

The Guideline on Commercial Advertisement and Unfair Commercial Practices Conducted by Social Media Influencers Has Been Published

"The Guideline on Commercial Advertisement and Unfair Commercial Practices Conducted by Social Media Influencers" ("Guideline"), which was prepared based on Consumer Protection Law numbered 6502 ("Consumer Protection Law") to serve as basis for commercial advertisements and unfair commercial practices run by Social Media Influencers has been enacted by Advertisement Board and entered into force as per its decision numbered 2021/2 and dated 4 May 2021. Pursuant to the Guideline;

- Social media is defined as a real person or legal entity that allows users to create, view or share contents such as text, images and audio on the internet for social interaction purposes within the scope of Law No. 5651 on Regulation of Internet Broadcasts and Prevention of Crimes Committed through Such Broadcasts.
- Social media influencer is defined as a person, engaging in marketing communication via social media account in order to provide sale or rental of goods & services offered by themselves or advertiser, to inform or persuade the target group.

The objective of the Guideline is to guide and inform advertisers, advertisement agencies, media organizations and all persons, institutions and establishments involved in commercial advertisement and commercial practices conducted by social media influencers.

The most prominent Rules in the Guideline

The main principles and obligations set forth by the Guideline are in brief as follows:

 Disclosure requirement for the advertisements conducted by social media influencer is ruled. The commercial communications conducted by social media influencers are required to be disclosed as advertising in a clear and comprehensible way. The hidden advertising is prohibited in



oral, written and visual form on social media as well as in all kinds of communication devices. To this end, the disclosure obligation on the relevant platforms has been imposed for the social media influencers to indicate to the consumers that the social media influencers' posts are advertisements.

- The commercial communications featured on social media are categorized into four groups listed below according to the platforms:
- Advertising on video-sharing platforms (such as Youtube and Instagram TV)
- Advertising on photo and message sharing platforms (such as Instagram, Facebook and Twitter)
- Advertising on podcast platform
- Advertising on platforms on which the content is visible for a short time (such as Snapchat and Instagram)
- Specific disclosure requirements were regulated for each group. The statements for complying with disclosure requirement are variable for each group of platforms. In general they are hashtags such as #Advertisement, #Sponsor, #Collaboration and statements such as "This video includes [advertiser's] advertisement.".
- The advertiser is obliged to inform the social media influencers on the Guideline, require the social media influencers to comply with the relevant legislation and to take measures in response to breaches of obligations. The advertiser's obligations shall not be neglected on the ground that these are the social media influencer's responsibility. The social media influencers, advertisers, advertisement agencies are cumulatively and separately liable for violation of the Guideline.

The violation of Guideline constitutes hidden advertisement as per Consumer Protection Law and the Regulation on Commercial Advertisement and Unfair Commercial Practices, the relevant sanctions as suspension of the advertisement or administrative monetary fines shall be imposed.