

## Turkey Announces New Rules for Advertisements Including Comparative Advertisements

4 Feb 2019

The Regulation Amending the Regulation on Commercial Advertisement and Unfair Commercial Practices (**the "Amendment Regulation"**) was published in Official Gazette.

The Regulation on Commercial Advertisement and Unfair Commercial Practices, which was published in the Official Gazette number 29232 on 10 January 2015, allowed advertisements for the first time to include competitors' titles, trademarks, logos, other distinctive figures or expressions, trade names or business names.

However, the effective date of this provision was postponed three times. Recently it was expected to enter into effect on 1 January 2019, however the legislator has changed it completely.

The Amendment Regulation defines comparative advertisements as "*advertisements which compare the aspects of advertised goods or services with the aspects of competing goods or services used for the same purpose or meet the same needs as the advertised goods or services.*" It also clearly prohibits to include the names of the competitors' goods, trademarks, logos, trade name, business name or other distinctive elements in advertisements.

The Amendment Regulation includes provisions limiting the advertisements of foods and beverages, which are not recommended for excessive consumption and included in the red category list prepared by the Turkish Ministry of Health. These provisions are as follows:

- No advertising related to these products can be made at the beginning, at the end or during the programs for children and in any other media designed exclusively for children.
- For other programs, the advertisements of these products should include statements to promote a balanced diet which will be determined by the Turkish Ministry of Health. In television, these statements will be made in the form of tape flowing on the bottom of the screen. In other media, the statements will suit the characteristics and be in verbal or written format.
- No gifts that are of interest to children can be given along with these products or no other similar marketing techniques can be applied in order to increase the sales of these products.

Moreover, the advertisements of following goods and services are clearly prohibited:

- Fortune tellers, psychics, astrologists and so forth
- Illegal betting and gambling games
- Chat, friendship and match-finding lines and services,
- All kinds of firearms or non-firearms in addition to weapon manufacturers and dealers.

The provision regarding red category food and beverages will enter into force on 30 June 2019 whereas the other provisions have entered into force on the date of publication.

Please see this [link](#) for full text of the Amendment Regulation published in Official Gazette number 30639 on 28 December 2018 (only available in Turkish).

## Related Practices

- Unfair Trade Practices
  - Trademarks
  - Product Liability and Consumer Protection
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## Related Attorneys

- EZG? BAKLACI GÜLKOKAR, LL.M.
  - MERVE ALTINAY ÖZTEK?N
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Moroglu Arseven | [www.morogluarseven.com](http://www.morogluarseven.com)