

## New Guide on Commercial Advertisings for Social Media Influencers

---

### **Introduction**

The Turkish Board of Advertisement has published a Guide on Commercial Advertisings and Unfair Commercial Practices by Social Media Influencers (“the Guide”) based on the Commercial Advertising and Unfair Practices’ Regulation on May 4, 2021. This article aims to highlight the main aspects of the Guide.

1

### **Scope of the Guide**

The purpose of the Guide is to guide advertisers, advertising agencies and institutions regarding advertisements and commercial practices made by users known as “social media influencers”.

It is expressly mentioned that the Guide applies to all kind of commercial advertising and practices towards consumers.

### **Core Rules**

Advertisements must be made in a clear, understandable, and distinguishable manner. Implied advertisement either verbally or visually are not allowed. Thus, the content must be clearly identified as an advertisement.

The posts shared by social media influencers for a financial gain, for a discount or even free of charge must mention at least one of the

## GURULKAN ÇAKIR

provided terms found in the Guide. The terms vary according to the type of social platform in question, indeed; on online video platforms, influencers have to use expressions such as: *“this video contains (name of promoter)’s advertisements”* or, *“this video involves a paid partnership with (name of promoter)”* etc.

Promotions made via video recordings must not only include mentioned terms but also must be displayed without directing customers to another website. Furthermore, these terms must be mentioned orally by the influencers.

Advertisements can be made through photograph or message sharing platforms. The Guide states that advertising in these platforms must contain hashtags such as but not limited to *“advertisement”, “sponsorship”* or *“partnership”*.

Some of the contents which are displayed for a certain period must also include one of the above-mentioned terms.

Promotions made through podcasts must include statements such as *“this podcast includes promotions of...”* or any other form provided by the Guide.

2

It is important to note that stating the above-mentioned terms is not sufficient. Hence, an introductory information regarding the promoter must also be shown.

The terms in the posts must be clear, distinguishable from the backgrounds and must be readable. Hence, consumers must be able to understand that a commercial advertising is taking place.

### **Responsibility of Influencers**

Influencers are not allowed to:

- i. Post misleading contents as if the promoted goods or services are approved or experienced;
- ii. Make statements related to health that are contradictory to the law;
- iii. Bring forward claims for goods or services regarding scientific research and test results without referring to objective and quantitative data;

## GURULKAN ÇAKIR

- iv. Direct customers to goods or services of health institutions, or make their promotions;
- v. Create the impression that s/he has purchased goods or services which was presented to him/her by the advertiser;
- vi. Create the impression that s/he is only a consumer while providing financial gain and/or benefits such as free or discounted goods or services;
- vii. Use or create various profiles in order to communicate about certain goods and/or services.

### **Responsibility of the Advertiser**

Advertisers are under obligation to inform the influencers as well as third parties used by the influencers about the provisions of the Guide and to request them to comply with the related Laws and Regulations. Furthermore, advertisers may request the social media influencers to meet their obligations and take necessary measures for potential breaches.

However, if the advertiser proves that s/he has acted in compliance with the above-mentioned obligations, then s/he will be considered to have made the best effort that could reasonably be expected from him/her.

3

### **Conclusion**

Number of social media influencers are increasing in Turkey and concordantly using online platforms to promote products and services are getting more popular. The Guide introduced by the Turkish Board of Advertisement provides detailed rules that has to be followed by both social media influencers as well as advertisers and advertising agencies. It is expected that the Guide will be an important step to protect consumers who are following social media influencers.

## GURULKAN ÇAKIR AVUKATLIK ORTAKLIĞI

Polat İş Merkezi, Offices 28-29  
Mecidiyeköy 34387  
Istanbul, TURKEY

T +90 212 215 30 00  
M info@gurulkan.com  
W www.gurulkan.com



---

Gurulkan Çakır Avukatlık Ortaklığı ("Gurulkan Çakır") is an attorney partnership registered at Istanbul Bar Association with a license number 105 and at the Union of Turkish Bar Associations with a license number 206.

This publication provides general information only and should not be relied upon in making any decision. It is not intended to provide legal or other advice. Gurulkan Çakır and its partners will not be liable for any loss or damage arising from reliance being placed on any of the information contained in this publication.

Before acting on any information, readers should consider the appropriateness of the information provided herein, having regard to their legal and financial status, objectives and needs. In particular, readers should seek independent professional advice prior to making any decision.

This publication may not be reproduced, in part or whole, by any process without prior written consent of Gurulkan Çakır.

---