

Did the Advertisement Board Clarify the Limits of Distributing “Free Item” With Food Products?

In a recent decision dated February 11, 2020 and numbered 2019/9931 the Advertisement Board, held that promotions of a food company for its potato chips with accompanied free ice tea coupons are compliant with Advertising Regulation. Hence Advertisement Board imposed no sanction against these promotions.

This is an important and exemplary decision for evaluating the Advertisement Board’s approach in terms of implementation of Article 24/A (3) of the Regulation on Commercial Advertisements and Unfair Commercial Practices (“Advertising Regulation”).

The Article 24/A (3) of Advertising Regulation is a relatively recent rule which prohibits the distribution of gifts or providing marketing techniques which would appeal the interest and taste of children together with the food products of which excessive consumption is not recommended. As discussed in another article ([Free Items Are Not Allowed for Certain Food Categories](#)) the above cited rule was highly criticized because of the ambiguity of the terms and more importantly because of the lack of definition for terms “gift” and “marketing techniques”.

The cited decision of the Advertisement Board confirms that not all free items along with the food products are banned, but only the free items which directly appeal the interest and taste of children should not be given as gift. Although it is not explicitly interpreted in the decision what should be the free gifts or marketing techniques it is acknowledged by the conclusion of the decision that free ice tea coupons are not considered within the scope of gifts and marketing techniques which directly appeal the interest and taste of children. It is seen that the target for the free ice tea coupons are not considered children as they appeal the interest and taste of everyone but not only children. While free toys, collectible items, stickers, coins are banned with this decision the Advertisement Board gives some insights about what is allowed and what is not.