

Advertisement Board Publishes Guidelines applicable to Social Media Influencer Advertising

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To clarify the current state of the law on social media advertising governed by Consumer Protection Law numbered 6502 ("**Law**") and the Regulation on Commercial Advertisement and Unfair Commercial Practices ("**Advert Regulation**"), Turkey's Advertisement Board ("**Board**") published its Guideline on Commercial Advertisement and Unfair Commercial Practices of Social Media Influencers, effective 4 May 2021 ("**Guideline**").

Social media posts by influencers deriving financial or other material benefit are commercial in nature under the Law and the Advert Regulation; and with it such ads must fully comply. Accordingly, the Guideline requires social media influencer posts to be disclosed as commercial advertising.

Under the Guidelines, social media channels are categorized in (i) video sharing, (ii) photo and message sharing, (iii) podcasts, and (iv) channels on which content is available for a limited time. For each category of social media, the Guideline requires inclusion of certain additional content indicative of commercial advertising.

In addition, the Guideline provides that influencers:

- should not create a perception in the eyes of consumers about a good or service of which they have not had personal experience;
- should not create the impression that they have voluntarily purchased a product or service actually comped by the advertiser;
- should not create the impression that they are merely consumers when in fact they derive financial or other material benefit from their activity;
- should disclose any photo or video effects or filters used in post;
- should not collectively and systematically create or use fake or non-existent identities to communicate about a good or service;
- should abide by applicable law where a post includes health claims about a product or service, including the provision of objectively verifiable scientific data upon which such claims are based.

Furthermore, the Guideline reconfirms the advertising ban on the services provided by physician, dentist, veterinarian, pharmacist, and health institution.

Moreover, the Guideline requires the advertisers to use their best efforts to ensure compliance, including:

- informing influencers about Guideline duties and obligations;
- requesting influencers to comply with the Law, the Advert Regulation, and the Guideline, as well as all other applicable law;
- requesting influencers to seek third party compliance:

The full text of the Guideline is available at [this link](#). (Only available in Turkish)

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