

Turkey's Board of Advertisement Rendered a Decision in which It Classified Certain Personal Social Media Contents as Surreptitious Advertising

21 Sep 2020

In the meeting held in July, the Ministry of Commerce's Board of Advertisement (the "**Board**") evaluated the posts regarding a food supplement that were shared on personal social media accounts of six people, within the scope of surreptitious advertising. The Board ruled the suspension of the advertisements and administrative fine to the advertiser company and six people on the grounds that advertisements violate the general principals regulated by the Consumer Protection Law numbered 6502 and the Regulation on Commercial Advertising and Unfair Commercial Practices, besides the specialized regulations on advertisements of food supplements.

In its decision, the Board mentioned that these six people who promoted the product on their social media accounts give false impressions as (i) the product is good for the immune system because of its ingredients, (ii) it protects against all kind of viral infections (flu, cold, etc.) including Covid-19, (iii) the product can recover the infected people in a very short time, were detected. Furthermore, the Board evaluated that they give the impression that six people testify the benefits of the product by pretending they used the product personally.

As a result of the evaluation:

- The shared contents violated the provisions regarding the "Surreptitious Advertising" in the related legislation by failing to clearly state that the posts were an advertisement.
- Despite the perception that the products were personally experienced by six people who promoted it on their social media accounts, it does not reflect the truth and the contents are deceptive, misleading and violates the provisions regarding "Testimonial Advertisement".
- Although the use of the health statements for food supplements are prohibited, the said statements are within the scope of health statements and the related product is promoted as a medicine or a medicinal product for human use.
- There was not any permission granted by the Ministry of Health's Pharmaceuticals and Medical Devices Agency toward the statements in the shared contents.
- The consumers are deceived and mislead by such statements that are not scientifically proven.

In light of the above reasons, it has been detected that the mentioned advertisements violated the article 5/a, b, c, ç and d of Regulation on Health Statements of Products Offered for Sale with a Health Statement, the article 7/1, 7/2 and 7/4 of Turkish Food Codex Regulation on Food Labeling and Consumer Information, article 24/3 of the Veterinary Services, Plant Health, Food and Feed Law numbered 5996, articles 5/1-b, 7/1, 7/2, 7/3, 7/4, 7/5, 9/1, 9/2, 9/5 and 26 of Commercial Advertising and Unfair Commercial Practices Regulation and the article 61 of Consumer Protection Law numbered 6502. Due to the aforementioned reasons, the Board ruled an administrative fine in the amount of TRY 104,781.00 both to the advertiser company and the six famous names as well as ruling the suspension of the advertisements.

Please see the decisions numbered 2020/500 - 501 - 502 - 503 - 504 - 505 - 506 in the official bulletin dated 14 July 2020 with number 299 of the Board from the [link](#). (only available in Turkish).

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