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| TECH

Google Rival Yelp Claims Search Giant Broke Promise Made to Regulators

The assertion intensifies Yelp's criticism that Google unfairly uses its influence to stifle competition



Yelp Inc. said in a letter to Federal Trade Commission Chairwoman Maureen Ohlhausen that Google is using Yelp photos for local-business listings in its search results, despite Yelp's formal request that Google not pull such content from its site. PHOTO: CHRIS GOODNEY/BLOOMBERG NEWS

By *Jack Nicas*

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Sept. 11, 2017 6:04 p.m. ET

Online-reviews firm [Yelp Inc.](#) [YELP -0.11%▲](#) alleged that Google is breaking a promise it made as part of a 2012 regulatory settlement to not scrape content from certain third-party sites including [Yelp](#) , [YELP -0.11%▲](#) escalating its yearslong battle against the search giant.

Yelp said in a letter late Sunday to Federal Trade Commission Chairwoman Maureen Ohlhausen that Google is using Yelp photos for local-business listings in its search results, despite Yelp's formal request that Google not pull such content from its site.

As part of a December 2012 settlement to end an FTC investigation into Google, the tech giant agreed to not use content, including photos and user reviews, from third-party sites that opted out of such scraping. Google's commitment lasts through 2017 and applies to a variety of its products, including its local-business listings.

"This is a flagrant violation of Google's promises to the FTC, and the FTC should reopen the Google case immediately," said Luther Lowe, Yelp's public-policy chief.

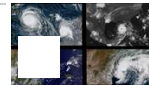
Yelp has emerged as a leading critic of Google because the site believes the search giant unfairly uses its influence to stifle competitors. Yelp's complaint comes amid increasing scrutiny of the market dominance of Google and its peers atop the tech

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industry. On Monday, Google [appealed a record \\$2.9 billion antitrust fine](#) from the European Union for allegedly favoring its shopping service in its search results. U.S. regulators have been less active than European officials in pursuing action against the tech giants, though Yelp's allegations could draw new interest.

Google, the core unit of [Alphabet Inc.](#), didn't respond to a request for comment.

The FTC declined to comment. Yelp also shared its letter with the EU's competition chief, four members of Congress, and all state attorneys general.

In 2011, the FTC launched an investigation into Google's business practices, including pulling content from other sites to augment its own services. Yelp had complained about its reviews being used in Google's local-business listings. Yelp said it immediately opted out of Google scraping, one of Google's concessions that led to the FTC closing its investigation.

Then, last month, Yelp said it noticed Google using its images after a North Carolina gym contacted the company because a photo from another gym -- pulled from Yelp -- was being used in its Google business listing.

Yelp said it investigated and found that over one hour, Google pulled images from Yelp's servers nearly 386,000 times for business listings in Google Maps, which Google exempted from its promise to not scrape content. Yelp then searched Google for 150 of the businesses from those map listings and found that for 110 of them, Google used a Yelp photo as the lead image in the businesses' listings in search results.

For instance, googling "brooklyn zoo williamsburg" on a smartphone yields a box atop the search results with information about the Brooklyn Zoo NY gym in Brooklyn, including its address, hours and reviews. Also included is a photo of the gym's interior, which was pulled from its Yelp page. Other examples include Mount Sinai Hospital in Chicago and the Capital Mall in Olympia, Wash. Users or business owners typically post photos on Yelp.

The FTC has said that it would penalize the company if it doesn't comply with the 2012 settlement. Then-FTC Commissioner Edith Ramirez told the Senate in 2013 that Google was filing periodic compliance reports and that the agency would "take appropriate action if Google does not abide by its commitments."

In 2013, the European Union fined [Microsoft Corp.](#) \$731 million for breaking its promise to regulators there to offer consumers a choice of web browsers. According to a Financial Times report at

the time, regulators were tipped off to Microsoft's broken promise by a rival firm: Google.

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