

Title of law/ regulation

From the Ministry of Customs and Trade:

THE COMMERCIAL ADVERTISING AND UNFAIR COMMERCIAL PRACTICES REGULATION

This is an unofficial, non-binding translation of the Regulation linked below in original form, which form is the applicable version:

<https://www.resmigazete.gov.tr/eskiler/2015/01/20150110-5.htm>

Title of section

All sections

PART ONE

Purpose, Scope, Basis and Definitions

Purpose, scope, basis

ARTICLE 1 – (1) The purpose of this Regulation is to determine the principles with which advertisers, advertising agencies, media organisations and all persons, institutions and organisations related to advertising and those engaged in commercial practices, must comply, the principles of investigation to be conducted within the framework of these principles, and to protect consumers against unfair commercial practices.

ARTICLE 2 – (1) This Regulation covers all forms of commercial advertising and unfair commercial practices directed at consumers.

ARTICLE 3 – (1) This Regulation has been prepared based on Articles 61, 62, 63 and 84 of the Consumer Protection Law No. 6502 dated 7/11/2013.

Definitions

ARTICLE 4 – (1) In the implementation of this Regulation:

a) Subtitles: Written information that is usually placed at the bottom of the screen and provided in animated form in commercials broadcast in visual media.

b) Footnote: Written information, usually placed at the bottom of the text, to explain the issues in advertisements published in written media, outdoor advertising, posters and similar media.

c) Static text: Written information that is permanently included in advertisements published in visual media.

ç) Unfair influence: Abuse of influence over the consumer by applying pressure in a way that significantly limits the consumer's ability to make informed decisions,

d) Unfair commercial practice: Any commercial practice that does not comply with the requirements of professional care and significantly distorts or is likely to distort the economic behaviour of the average consumer it reaches or the average member of the group it targets, regarding a good or service.

e) Service: The subject of any consumer transaction other than the provision of goods made or promised to be made in return for a fee or benefit.

f) Permanent data storage: Any tool or medium such as text message, e-mail, internet, disk, CD, DVD, memory card or similar medium that allows the information sent by the consumer or sent to the consumer to be recorded and copied without modification in a way that allows for the examination of this information for a reasonable period of time in accordance with its purpose and allows access to this information as is.

g) Law: Consumer Protection Law No. 6502.

g) (sic.) Comparative advertising: Advertisements in which elements of competing goods or services are used directly or indirectly during the promotion of a good or service.

h) Goods: Movable goods, real estate for residential or holiday purposes, and all kinds of intangible goods such as software, sound, images and similar goods prepared for use in electronic environment, which are the subject of commerce.

i) Medium: The place and environment where the person, group or community that

transmits the advertising and promotional message and those in a position to receive that message meet; communication channels such as television, all kinds of written press, internet, telephone, radio, cinema and communication tools such as outdoor and printed materials.

i) Media organisation: The natural or legal person who owns, operates or hires any media where the advertisement is published and delivered to the target audience.

j) Average consumer: A natural or legal person who acts for non-commercial or non-professional purposes and has reasonable knowledge at every stage of consumer transactions or consumer-oriented practices.

k) Covert advertising: The inclusion of names, brands, logos or other distinctive forms or expressions, trade names or business names related to goods or services in articles, news, publications and programmes for the purpose of advertising and presenting them in a promotional manner, without clearly stating that they are advertisements.

l) Advertising agency: The natural or legal person who prepares the advertisement in accordance with the advertiser's request or mediates its publication on behalf of the advertiser.

m) Advertiser: A natural or legal person who publishes, distributes or otherwise exhibits advertisements containing his/her company or brand in order to promote the goods or services he/she produces or markets, to increase sales or to strengthen brand perception.

n) Commercial advertising: Announcements in the nature of marketing communication made by advertisers in any medium through written, visual, audio and similar means, in order to secure the sale or rental of a good or service in connection with trade, business, craft or a profession, and to inform or persuade the target audience.

o) Engaged in commercial practice: A natural or legal person who offers goods or services for commercial or professional purposes, including public legal entities, or who acts on behalf of or on behalf of such persons.

ö) Consumer: A natural or legal person acting for non-commercial or non-professional purposes.

p) Commercial practice towards consumers: Any commercial practice, including any action, omission, behaviour, statement, advertising and marketing, carried out by the person engaging in the commercial practice in direct connection with the promotion, sale or supply of a good or service to consumers.

PART TWO

Commercial Advertising

Differentiating advertising

ARTICLE 6 – (1) An advertisement, regardless of its form and the medium in which it is published, must be clearly understood to be an advertisement.

(2) Advertisements cannot be made using electronic devices or other means that show images for very short periods of time, or that are designed in a way that viewers cannot notice or be aware of them, so that they are perceived subconsciously.

(3) Advertisements must be clearly distinguishable visually and audibly from editorial content.

(4) If a title, logo, setting or music identified with an article, broadcast or program published in any medium is used in an advertisement, the message in question must be easily recognisable to consumers as an advertisement.

(5) If an image or sound effect identified with news bulletins or public service announcements is used in an advertisement, the message in question must be easily recognisable to consumers as an advertisement.

Honesty and integrity**ARTICLE 7 – (1) Advertisements must be accurate and honest.**

(2) Advertisements must be prepared with an awareness of economic and social responsibility and in a way that does not lead to unfair competition.

(3) Advertisements should be prepared by taking into consideration the perception level of the average consumer and the possible impact of the advertisement on the consumer.

(4) Advertisements cannot abuse the consumer's trust or exploit his lack of experience and knowledge.

(5) Advertisements cannot contain any statements or images that may directly or indirectly mislead the consumer, particularly in the instances listed below:

a) The structure, composition, supply, benefit, risk, accessories, production method and date, suitability for purpose, usage method, life and areas of use, technical specifications, efficiency and performance, quantity, origin, environmental impact of the goods, etc.

b) Qualifications of the service,

c) Trade name, business name, status and areas of authority of the person or organisation providing goods or services;

d) The value of the goods or services and the actual total price to be paid;

d) Other payment terms such as rental sales, leases, instalment sales and credit sales;

e) Delivery, replacement, return, warranty, after-sales services, spare parts or maintenance and repair conditions;

f) Intellectual and industrial property rights;

g) Official recognition or approval, medals, awards, diplomas and similar documents;

g) Social aid;

h) Legal rights of consumers or risks they may face.

(6) Documents such as licenses, permits, approvals, registrations, and other legal processes that must be complied with in relation to a good or service pursuant to the relevant legislation cannot be used in advertisements in a way that creates the perception that that good or service is different or superior to others.

(7) The legal rights of consumers cannot be presented in advertisements as if they were additional rights offered to consumers.

(8) In the advertisements:

a) Research results or quotations from scientific publications cannot be distorted;

b) Statistics cannot be presented in a way that would produce results different from those they actually are;

c) Scientific terms cannot be used in a misleading manner;

c) Claims cannot contain scientific terminology and expressions that make them appear to have a scientific basis that they do not actually possess.

Comparative ads**ARTICLE 8 – (1) Comparative advertising, however;**

a) Must not be deceptive or misleading;

b) Must not lead to unfair competition;

c) The goods or services compared are of the same quality and meet the same demand or need;

c) Should make comparison of an issue that will benefit the consumer;

d) Should objectively compare one or more material, essential, verifiable and typical

	<p>characteristics of the goods or services in question, including their prices;</p> <p>e) Claims are verifiable based on objective, measurable, numerical data with scientific tests, reports or documents;</p> <p>f) May not disparage or discredit the intellectual and industrial property rights, trade name, business name, other distinctive signs, goods, services, activities or other features of competitors;</p> <p>g) In the comparison of goods or services with a stated origin, the goods or services must be from the same geographical location;</p> <p>g) May not cause confusion between the advertiser and its competitor regarding their brand, trade name, business name or other distinctive sign or their goods or services.</p> <p>Permission and prohibition</p> <p>(2) In comparative advertisements, names, brands, logos or other distinctive forms or expressions, trade names or business names of competitors may be included, provided that they comply with the provisions set out in the first paragraph of this article.</p> <p>(3) Comparative advertising of dietary supplements is not permitted.</p>
Burden of proof	<p>ARTICLE 9 – (1) Definitions, claims or example explanations regarding verifiable facts included in advertisements must be substantiated by reports received from relevant departments of universities or accredited testing and evaluation institutions or independent research institutions.</p> <p>(2) In order for the research or studies conducted in the advertisers' own laboratories or centres to be considered as evidence, the scientific validity of these studies must be confirmed by the relevant departments of universities or by the relevant accredited testing and evaluation institutions.</p> <p>(3) It is essential that the reports submitted within the scope of the first and second paragraphs prove the claims in the advertisement at the time the advertisement was published.</p> <p>(4) Advertisers are obliged to submit documents proving the claims in the advertisements to those authorised and tasked with overseeing the implementation of the principles set out in this Regulation.</p>
Disparagement, Unfair use of reputation, Imitation	<p>ARTICLE 10 – (1) Advertisements cannot humiliate, openly ridicule or denigrate any person, institution or organisation, commercial or professional activity, good or service, advertisement or brand in any way.</p> <p>ARTICLE 11 – (1) In advertisements:</p> <p>a) The name of a person, institution or organisation, or the emblem, logo or other distinctive corporate identity elements cannot be used in a way that could mislead the consumer.</p> <p>b) No unfair use can be made of the intellectual and industrial property rights of a person's name or the trade name of a company, institution or organisation, or the reputation established through an advertising campaign.</p> <p>ARTICLE 12 – (1) Advertisements cannot imitate the text, slogan, visual presentation, music, sound effects and similar elements of another advertisement in a way that could mislead the consumer or cause confusion.</p> <p>(2) In advertisements, a good or service cannot be presented as an imitation or copy of another good or service with a protected trademark or trade name.</p>
Advertisements containing price information	<p>ARTICLE 13 – (1) If the price of a good or service or the method of calculating the price is included in the advertisements, the price information provided must be related to the advertised good or service. Consumers cannot be misled by providing incomplete or confusing information about the price.</p>

	<p>(2) The price presented to consumers in advertisements must be the total sales price of the goods or services, including all taxes.</p> <p>(3) If a tax, duty, fee or charge cannot be calculated due to the consumer's characteristics such as age, gender, health status or the relevant legislation, it is clearly stated in the advertisements that these elements are not included in the price; the method of calculating the total price must be included.</p> <p>(4) Except for advertisements of package tour and educational services intended to be conducted abroad and transportation and accommodation services overseas, sales prices in advertisements are stated as "Turkish Lira", "TL" or "₺".</p> <p>(5) If there are costs resulting from the delivery of goods or services which are to be paid by the consumer, the amount of such costs and, if the amount is uncertain, the consumer is informed of the method of calculation.</p> <p>(6) If the price of a good or service is dependent on another good or service, the conditions that must be met for consumers to benefit from the price stated in the advertisement are clearly stated.</p> <p>(7) In advertisements where instalment amounts are given, the total price of the advertised goods or services and the number of instalments are displayed together with the instalment amount in a readable size or stated aloud.</p> <p>(8) If advertisements promise that a good or service will be provided to consumers free of charge on condition that certain obligations are fulfilled, the obligations that consumers must fulfil in this regard are clearly stated in the advertisement's main message.</p> <p>(9) If there is a time limit or stock amount regarding the validity of the price, this time limit and stock amount are clearly stated in the advertising.</p>
Discount sale ads	<p>ARTICLE 14 – (1) In advertisements containing any written, audio or visual statement indicating that a discount is offered for a good or service, the start and end dates of the discounted sale and, if the quantity of the good or service offered for sale at a discount is limited, the amount must be stated clearly and comprehensibly.</p> <p>(2) Discounted sale advertisements cannot contain statements or images that may mislead consumers by causing confusion about which goods or services will be subject to discounted sales or how much discount will be applied, or that may create the impression that a greater discount is being applied than is actually the case.</p> <p>(3) When calculating the amount or rate of the discount, the price before the discounted price is taken as the basis.</p> <p>(4) The burden of proof that the goods or services subject to discounted sales are offered for sale at a price lower than the pre-discount price is on the advertiser.</p>
Advertisements containing sweepstakes, contests and promotions	<p>ARTICLE 15 – (1) In advertisements for goods or services using marketing techniques such as sweepstakes, competitions and promotions, the following must be adhered to:</p> <p>a) The goods or services or bonuses provided free of charge together with the advertised goods or services must not differ from the promise and must meet the reasonable expectation level created in the consumers.</p> <p>b) If it is stated that in case the advertised goods or services are purchased, the consumer will also be given promotional gifts or services or bonuses, the amount of the goods or services to be given as gifts or bonuses, their real market value and the validity period for their delivery are conveyed.</p> <p>c) In case of the announcement of marketing techniques that grant the right to participate in a lottery, prize draw or competition by purchasing the advertised goods or services or by collecting a certain number of coupons, labels, covers and similar items; the start and end date of the promotion period, the method of announcing the prize draw results, the delivery date of the goods and the fulfilment of the service and the conditions thereof are stated.</p>

	(2) Clause (b) of the first paragraph shall not apply to gifts of goods or services whose real market value cannot be expressed in monetary terms and which are given as promotions.
Ads with testimonials	<p>ARTICLE 16 – (1) Advertisements cannot include or refer to any testimonial or endorsement statement that is not based on the experience, knowledge or research results of the person, institution or organisation whose testimony is sought and that is not true.</p> <p>(2) Advertisements may not use testimonial or approval statements that have lost their validity or become inapplicable for other reasons.</p> <p>(3) Advertisements cannot include any images, statements or references that suggest or give the impression that doctors, dentists, veterinarians, pharmacists or health institutions have made a health claim for a good or service.</p>
Advertisements containing environmental claims	<p>ARTICLE 17 – (1) Advertisements cannot be made in a way that exploits consumers' sensitivity to the environment or their possible lack of knowledge in this area.</p> <p>(2) Environmental signs, symbols and approvals cannot be used in advertisements in a way that misleads consumers.</p> <p>(3) Only scientific findings and technical demonstrations based on scientific studies accepted by academic institutions regarding environmental impact can be used in advertisements.</p> <p>(4) In advertisements for goods that are required to be labelled with energy according to the relevant legislation, if information on energy efficiency or cost is included, it is mandatory to state the energy efficiency class of the relevant goods.</p>

CHAPTER TWO

Visuals and Written and Audio Expressions in Advertisements

Presentation of written and audio expressions with visuals	<p>ARTICLE 18 – (1) In advertisements, information that will affect the consumer's purchasing decision must be conveyed in a time and format that the average consumer can perceive.</p> <p>(2) The essential elements of the main claim in the advertisements are stated in a clear and understandable manner in the main message of the advertisement.</p> <p>(3) In advertisements such as radio advertisements, text messages sent to mobile phones, and banner advertisements that do not allow the use of subtitles or footnotes due to their nature, it is sufficient to direct consumers to customer service numbers or websites where they can obtain detailed information, provided that the main promise is fully conveyed.</p> <p>(4) Subtitles, static text and footnotes in advertisements must be readable and perceptible in speed and size.</p> <p>(5) Texts used as footnotes in written media, subtitles and static texts in visual media may be used to explain or clarify the main promise or to convey the conditions or exceptions necessary for the realization of the main promise. However, in advertisements published in written and visual media, it is essential that subtitles, static texts and footnotes are kept to a minimum.</p> <p>(6) The conditions or exceptions included in the subtitles, static text or footnotes in advertisements must not be of a nature that will completely or largely negate the advantages provided by the main promise and must not be incompatible with the main promise.</p> <p>(7) The information contained in audio statements, visuals, footnotes, subtitles or static texts in advertisements must not be contradictory.</p>
Size of text in subtitles, static text and footnotes	<p>ARTICLE 19 – (1) Text size of subtitles and static texts in advertisements published in visual media;</p> <p>a) In broadcasts with 4:3 image layout; at least 14 lines for standard definition television</p>

	<p>(SDTV) format;</p> <p>b) In broadcasts with a 16:9 image layout; at least 16 lines for standard definition television (SDTV) format;</p> <p>c) At least 30 lines for high- definition television (HDTV) format;</p> <p>d) At least 60 lines for 4K resolution television (4K Ultra HDTV) format, should be in height;</p> <p>(2) The font size used in footnotes in advertisements published in print media, brochures and similar written media must be at least equivalent to Arial 8-point font.</p> <p>(3) In subtitles and footnotes, lower case letters must be used in accordance with the spelling guide, except for the initials of proper nouns and abbreviations.</p> <p>(4) Measurements regarding the size of text in subtitles, static text and footnotes are based on lower case letters with flat ends such as (v) or (i). Letters with rising and falling edges such as (d), (p) and (g) are not taken into account in the measurements.</p> <p>(5) Subtitles, static text and footnotes in advertisements published in media other than those listed above must be in readable size.</p>
The duration that subtitles remain on screen	<p>ARTICLE 20 – (1) The subtitles used in advertisements broadcasted in visual media must be kept on the screen at a rate of 0.25 seconds per word (4 words per second). If there are 9 or fewer words in the subtitle, 3 seconds are added to the total time as recognition and perception time; if there are 10 to 20 words, 4 seconds are added to the total time; if there are 21 to 50 words, 6 seconds are added to the total time; if there are 51 to 100 words, 8 seconds are added to the total time; and if there are more words, 10 seconds are added to the total time.</p> <p>(2) In determining the number of words, website addresses, telephone numbers and long numbers are counted as one word. Long numbers are used in groups of two, three and four.</p>
Other provisions regarding footnotes, subtitles and static texts	<p>ARTICLE 21 – (1) The following points must be adhered to in footnotes, subtitles and static texts included in advertisements:</p> <p>a) The contrast and relative brightness between the text and its background should allow the text to be easily read.</p> <p>b) In moving images where the background of the text may distract, or when moving from one image to another, the text should be placed on an opaque single-coloured block area.</p> <p>c) Exaggerated, complex, italic fonts, effects, shading and similar techniques that make the text difficult to read should not be used.</p> <p>c) The space between words must be greater than the space between letters; the space between lines must be greater than the space between words.</p> <p>d) Subtitles and static text must be smaller than the safe image area of the screen and positioned within the safe text area.</p> <p>e) When positioning footnotes, subtitles and static texts in advertisements, the texts should not obscure any visuals, and the visuals should not obscure the texts.</p>
<p>CHAPTER THREE</p> <p>Covert Advertising</p>	
Covert advertising ban	<p>ARTICLE 22 – (1) Covert advertising in audio, written and visual formats is prohibited in all forms of communication.</p> <p>(2) Advertisements cannot be used in a way that would affect the editorial independence of media organisations.</p>
Evaluation of implicit	<p>ARTICLE 23 – (1) In evaluating articles, news, publications and programmes containing</p>

advertising	<p>names, brands, logos or other distinctive forms or expressions related to goods or services, trade names or business names, and information and images related to the institution or person representing them, in terms of covert advertising:</p> <p>a) The names, brands, logos or other distinctive forms or expressions, trade names or business names, and the information and images related to the institution or person representing them must be compatible, unexaggerated and proportionate with the format of the articles, news, publications or programs in which they appear, in terms of subject, content, presentation, positioning and duration.</p> <p>b) Articles, news, publications or programmes published within the framework of the right to inform, disseminate and receive information must meet the explanation and information needs of consumers.</p> <p>c) The rental or purchase of goods or services must not be encouraged by making special promotional references to goods or services in a way that could consciously influence consumer preferences,</p> <p>Conditions are taken into account.</p> <p>(2) In articles, news, publications and programmes aimed at informing consumers about tourism, folklore, city documentaries and certain goods or services by testing them; if the names, brands, logos or other distinctive forms or expressions, trade names or business names and information and images related to the institution or person representing them are included, elements such as signs or posters cannot be exaggeratedly highlighted and detailed contact information cannot be included.</p> <p>(3) Names, brands, logos or other distinctive shapes or expressions, as well as signs or posters of trade names or business names, cannot be displayed in an exaggerated manner in urban areas and street scenes, in all kinds of interview applications and in venues where newsworthy sporting, cultural and artistic events are held.</p>
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CHAPTER FOUR

Regulations on Children in Advertisements

Advertising aimed at children	<p>ARTICLE 24 – (1) Advertising directed at children or likely to affect children and advertisements starring children:</p> <p>a) May not contain any expression or image that may negatively affect the physical, mental, moral, psychological and social development characteristics of children;</p> <p>b) Taking into account the characteristics of the age group of children in the target audience, it cannot contain elements that cause unrealistic expectations in children or make it difficult to distinguish the difference between fiction and reality.</p> <p>c) It cannot contain messages that the possession or use of a particular product will give the child a physical, social or psychological advantage over other children of the same age, or that not having that product will have the opposite effect.</p> <p>c) It cannot contain any expressions or images that may put children in dangerous situations or encourage them to establish relationships with people they do not know or to enter unfamiliar or dangerous places.</p> <p>d) It cannot contain elements of violence that children may imitate.</p> <p>e) Children cannot be shown using or playing with tools, equipment or objects that may pose a danger to themselves or to their environment.</p> <p>f) It cannot contain elements that aim to disrupt, change or denigrate cultural, moral and positive social behaviours.</p> <p>g) It cannot contain expressions or images that exploit the special trust that children have in their parents, teachers or other people.</p> <p>g) It cannot contain elements that will weaken or eliminate the authority and responsibility</p>
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	<p>of parents or teachers.</p> <p>h) It cannot exploit the sensitivities of parents such as love, affection and devotion towards their children.</p> <p>i) Children cannot be directly encouraged to persuade their parents or others to obtain a good or service.</p> <p>i) It cannot contain expressions that would imply that children will enter into contracts for the acquisition of goods or services.</p> <p>j) It cannot be stated that the goods or services are suitable for every family budget.</p> <p>k) It cannot include expressions such as 'just' or 'only' next to price information, which may create the perception that the price of the good or service is low.</p> <p>l) The skill required to use or benefit from goods or services may not be understated.</p> <p>m) If additional goods or services are required for the use of the advertised goods or services or to obtain the result shown in the advertisement, these matters must be clearly included.</p> <p>n) It must contain reminder symbols or warnings that ensure that necessary precautions are taken for goods or services that may harm the health of children or those around them if precautions are not taken.</p> <p>(2) Advertisements for distance contracts may not contain a purchase invitation that is directly targeted at children.</p>
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CHAPTER FIVE

Other Provisions

Financial services advertising	<p>ARTICLE 25 – (1) In advertisements containing interest and dividend rates, these rates shall be stated accurately and the conditions that will affect the total amount required at the end of the term shall be included.</p> <p>(2) If interest and profit-sharing rates are included in advertisements for credit services, the monthly and annual percentage value of the total cost of the credit to the consumer is stated clearly and understandably in the main promise of the advertisement.</p> <p>(3) Advertisements for credit services cannot mislead consumers regarding the type and maturity of the credit, the collateral required or other features sought or repayment conditions.</p>
Goods or services with special regulations regarding advertising	<p>ARTICLE 26 – (1) Advertisements of goods or services that have special regulations regarding advertising, such as medicines, human medicinal products, medical devices, health services, foods, food supplements, cosmetics and cleaning products, tobacco products and alcoholic beverages, must also comply with other provisions regarding advertising and promotion in the relevant legislation.</p>
Other matters	<p>ARTICLE 27 – (1) In direct sales and tele-shopping advertisements, it is mandatory to include the advertiser's name, title, address, telephone and other contact information, the total price of the goods or services including all taxes, the shipping costs and, in cases where there is a right of withdrawal, information on the conditions and duration of using this right. In such advertisements, consumers cannot be encouraged to purchase goods or services with expressions such as first time, last, only, one-time, limited sale, all for sale, sold, to be sold.</p> <p>(2) Except for timeshare contracts, timeshare or long-term holiday services cannot be promoted as investment instruments.</p> <p>(3) Services provided by fortune tellers, mediums, astrologers and the like cannot be advertised in any form.</p>

(4) In advertisements that include terms of sale by lease or instalment, consumers cannot be misled about the cash price of the goods or services, collateral, payment schedule, interest rate, total cost of the goods or other terms of sale.

(5) If the price is included in advertisements for residential or holiday properties, the gross and net areas of the relevant independent section must also be shown.

(6) If a component that is contrary to the general religious sensitivities of society is used directly or indirectly in the content of an advertised product, this is clearly stated in the advertisements.

PART THREE

Unfair Trade Practices

Prohibition of unfair trade practices

ARTICLE 28 – (1) A commercial practice targeting the consumer is deemed unfair if it does not comply with the requirements of professional care and significantly distorts or is likely to distort the economic behaviour of the average consumer it reaches or the average member of the group it targets. An unfair commercial practice cannot be conducted before, during or after a consumer transaction for a good or service.

(2) Commercial practices directed at consumers are deemed to significantly distort the economic behaviour of consumers if they reduce the average consumer's ability to make an informed decision, leading to the average consumer being a party to a consumer transaction to which he would not normally be a party.

(3) Whether the economic behaviour of consumer groups that require special protection against certain goods or services and related commercial practices due to their mental or physical infirmity, age or inexperience is likely to be significantly affected is determined on the basis of an average member of this group.

(4) The misleading acts set out in Article 29, the misleading omissions set out in Article 30, the aggressive commercial practices set out in Article 31, and the misleading commercial practices and aggressive commercial practices set out in the Annex shall in all cases be considered unfair commercial practices.

Misleading acts

ARTICLE 29 – (1) Commercial practices that contain false information or that mislead or are likely to mislead the average consumer, even if the information provided is essentially correct, and thus cause or are likely to cause the consumer to become a party to a legal transaction to which he would not normally be a party, are considered misleading.

(2) Actions that mislead or are likely to mislead consumers in the following matters are considered to be deceptive:

a) The existence, nature, supply, benefit, risk, application, content, accessories, after-sales services, production method and date, performance, suitability for purpose, quantity, technical specifications, origin, expected results from use, results of tests and controls performed on them, environmental effects and other important features of a good or service;

b) The scope of the commitments of the person engaged in commercial practice, the nature of the marketing process, sponsor support, statements or symbols indicating that the goods or services are approved by the competent authorities;

c) The price of a good or service, the method of calculating the price, payment terms or a certain price advantage;

d) Legal rights of the consumer or risks he/she may face;

d) Service, spare parts, replacement or repair services related to a good or service;

e) The identity, assets, abilities, status, membership information to institutions or organisations, commercial rights, intellectual and industrial property rights, qualifications, titles and other rights of the person performing the commercial practice or his/her

	<p>representative, such as having received awards and decorations from competent authorities.</p> <p>(3) A commercial practice is considered misleading if it significantly distorts or is likely to distort the economic behaviour of the average consumer and involves the following areas:</p> <p>a) Causing confusion with a competitor's product, service, brand or other distinctive feature.</p> <p>b) Failure of the person engaged in commercial practice to fulfil his/her obligations set out in the codes of conduct prepared by the professional chambers and similar organisations to which he/she is affiliated and, if any, their parent organisations, regarding the relevant field of activity or a particular commercial practice.</p>
Misleading omissions	<p>ARTICLE 30 – (1) The existence of misleading negligence is accepted if the person engaging in commercial practice conceals important information in the proposal he/she makes to the consumer in order to establish a legal relationship, presents the proposal to the consumer in an incomprehensible manner or at an inappropriate time, does not inform the consumer of the purpose of the commercial practice, which clearly has an obvious purpose, and if these situations lead to or are likely to lead to the average consumer becoming a party to a legal transaction to which he/she would not normally be a party.</p> <p>(2) In cases where the necessary information cannot be provided due to temporal or spatial limitations of the means of communication used to convey the content and terms of the commercial application to the consumer, the assessment of whether there is deceptive negligence is made by taking into account the said limitations and the measures taken by the party engaged in the commercial application to provide the information to the consumer by other means.</p>
Aggressive business practices	<p>ARTICLE 31 – (1) A commercial practice is deemed to be aggressive if it significantly impairs or is likely to impair the average consumer's freedom of choice or behaviour with respect to a good or service through harassment, coercion, including physical violence, or undue influence, and if the consumer becomes a party to a legal transaction to which he would not normally be a party, or is more likely to become a party.</p> <p>(2) In determining whether a commercial practice is aggressive, the following points are taken into account:</p> <p>a) Time, place, nature and continuity of the commercial practice;</p> <p>b) Whether the commercial practice contains threatening or insulting words or behaviour;</p> <p>c) Whether a disaster such as a natural disaster or another equally serious situation known to impair the consumer's judgment is being misused by the commercial operator to influence the consumer's decision regarding the goods or services;</p> <p>ç) Whether there is a severe or disproportionate non-contractual obstacle imposed by the commercial practice against the consumer's wish to exercise his/her rights such as terminating the contract or turning to another good, service or commercial practice;</p> <p>d) Whether there is a threat of unlawful action.</p>

PART FOUR

Miscellaneous and Final Provisions

Obligation The repealed regulation In force Executive	<p>ARTICLE 32 – (1) The subsequent correction or compensation of an advertisement or commercial practice that does not comply with Articles 61 and 62 of the Law and this Regulation does not eliminate the responsibility of the advertiser or the person engaging in the commercial practice regarding the detected non-compliance.</p> <p>ARTICLE 33 – (1) The Regulation on the Principles and Implementation Principles Regarding Commercial Advertisements and Announcements published in the Official Gazette dated 14/6/2003 and numbered 25138 has been repealed.</p>
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ARTICLE 34 – (1) The second paragraph of Article 8 of this Regulation shall enter into force one year after the date of publication of the Regulation, and its other provisions shall enter into force on the date of publication.

ARTICLE 35 – (1) The Minister of Customs and Trade shall execute the provisions of this Regulation

CONSIDERED AN UNFAIR TRADE PRACTICE

SAMPLE APPLICATIONS

A - Deceptive Business Practices

- 1) Introducing oneself as a member of economic unions, professional chambers and organisations, stock exchanges and their parent organisations, if any, despite not being a member, and claiming to be subject to the rules of conduct regulated by such organisations.
 - 2) Using a quality mark, trust mark, environmental mark or similar without obtaining the necessary permits from the competent authorities.
 - 3) Claiming, falsely, that a code of conduct has been approved by institutions or organisations.
 - 4) Claiming, falsely, that commercial practices or a good or service are approved by institutions or organisations or that permission has been obtained for them.
 - 5) Inviting the consumer to purchase goods or services at that price without warning them, even though the person engaging in commercial practice has sufficient knowledge that he/she cannot offer the goods or services in question or their equivalents at the stated price for a reasonable period of time and in a reasonable quantity, considering the characteristics of the goods or services and the offered price.
 - 6) In order to market another good or service after inviting you to purchase the goods or services at a certain price:
 - a) Refusing to show the goods or services subject to the invitation to the consumer;
 - b) Refusing to accept orders for the goods or services in question or to fulfil them within a reasonable time;
 - c) Showing a defective example of the goods or services.
 - 7) Stating, contrary to the truth, that a good or service will only be offered under certain conditions and for a very limited period of time, in order to deprive the consumer of the opportunity or time required to make an informed choice and to make a sudden decision.
 - 8) Stating or creating the impression that the provision of a good or service is legal, contrary to the truth.
 - 9) To present the rights granted to consumers by law as a distinctive feature of the offer of the person engaged in commercial practice.
 - 10) Making a false claim regarding the existence, nature and extent of a possible danger to the consumer or his/her family if the consumer does not acquire the goods or services.
 - 11) Claiming, falsely, that one is about to quit trading, move one's workplace or change the subject of activity.
 - 12) Claiming that a particular good or service makes it easier to win in games of chance.
 - 13) Making a health declaration about a good or service in violation of the relevant legislation.
 - 14) Providing false information to the consumer about the market conditions or the possibility of the product or service being available in the market, in order to persuade the consumer to purchase a product or service under less favourable conditions than normal market conditions.
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15) Claiming in a commercial practice that a contest will be held or a prize will be awarded without specifying a specific prize or its equivalent.

16) In cases where the consumer is required to make a payment in order to obtain a product, other than the necessary and reasonable expenses that must be incurred for delivery, to make descriptions of that product as free of charge, free, gratis or similar.

17) Claiming, contrary to the truth, that one is not acting in relation to one's own trade, business, craft or profession, creating the impression that one is acting in this direction or introducing oneself as a consumer.

18) Creating a false impression that after-sales services for a product are available and can be used in countries other than Turkey.

B – Aggressive Business Practices

1) Creating the impression that the consumer cannot leave the workplace until the intended legal relationship between the consumer and the commercial operator is established.

2) Continuing to visit the consumer's home, regardless of the consumer's warnings to leave and not return, except in the event of fulfilling the contractual obligation.

3) Asking the consumer, who makes a request based on a legal relationship to which he/she is a party, to submit documents that are not relevant to his/her request, to pay a fee or systematically avoiding discussing the issue and trying to deter him/her from exercising his/her legal rights by these means.

4) Telling the consumer that if he/she does not purchase the goods or services, the business or livelihood of the person engaging in the commercial practice will be in danger.

5) Creating a false impression that the consumer has won, will win or will win such a prize or benefit if he/she performs a certain action, even though there is no prize or similar benefit, in cases where the consumer has to pay money or incur an expense in order to claim such prize or benefit.
