

Board of Advertisement Rendered a Decision That Considers a Personal Social Media Content as Surreptitious Advertising

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Turkey's Advertisement Board ("**Board**") published its Guideline on Commercial Advertisement and Unfair Commercial Practices of Social Media Influencers on 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. Please see [our client alert](#) regarding the Guideline.

In the meeting held on 04 May 2021, the Ministry of Commerce's Board of Advertisement (the "**Board**") evaluated the post regarding a vitamin fruit bar that was shared on the personal social media account of an actress, within the scope of surreptitious advertising. The Board ruled the suspension of the advertisements on the grounds that advertisements violate the general principles regulated by the Consumer Protection Law numbered 6502 and the Regulation on Commercial Advertising and Unfair Commercial Practices.

In its decision, the Board mentioned that the actress who promoted the product posted the content dated 23 January 2021 to influence her 261 thousand followers, in which she did not clearly state that the post was an advertisement even though she had a collaboration with the company. Accordingly, the Board concluded that the shared content violated the provisions regarding "Surreptitious Advertising".

In light of the above reasons, it has been detected that the mentioned advertisements violated articles 7/1, 7/2, 7/3, 7/4, 7/5, 22, 23, and 32 of Commercial Advertising and Unfair Commercial Practices Regulation and article 61 of Consumer Protection Law numbered 6502. Due to the aforementioned reasons, the Board ruled the suspension of the advertisement.

Please see the decision numbered 2021/1224 in the official bulletin dated 4 May 2021 with number 309 of the Board from the [link](#). (only available in Turkish).

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