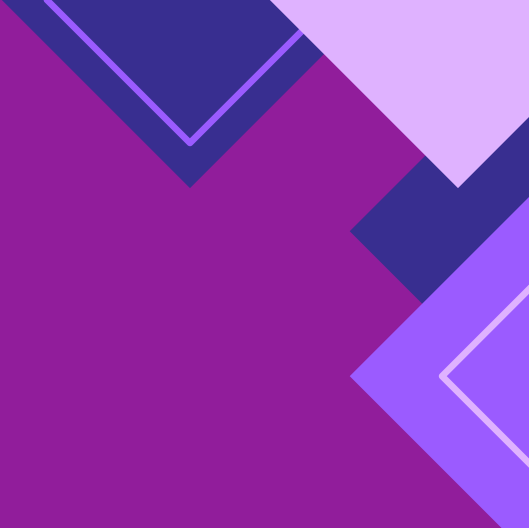


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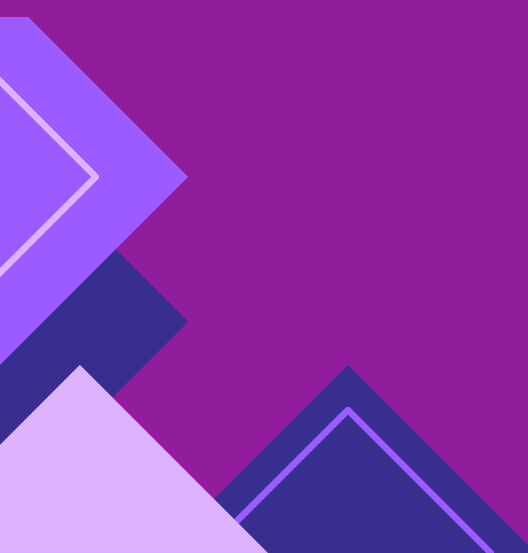
Attorneys-at-Law

DECISIONS TAKEN AT THE MEETING
OF THE ADVERTISEMENT BOARD
DATED APRIL 17, 2025 AND
NUMBERED 356

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The Advertisement Board (“the Board”), operating under the Ministry of Trade, reviewed 122 files at its 356th meeting held on 17 April 2025. As a result of the assessments, statutory violations were identified in 104 cases, leading to the imposition of administrative fines totaling TRY 22,705,799. In addition, the Board ordered the suspension of advertisements in 91 cases and access blocking measures in 6 cases.

At this meeting, the Board continued to scrutinise advertisements and commercial practices that directly affect consumer choices, issuing notable decisions in particular regarding Türkiye’s leading e-commerce and service platforms. The rulings concerning brands such as Amazon Turkey, Hepsiburada, and Green Motion Car Rental, which were made in response to consumer complaints, provide important indicators as to how user experience should be managed, price transparency should be ensured, and the boundaries of unfair commercial practices should be defined in digital platforms.

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Arbitrary Restriction of Consumer Reviews

- In the practices carried out on the website “amazon.com.tr” operated by Amazon Turkey Perakende Hizmetleri Ltd. Şti., it was determined that consumer reviews concerning product delivery, seller experience, and packaging were not published on the grounds of “community guidelines”, and that only reviews focusing on product features were permitted. Considering that some similar reviews regarding delivery and seller experience continued to be published, the Board assessed that the practice was implemented inconsistently and in a contradictory manner. Following its review, the Board concluded that such approach arbitrarily restricted consumers’ right to provide reviews, hindered the comprehensive assessment of consumer experience, and negatively affected purchasing decisions by limiting access to relevant information. On the grounds that the practice was contrary to the duty of professional diligence, the Board imposed an administrative fine of TRY 863,580 on Amazon Turkey Perakende Hizmetleri Ltd. Şti. and ruled for the suspension of the relevant commercial practices.

- Similarly, in another case reviewed by the Board, it was determined that on the e-commerce platform trendyol.com operated by DSM Grup Danışmanlık İletişim ve Satış Tic. A.Ş., product reviews consisting solely of star ratings submitted by a consumer for various items purchased since 2022 were not published on the grounds that they were deemed “suspicious”. Upon examination, it was found that the consumer’s phone number matched that of a registered seller in the system, leading to the automatic rejection of the reviews, although the reviewed products were found to have been purchased from a different seller and in a different product category. The Board concluded that the evaluation system, which blocked consumer reviews solely on the basis of phone number correlation with a seller, was contrary to the principle of professional diligence. This practice was considered to unjustifiably restrict consumers’ right to provide feedback and to constitute an unfair commercial practice likely to significantly distort the economic behavior of the average consumer. Accordingly, the Board ruled for the suspension of the relevant commercial practice with respect to Trendyol.

Pre-Ticked Subscription to a Paid Service Without Explicit Consumer Consent

- It was determined that, between 01.05.2024 and 17.07.2024, the subscription checkbox for the “Hepsiburada Premium” service offered by D-Market Elektronik Hizmetler ve Ticaret A.Ş. was presented to consumers in a pre-selected manner on its website and mobile application during the checkout process, while promoting benefits such as free shipping and discounts. The Board concluded that the said premium service was offered in return for a specific fee and that the pre-ticked checkbox practice negatively affected the consumer’s ability to make an informed and autonomous decision. It was further assessed that this practice led consumers to subscribe to the service without their explicit consent. Accordingly, the Board held that the relevant promotion constituted an unfair commercial practice and imposed an administrative fine of TRY 550,059 along with a suspension of the respective advertisements.

Consumer Grievance Arising from Non-Delivery of Reserved Vehicle Due to Credit Score and Inadequate Disclosure

- In advertisements regarding the car rental services offered by Metal Oto Ticaret A.Ş. via the website “Yolcu360.com”, it was determined that despite consumers making prepayments by credit card and successfully completing their reservations, vehicle delivery was refused at the delivery stage based on the consumer’s Findeks credit score. The Board evaluated that the service was not rendered to a consumer whose credit score was at a “very good” level and that the information provided regarding the Findeks scoring requirement was neither clear nor comprehensible. It concluded that this created a misleading expectation for consumers. Accordingly, the Board found that the practice negatively affected consumers’ economic decisions and constituted an unfair commercial practice, and therefore imposed an administrative fine of TRY 550,059 and ruled for the suspension of the relevant advertisements.

Consumer Misguidance Through Unlawful Installment Claims

- It was determined that, through the Instagram account named “turkcellikbaliletisim” operated by Yusuf Karakuş (İkbal İletişim), advertisements were published under the heading “Limited Time Offer” promoting Apple-branded mobile phones with a 6-month installment option exceeding the legally permitted limits. The Board evaluated that the advertisements created a misleading impression by offering installment conditions in violation of the applicable legislation and induced consumers into forming an inaccurate expectation. Accordingly, the Board ruled for the suspension of the aforementioned advertisements.

Restriction of Consumer Preferences Due to Inadequate Information

- It was determined that, under the “Kamuya Özel 12 GB” tariff plan offered by TT Mobil İletişim Hizmetleri A.Ş., a subscriber whose commitment period was about to expire was only presented with a higher-content package, without being adequately informed of alternative options similar to their current tariff. Furthermore, it was established that there was a significant discrepancy between the non-committed price initially communicated to the consumer and the amount ultimately invoiced. The Board concluded that the lack of sufficient information was misleading and likely to significantly affect the consumer’s economic decisions. Accordingly, it ruled for the suspension of the related commercial practices.

Misleading Advertising Due to Delay in Service Delivery

- With regard to the “Bankkart’a özel Digiturk Sporun Yıldızı Paketi” campaign operated by Krea İçerik Hizmetleri ve Prodüksiyon A.Ş., it was found that the promised service could not be delivered in a timely manner due to technical service delays, and no alternative service provider option was offered during the installation process. The Board assessed that the consumer's inability to actually access the service promised under the campaign rendered the advertisement misleading and negatively affected consumer economic behavior. As such, it ruled for the suspension of the relevant advertisements.

Presentation of Inaccurate Stock Information

- It was identified that, on the website “mediamarkt.com.tr” operated by Media Markt Turkey Ticaret Ltd. Şti., the option of “same-day store pickup” was offered for a product that was, in fact, not available in the physical store. The Board determined that presenting such inaccurate stock information created a legitimate consumer expectation and was likely to influence the purchasing decision. Accordingly, it ruled for the suspension of the relevant advertisements.

Ambiguity in Promotional Terms and Omission of Material Information

The Board considered that inconsistencies between the main message of a promotional campaign and the actual campaign terms, or the failure to clearly present material information, rendered the advertisement misleading to consumers. In this regard:

- In promotional materials published by Dirk Rossmann Mağazacılık Ticaret Limited Şirketi, the campaign was announced with the expression “Flat 60% Discount on All Facial Care and Makeup Products – 30 January to 16 February”; however, it was determined that the campaign only applied to selected products and excluded certain brands, with such exclusions disclosed solely as footnotes on the company’s website and social media accounts. No such disclosure was provided in-store. The Board assessed that the inconsistency between the promotional message and the actual campaign conditions was misleading to consumers and constituted an unfair commercial practice. Consequently, it imposed an administrative fine of TRY 863,580 and ordered the suspension of the related advertisements.

- In promotional emails sent to consumers on 12.11.2023 by H&M Hennes&Mauritz Tekstil Ltd. Şti., the campaign was advertised with the phrase “25% discount on the product you want is here”; however, no information was provided regarding the duration of the campaign. The Board found that the failure to indicate the validity period of the discount constituted an incomplete disclosure that adversely affected the consumer's decision-making process. Accordingly, it ruled for the suspension of the relevant advertisements.
- In the advertisements published by Opet Petrolcülük A.Ş., the main promotional message emphasized the offer “TRY 250 Worth of Opet Points as a Gift!”; however, essential conditions for benefiting from this reward, such as the requirement to make four separate fuel purchases of TRY 700 or more on different days via the Chippin application using a Yapı Kredi Worldcard, were not disclosed in the main message of the campaign. Considering that such information could significantly influence consumers' purchasing decisions, the Board decided to suspend the relevant advertisements due to the omission of material terms.

Perceptibility of Quantity Differences and the Risk of Consumer Deception in Packaging

The Board assessed the adequacy of information provided through packaging design in cases where products are marketed in identical packaging sizes but with differing quantities. Accordingly,

- It was found that the “Pantene Pro-V Superfood Thick & Strong Shampoo” product, placed on the market by Procter & Gamble Tüketim Malları San. A.Ş., is sold in two different volumes—350 ml and 400 ml—within the same packaging dimensions. Given that the front side of the packaging visibly includes the label “New 350 ml”, the Board evaluated that this change was sufficiently perceptible to the average consumer. Therefore, it was concluded that the practice in question does not constitute a breach of the applicable legislation.
- In contrast, the “Blendax Cleansing Care – Jasmine Extract Shampoo” product, marketed by Türk Henkel Kimya San. ve Tic. A.Ş., was offered for sale in 470 ml and 500 ml volumes using packaging of the same size. However, the Board found that the difference in volume was presented in such a way that the average consumer would not be able to easily discern it from the packaging. It was thus concluded that this practice is of a misleading nature and has the potential to affect consumers’ economic decisions. Accordingly, the Board ruled for the suspension of the relevant advertisements.

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