content and intricate industry procedures presents another difficulty. Existing standards mostly focus on basic norms for evaluation processes and institutional behaviors but lack detailed criteria for practical issues such as the subjectivity of evaluation content, the concealment of commercial placements, and the rationality of data usage. Their backwardness diminishes the reference value they provide. Third, self-regulatory mechanisms suffer from limited coverage and insufficient industry participation. There aren't many members of groups like the "Third-Party Evaluation Integrity and Self-Discipline Alliance" at the moment. Many individual bloggers and small and medium-sized evaluation organizations have not joined these processes, which limits the self-regulatory system's sphere of influence and impedes initiatives to advance industry reform as a whole.

Collaborative Governance Model: Existing Regulations Fail to Form a Co-Governance Framework

In January 2022, the National Development and Reform Commission released a guideline to promote the standardized, healthy and sustainable development of the platform economy, establishing a cooperative governance framework focused on bolstering interdepartmental coordination, encouraging industry self-discipline, and improving social supervision. The regulation of online commodity assessments should use this cooperative approach since it is a significant area of the platform economy that depends on many communication channels, like live streaming and online content. On the other hand, inappropriate online commodity evaluation practices have low implementation thresholds, a high frequency of occurrence, a big overall scale and various manifestations. Building a collaborative co-governance framework is therefore both an objective necessity to address inappropriate evaluations of online commodities and a clear demand of online ecological governance rules (Qiu Weiqi, 2025). However, the current legal regulatory framework has not yet developed an efficient collaborative governance structure. The following are the particular manifestations:

First, there are challenges in coordinating several entities' functions. Ineffective online commodity evaluation practices are currently only governed by judicial bodies and internet information content authorities while market regulatory bodies have not yet substantially stepped in, resulting in a lack of comprehensive and effective regulatory measures. Furthermore, platforms' involvement in the governance system primarily takes the form of passive adherence to regulatory directives. Their initiative and inventiveness in technical governance and early risk warning have not been fully utilized, which causes regulatory actions to frequently lag behind the development of unlawful activities.

Second, the industry's current self-regulation systems have not successfully encouraged internet bloggers to participate significantly in collaborative governance. Most bloggers, motivated by traffic and economic interests, lack the internal motivation to adopt external norms as their own behavioral standards due to the low entry threshold for online commodity evaluation practitioners. This results in their limited participation in collaborative governance, even with some self-regulatory initiatives emerging at the industry level.

Third, societal oversight systems are inadequate and have not yet been able to create effective external restraints. Customers should be a key component of the oversight system since they are the ones who suffer the most from inappropriate online commodity evaluation practices. However, in reality, they often choose to resign themselves to bad luck rather than actively safeguard rights, or give up on doing so because of pragmatic challenges like ambiguous complaint channels, burden-of-proof issues, and imprecise procedures.

Optimization Strategies for the Legal Regulation of Online Commodity Evaluation Behaviors

Improving Administrative Supervision Paradigms: Establishing Access Registration and Risk Classification Supervision Mechanisms

Setting Professional Qualifications and Access Thresholds for the Online Evaluation Industry

The evaluation business can only stop inappropriate evaluation practices at their origin if fundamental access criteria and oversight are in place. Therefore, to stop inappropriate evaluation behaviors at the pre-event stage, it is crucial to set up explicit access requirements as well as suitable application and review methods.

First, establish a national-level registration and qualification review system for evaluation entities. Market regulatory authorities or designated national industry associations shall establish and manage a unified Online Evaluation Entity Registration Platform. To guarantee the professionalism and credibility of evaluation content at the entry stage, all organizations or individuals involved in commercial evaluation operations must register using their real-name on this site. Second, implement a system for public disclosure of registration information and QR code-based publicity. The registration platform will create a unique, publicly accessible registration QR code for evaluation entities that have successfully completed the review. This QR code serves as the official electronic certificate, qualifying the entity to participate in professional commercial evaluation activities. All registered assessment entities must prominently, clearly, and permanently display this QR code on every social media platform where they conduct business. By scanning the code, members of the public can go straight to the official platform to confirm their registration status and eligibility details.

Third, clarify principles for classified access management. Professional review accounts are subject to all of the aforementioned access requirements, whereas regular users' experience-sharing accounts are relatively exempt. Finally, strengthen reviews of professional capabilities and professional ethics for evaluation practitioners. Continuously improve the overall quality of the practitioner team through formulating industry codes of conduct, conducting regular professional capability assessments and other methods to mitigate improper evaluation behaviors caused by lack of professionalism or ethical misconduct.

Formulating Dynamic Commodity Risk Assessment Mechanisms and Differentiated Regulatory Schemes

According to risk governance theory, risks are unpredictable, and to build risk response systems that pursue acceptable safety objectives, regulations must address the linked impacts across different subsystems of human society (Zhang Linghan, 2025). A dual-dimensional risk assessment system that takes into account both societal and public interests as well as individual rights and interests should be developed in order to conduct a scientific and effective risk classification for the evaluation items. The individual rights component places top emphasis on examining possible threats to customers' physical safety and the extent of potential property loss. Commodity sales volume is presented in the social public interests dimension as a crucial metric for identifying goods with low unit pricing but high market sales and broad social impact, which keeps them from evading regulatory scrutiny because of low price thresholds.

Based on the aforementioned assessment elements, we can categorize evaluation objects into four levels: high-, medium-, low-, and tolerable-risk. High-risk commodities include things like baby food that have the potential to cause serious harm to people, large property losses, and far-reaching effects. Products like cosmetics that have a controlled impact but have the potential to cause property loss or personal injury are considered medium-risk commodities. The term "low-risk commodities" primarily refers to goods like regular apparel that might only result in slight discomfort or losses. Tolerable-risk commodities, like standard office supplies, essentially don't present any significant risks to people or property. The risk classification system should, however, be regularly reevaluated, and its levels adjusted rather than being fixed in stone. The establishment of a risk assessment committee that uses both regular and ad hoc review modes is specifically recommended. Regular review entails reexamining current commodity risk levels at one or two plenary meetings per year to make sure they are in line with market developments. In response to crises like unexpected spikes in complaints, fresh scientific findings pointing to possible risks, or significant safety incidents, the ad hoc trigger mechanism prompts the committee to start emergency assessment processes right away, modify risk assessments, and suggest regulatory actions. This approach calls for the establishment of a unique regulatory framework that dynamically adjusts to risk levels. Regulatory intensity should be positively correlated with risk levels. High-risk commodities require stringent pre-review, high-frequency sampling, and robust traceability mechanisms. Medium-risk commodities use moderate supervision that combines regular inspections and complaint response. Low-risk commodities use registration and trigger-based supervision. Tolerable-risk commodities rely primarily on industry self-discipline to minimize intervention.

Improving Legal Regulation Paths: Refining Legal Constitutive Elements and Identification Methods

Regulating inappropriate online commodity evaluation practices presents challenges for both the Civil Code and the Anti-Unfair Competition Law. The fundamental reason is that the current legal system is essentially founded on a "dichotomy of commercial speech," which tightly regulates "commercial advertising" while permitting "user reviews" with great tolerance. However, online commodity evaluation is precisely a hybrid form between the two, with dual hybrid attributes. In terms of behavioral appearance, it combines objective factual statements and subjective opinion expression. In terms of functional effect, it mixes the speech attribute of public discussion and the commercial attribute affecting transactions. This hybrid form makes it difficult to identify since it violates the either-or premise that standard legal classifications rely on. It is advised that "information dissemination behavior with commercial influence" be specifically introduced as a novel intermediate regulatory concept to resolve this conundrum. Therefore, in judicial practice, an "orientation-based" identification principle should be adopted, which entails taking into account factors like dissemination scope, audience cognition, actual influence on purchasing decisions, and existence of concealed interest relationships, rather than merely using whether the behavior is carried out by an "operator" or contains direct recommendation language as the qualification standard. To break the constraints of the "dichotomy of commercial speech" and establish a "function-oriented" identification principle in judicial practice, behaviors that reach a certain influence threshold, regardless of their "independent" or "neutral" appearance, should be included in the regulatory scope. This will be accomplished by creating systematic rules with "influence threshold" as the review threshold and "effect orientation" as the adjudication goal.

Anti-Unfair Competition Law

Identification Ideas for Commercial Defamation

The formalistic interpretation of operator status should be dropped in favor of a substantive review standard when it comes to subject identification. An evaluation blogger can be classified as having operator traits if they make money through commission income, platform incentives, advertising placements, traffic revenue sharing, or other means, or if they have unreported interest relationships with particular merchants. In determining competitive relationships, the analysis should be based on the overall competitive order protected by the law. The existence of a competitive relationship shall be acknowledged as long as the evaluation content substantially affects the relevant market's competitive environment, regardless of whether it is part of the same sub-sector as the assessed object. To enhance operability in judicial practice, an "influence threshold" could be instituted as the review criterion for initiating regulation, considering

the audience's cognitive processes, the degree of dissemination of the evaluative material, and its actual effect on purchasing decisions.

It is necessary to provide a clear hierarchical identification standard for identifying content that is false or deceptive. For factual statements such as objectively verifiable technical parameters and performance indicators, bloggers should be required to bear the corresponding burden of proof to verify the truthfulness of their statements. Objective comparison and verification should be carried out in conjunction with accepted industry consensus, technical specifications, or current industry standards for qualitative assessments incorporating subjective perceptions. An overall assessment based on the general cognitive level of average consumers should be made for behaviors that cause the public to form false perceptions through biased data selection, intentional omission of important information, or the use of inappropriate comparison techniques. This evaluation should take into account factors like expression context, the completeness of the information, and potential biases in public understanding. A systematic review standard should be developed to thoroughly examine the commercial essence of evaluation behaviors from four perspectives—profit model, content presentation, process control, and disclosure of interest relationships.

Identification Ideas for False Advertising

In terms of subject identification, reference should be made to the definition of operators in Article 2, Paragraph 3 of the law, and evaluation bloggers who essentially engage in commodity or service promotion should be included in the regulatory scope. When making judgments, substantive connection factors such as whether they have reached a promotional agreement with merchants, whether the content contains promotional information, and whether they participate in sales revenue sharing should be examined. Behaviors that reach a certain influence threshold, regardless of their “independent” appearance, should be included in the regulatory scope.

A substantive misleading criteria should be used to detect behavioral approaches, with an emphasis on situations involving veiled deceptive advertising. These actions include creating fake evaluators' names, credentials, or experience histories in addition to falsifying commodities information. False advertising occurs, for example, when a blogger makes up a "background of professional testing institutions" or "long-term usage experience" to increase credibility. The "functional equivalence" principle should be adopted. If the evaluation content has the same recommendation and certification role as advertising in the audience's cognition, it should be deemed commercial advertising. Subjective opinions should be kept apart when it comes to content mixing "testing" and "evaluation." Instead, attention should be paid to determining whether objective statements are accurate and complete, whether important flaws are purposefully avoided, and whether unfair comparisons are made using unconventional testing techniques.

In judicial identification, the "effect-oriented" principle should be applied, with the objective market effect of the behavior at its core. It should be recognized as fraudulent advertising as long as the evaluation content primarily consists of a recommendation for certain goods or services and includes inaccurate or deceptive information. To establish whether something is sufficiently deceptive to cause consumer confusion, a "reasonable consumer + contextual" test should be used, which takes into account audience characteristics, presentation techniques, and content context. If there is tampering or incorrect usage of materials with an authoritative appearance, like technical terminology and data charts, their misleading character will be considered more significant.

The Civil Code

Identification Approach for Infringement of Reputation Rights

According to Article 1024 of the Civil Code, the identification framework for reputation infringement must be built around the differentiation between factual statements and expressions of opinion. The strict liability principle will apply to provable factual comments, such as assertions that a product contains banned ingredients or that a merchant has been repeatedly fined. In these cases, the influencer will be responsible for demonstrating that the facts are true. Defamation may occur if the influencer is unable to demonstrate such veracity and the information is manifestly disparaging. The burden of proof in a lawsuit can be suitably shifted based on the impact of the influencer. Once the plaintiff presents preliminary proof of harm, the influencer will have the burden of demonstrating that the comments are true.

The law maintains a higher tolerance for subjective evaluation content, generally applying the principle of reasonable commentary. However, if the commentary is based on false facts or uses extremely malicious expressions like "the worst ever" and engages in defamation under the guise of opinion, it may still constitute reputation infringement. Although the influencer may use fair commentary as a defense in certain situations, it must meet certain requirements, including being grounded in reality, serving the public interest, refraining from using derogatory language, and being without subjective malice. Such a defense will be even more difficult if there are hidden commercial interests acting as motive.

Identification Approach for Fraud

In determining fraud, the constitutive elements of Article 148 of the Civil Code shall be strictly followed, with a focus on addressing difficulties in proving causal relationship and misconception. Consumers must prove that they formed a misconception due to reliance on evaluation content and formed a purchase intention. The substantial effect requirement can be applicable in cases when the influencer conceals interest relationships to engage in concealed marketing or utilizes absolute phrases like "exclusive," "actual test," or "100% safe."

The presumptive reliance principle may be applicable to promotional reviews with undisclosed interest relationships. This means that consumers may mistakenly assume there is a causal relationship as long as the influencer does not honestly disclose interest relationships with merchants, giving them the impression that the evaluations are impartial. In essence,

the law assigns the influencer the burden of demonstrating that there is no causal relationship, which is consistent with the effect-oriented identification method used in the civil responsibility domain.

Constructing a Collaborative Governance System: Joint Efforts by Industry, Platforms, and Consumer Associations Strengthening Industry Self-Regulation

Bolstering industry self-regulation is an essential foundation for creating a thriving and well-organized online product review ecosystem. Self-regulatory methods need to be improved to meet current standards. One way to do this is to encourage the creation of a specific Online Product Review Industry Association to control how member firms write reviews.

Specifically, industry associations responsible for online commodity evaluation should spearhead the development of standardized, methodical training programs. Both management staff and frontline practitioners of assessment institutions should be covered in the training, which should have content that is closely related to the demands of the sector. Analyzing the definitions of false advertising and commercial defamation in the Anti-Unfair Competition Law, along with the relevant sections of the Civil Code on tort liability and the right to reputation, should be the main focus. Case-based teaching should be employed to enhance their awareness of legal boundaries.

To help practitioners value their reputation and internalize objectivity and impartiality as fundamental professional ethics, integrity archives should be incorporated into the training of professional ethics. Associations should carry out ad hoc checks on the validity of data and evaluation procedures as part of internal oversight. Associations should not only impose fines in line with industry regulations for organizations and individuals found to have committed violations like paid reviews or false evaluations but also periodically publish comprehensive information about their violations and disposal outcomes on their official websites, industry white papers, and other platforms. This would encourage the sector to improve overall openness and trustworthiness while fortifying the social monitoring network.

Enhancing Platform Supervision Responsibilities

First, adhere to the labeling and content verification guidelines. On the front end, platforms must provide required processes for selecting content attributes that force creator to choose labels honestly when releasing their work. The publishing account must have successfully registered on the national registration platform for content that claims to be "professional reviews", and platforms should employ technical interfaces to confirm the registration status before permitting the use of such labels. Regardless of the publisher's identity, content involving compensation or significant benefit exchanges must include a clear "advertisement" mark, and ambiguous wording is strictly forbidden. Platforms should, in the meanwhile, create a method for registering sources of product review samples, encourage reviewers to reveal sample acquisition channels, and assign qualifying accounts a "product review" identity that takes into account factors like review field, fan size, and professional skills. Measures like traffic limits or content banning should be applied to accounts that publish content under review names without getting the identifier.

Establish standardized technical monitoring and disposal procedures as the second step. Big data, artificial intelligence, and other technologies should be used by platforms to create real-time monitoring systems, evaluate the objectivity and authenticity of material dynamically, and concentrate on enhancing their capacity to spot and report actions like commercial defamation and fraudulent advertising. Restricting distribution, requiring correction, or blocking should be implemented immediately for actions like the unapproved use of "professional review" labels without previous verification or significant inconsistencies between content and labels. To prevent negative effects from spreading, rapid removal should be used for verified illegal content.

Lastly, create and enhance systems for credit governance and user-participatory feedback. To guarantee prompt evaluation and response to customer complaints, platforms must establish easily accessible formal complaint channels. Consider developing a "content credibility rating" system that relies on user assessments in this context. According to community guidelines, hierarchical sanctions like functional limitations, decreased recommendation algorithm weights, revocation of commercial cooperation rights, or permanent bans should be applied to accounts with consistently low ratings, repeated valid complaints, or serious violations. These measures will create a positive cycle of platform management and user co-governance.

Constructing a Collaborative Governance System: Joint Efforts by Industry, Platforms, and Consumer Associations Endowing Consumer Associations with Verification Obligations

The Consumer Rights Protection Association is a key player in protecting consumer rights in China. It actively participates in social monitoring, monitors the quality of goods and services available in the market, and enhances the official oversight provided by market regulating bodies. Expanding the responsibilities of the Consumer Rights Protection Association and granting it the legal authority to proactively intervene and conduct verification work is crucial, particularly when it comes to product or service reviews that garner significant public attention and spark disagreements.

First, specifically establish a Dispute Evaluation Response Initiation Mechanism. The Consumer Rights Protection Association may start verification procedures based on complaints, departmental recommendations, or its own authority when evaluation content causes major disputes across multiple platforms, potentially harming consumer rights or market order. The organization will then publicly disclose the reasons and scope of verification.

Second, establish consistent procedures for comparison testing. Maintain thorough records during the process, carry out scientific and repeatable testing on key performance indicators in accordance with national or industry standards, and

work with accredited testing institutions. Consumer representatives, businesses, and experts may be involved as participating observers.

Create an Authoritative Verification Report as the third step. Promptly make public the verification results, including testing procedures, data, analysis, and conclusions. False information should also be clarified or corrected.

Conclusion

The rise of online product reviews signifies the deep integration of information dissemination and commercial logic in the digital age. This new model has not only transformed consumers' decision-making paths but also reconstruct the pattern of market competition. However, review behaviors have progressively strayed from the initial intent of information sharing due to the growing influence of commercial interests, developing into a complicated phenomenon that threatens consumer trust and market order. Traditional legal frameworks exhibit structural limitations in addressing such behaviors characterized by dual attributes of speech expression and commercial intervention, making it difficult to achieve a nuanced and effective balance between freedom and regulation, innovation and order. Future governance approaches should transcend the dualistic thinking of mere regulation or laissez-faire and shift toward constructing an adaptive governance system that proactively identifies risks, distinguishes subjects, and engages multiple stakeholders. This system must both safeguard reasonable space for commercial speech and lay a solid foundation for market fairness. Through the organic integration of access registration and risk-based hierarchical supervision; refinement of legal elements and improvement of identification methods; and collaboration among industry self-discipline, platform supervision, and consumer association verification, a continuously optimized governance ecosystem can be formed. Online product reviews can only overcome the current trust deficit dilemma in this way, evolve into a trustworthy force that supports the healthy growth of digital consumption, and contribute as much as they should to the advancement of information symmetry, market transparency, and consumer protection.

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