

Amendments to Regulation on Commercial Advertisement and Unfair Commercial Practice are Introduced

11 Mar 2022

The Regulation Amending the Regulation on Commercial Advertising and Unfair Commercial Practices ("**Amendment Regulation**"), published in Official Gazette dated 1 February 2022 and numbered 31737, introduced significant regulations regarding unfair commercial practices. The amendments are effective as of 1 March 2022.

The Amendment Regulation provides, in relevant part, as follows:

- The ban on advertisements containing expressions or images of patients before and after treatment has been lifted.
- If a personalized price is offered to the consumer, it should be clearly stated. The current selling price determined by the vendor/seller or supplier should also be included.
- In advertisements where a good or service is offered for sale at a discount, the start and end dates of the sale should be included in a clear and understandable manner. If the quantity of the goods or services offered for sale at a discount is limited, the "price before the discount" should also be stated in the same manner.
- In the determination of the sales price of a good or service before the discount, the lowest price applied in the previous 30 days should be taken as the basis. However, when calculating the amount or rate of the discount in advertisements for perishable goods such as fruits and vegetables, the price just before the discounted price may be taken as a basis.
- In advertisements stating that a good or service is offered for sale with a tied loan, the maturity of the loan, the interest rate, the monthly and annual percentage value of the total cost to the consumer, and the repayment conditions should be included in the area where the advertisement is published, or on a website where consumers can be directed to get detailed information by means of a link or warning sign; or should appear on the pop-up screen.
- Biocidal products have been added among the goods that have special regulations regarding advertising, and which must be complied with.
- In case a ranking is made by comparing price, quality, and similar aspects of a good or service offered for sale on the internet, information should be given on which criteria the ranking was created by taking into account. Similarly, it is obligatory to include the phrase "advertisement" in the ranking results displayed based on advertising or sponsorship and similar agreements.
- The following rules have been introduced regarding the consumer evaluations are allowed on the Internet by vendors/sellers and providers or intermediary service providers:
 - The evaluations should only be allowed by those who purchase the relevant good or service.
 - The evaluations should be published for at least one year without any guidance, without making any positive or negative distinctions, after the necessary examinations are made.

- The evaluations which contain a health claim contrary to the relevant legislation cannot be published.
 - If the consumer or vendor/seller or supplier reports that the consumer grievances related to the evaluated good or service have been resolved by the vendor/seller or supplier, this should be published without delay in the same place as the first evaluation, after the necessary verification has been made.
 - In addition, an agreement or service should not be concluded with a natural or legal person to make an evaluation in order to increase the sales of a good or service.
- The following additional rules have been introduced regarding the complaint platforms which publish consumer complaints:
 - Vendors/sellers or providers should be provided at least 72 hours to reply before the assessment is published.
 - If it is understood that the said evaluation does not reflect the truth, it should not be published.
 - The vendors/sellers or providers who has the right to reply, should be provided with an effective communication method without any obligation of membership, payment etc.
 - The Advertising Board will prepare guidelines regarding commercial advertising and unfair commercial practices which will be published on the website of the Trade Ministry.
 - The following practices have been added to the examples of unfair commercial practices:
 - By using software that automates the purchasing process, buying event tickets outside of the specified limits and offering them for sale again or at higher prices.
 - Using misleading interfaces, options or statements on the Internet that aim to cause changes which affect the will of consumers to decide or make a choice regarding a good or service or using methods aiming changing consumer decision in favor of the vendor/seller or the provider.

Please see this [link](#) for the full text of the Amendment Regulation (only available in Turkish).

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