



3 February 2025

Object: ITC Response to SMS Investigation into Google Search and Search Ads

Dear Sir/Madam,

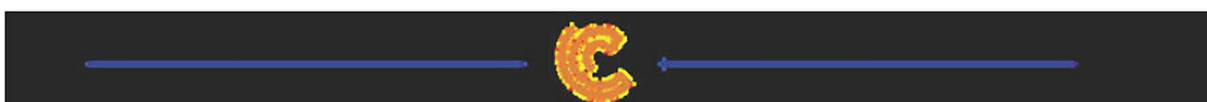
Please find enclosed a submission from the Consumer Choice Center (CCC) regarding the CMA's investigation into designating Google Search and Search Ads as SMS.

As the UK Country Associate for the Consumer Choice Center, please do not hesitate to contact me at any stage for further information or discussion on consumer interests and rights.

Yours Sincerely,



Mike Salem
UK Country Associate





About the Consumer Choice Center:

The Consumer Choice Center is a non-profit organisation dedicated to defending the rights of consumers around the world. Our mission is to promote freedom of choice, healthy competition and evidence-based policies that benefit consumers. We work to ensure that consumers have access to a variety of quality products and services and can make informed decisions about their lifestyle and consumption.

As an independent nonprofit organisation, the Consumer Choice Center relies on the support and funding from private donors. As described in our Code of Ethics, we strictly maintain editorial independence and do not give our funders any influence on editorial decisions. Our support comes from corporations, individuals, and foundations. We have a tiered membership model available to members who support us on a yearly basis, equalling silver, gold, and platinum status.

In the past and currently, we have received funding from multiple industries such as energy, fast moving consumer goods, nicotine, alcohol, airlines, agriculture, manufacturing, digital, healthcare, chemicals, banking, cryptocurrencies, and fin-tech.

Find out more at www.consumerchoicecenter.org

About the Author:

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Written evidence response to the consultation regarding the SMS Investigation into Google Search and Search Ads

Q1: Do you have views on the proposed scope of our investigation and candidate descriptions of Google's general search services?

- Fundamentally the investigation is misguided; whilst indeed most consumers use Google Search to browse the web, Google does not impose restrictions/ requirements on those who provide data and those who access it to only use Google. A shop owner can place its location for instance on Google and Apple Maps, as well as all other digital map services. The reason why Google is a big search engine is not due to its barriers to competitions, but due to its Network Effect, which this investigation has understated (only mentioned in Box 2, point c). This effect is a net positive for consumers, because the more people input data into a particular search engine, the more benefit it will yield for everyone.
- For the time given to respond to the consultation, the scope is far beyond what is reasonable as the consultation will not adequately encapsulate the views of all the relevant stakeholders, especially that you have already suggested what sort of conduct requirements you may implement as well. More time should have been given to allow all parties to respond, and ensure transparency and inclusivity of all views.
- Whilst the CMA is conducting this consultation and subsequent designation and interventions for the interest of the consumers, the consultation itself is pretty lengthy and is worded with such complexity that it would be time consuming for the consumer to actively be involved. There must be another way to encourage consumer engagements on this matter, if the regular is intending on further intervention when it comes to consumer interface.

Q2: Do you have submissions or evidence relevant to the avenues of investigation set out in paragraphs 26-28? Are there other issues we should take into account, and if so why?

- Point 27 f is a complex issue. Firms always influence each other, especially when they are in competition. For example, the rise of the use of Chat GPT as a substitute to Google Search in order to look for information has prompted Google Search to introduce an AI overview that summarises results in a readable and concise format, linking the source of these information should the consumer choose to pursue this line of information further. As such, as Google or for that matter any other firm produces an innovation or feature within Search functionalities that ameliorates consumer experiences, it will influence other firms into catching up.



- Point 28 is vague, and does not address how the CMA intends to conduct much needed consumer research. Any research to be conducted has to have its objectives defined and as it stands it is unclear what the CMA's objectives are beside the application of the new digital regime. The CCC would be keen to engage with the CMA regarding the consumer research, as it is a specialised area for the CCC.
- Another issue that the CMA should take into account is consumer satisfaction. As it stands, the CMA has not indicated whether consumers are satisfied with the services that Google provides or not, which is crucial if it chooses to intervene proportionately. This needs to be achieved comparatively with other firms that provide similar services. As such, a survey or focus groups would be a constructive course of action that would enable the CMA to better understand consumer attitudes towards Google and other firms.

Q3: Do you have views on how Google's general search services might be affected by the development of AI interfaces providing alternative means of returning information?

- This question may very well generate a range of responses from this consultation. However, given the fast changing nature of AI innovation, it would be difficult for anyone, especially a regulator, to anticipate the future of search services, which is why intervening by imposing conduct requirements (CRs) and pro competition interventions (PCIs) can be an issue: these interventions can quickly become irrelevant, or no longer applicable.
- Furthermore, any such interventions may very well unintentionally hinder innovation in this sphere.

Q4: Do you have views on whether the issues outlined in this section are the right ones for the CMA to focus on, or whether there are others we should consider?

- The issue of weak competition and as a result the need to intervene is tricky. It would be helpful if the CMA can explain why and how it thinks Google is creating barriers for other firms and search engines. Box 2 does not explain that. This will give the CMA a better understanding as to whether it should impose these interventions and if so it will be clear to the CMA what sort of interventions are required.
- Investigating search generally and imposing an intervention will be disproportionate. The CMA needs to identify what aspects of search it deems needs designation (Images, Maps, Videos, News, Books, Flights etc..)
- Many consumers like their data being pooled, and being asked once instead of every time about data collection and monitoring. CMA cannot assume that all consumers



are for or against greater data protection. This issue needs to be addressed, perhaps via a survey or other engagement methods to understand how satisfied consumers are with the content of targeted ads, search results and whether they are happy for the current arrangements to remain in place.

Q5: Do you have views on whether the potential interventions are likely to be effective, proportionate and have benefits for users, including consumers and business search users? Are there other measures the CMA should consider that would be more effective or proportionate, or that would deliver greater benefits for users?

- Potential measures as they stand are far too generalistic and not specific enough and as such, they are disproportionate. Proposed measures also fail to consider that if other firms “catch-up” to Google, will they also be investigated, designated and face CRs and PCIs? This sets a strange precedent to search competition in the UK.
- The biggest concern is the impact of restricting self preferencing on consumer interface. Many of these potential measures will directly impact the everyday consumer experience with Google’s services. Past experiences from the EU on Google search services such as Maps, have shown a consensus of annoyance and frustration at limiting optimal consumer benefit as a result of the application of DMA.

Q6: What are the key lessons the CMA should draw from measures imposed in relation to general search services in other jurisdictions? Are there specific areas where imposing a similar measure in the UK is more or less important for their overall effectiveness?

- The CMA should carefully look at the EU’s DMA regime and observe its limitations. It is not in the UK’s interest to follow the EU. Benefits of alignment with the EU are by far less than the hindrance caused by these regulations on innovation, and accessibility of digital products and services to the EU consumer.
- The UK Government has also promised to encourage economic growth and free market exchanges to encourage businesses to invest in the UK. Google Search will play a key part in this and it would be important to engage with the relevant government departments to ensure that the UK maintains and builds on its competitive advantage, especially post Brexit.

