

COMMERCIAL COMMUNICATION IN TURKEY



Turkish Broadcasting Act:

Law on The Establishment of Radio and Television Enterprises and Their Media Services No: 6112 entered into force on 3 March 2011.

The aim was the harmonisation with EU Audiovisual Media Services Directive.

Chapter (4) from Article 9 to 13 is dedicated to commercial communication:

- I. broadcasting principles applied to CC
- II. product placement
- III. sponsorships
- IV. teleshopping and public spots
- V. the programs which are not allowed to take commercial communications
- VI. the products which cannot be the subject of CC

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EU Audiovisual Media Services Directive

“Audiovisual commercial communication” means images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal entity pursuing an economic activity.

In this regard, the term covers:

- television advertising
- teleshopping
- sponsorship
- product placement

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General Commercial Communication Principles

Article 9:

- (1) Commercial communication must be clearly distinguishable by optical and acoustic means from the other items of the media service.
- (2) Subliminal techniques must not be used.
- (3) Surreptitious commercial communication is not allowed.
- (4) (5) It can not be used in a way to affect the editorial independence of the media service provider and the programme content.

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General Commercial Communication Principles

Article 9/6

- a) must be in conformity with the principles of fairness, equity and honesty,
- b) must not include or encourage any discrimination
- c) must not be misleading and can't not harm the interests of consumers,
- ç) must not impair physical, mental or moral development of children
- d) must not exploit women.
- e) must not encourage any behaviour prejudicial to health, environment or safety.

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General Commercial Communication Principles

Article Sanctioned CC from March 2011 to November 2015

9/3	1770	Surreptitious commercial communication
9/6 (c)	2872	must not be misleading and can't not harm the interests of consumers
9/6 (ç)	682	must not impair physical, mental or moral development of children

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General Commercial Communication Principles

Examples:

9/3

9/6c



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Television Advertising & Teleshopping

- Television advertising means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes and so on.
- Teleshopping means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment.

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Television Advertising & Teleshopping – Article 10

- Clearly recognisable and and evidently distinguishable
- Advertising spots in one hour must not exceed %20
- Program promotions in one hour must not exceed 5%
- Teleshopping windows uninterruptedly at a minimum duration of 15 minutes
- The duration of this broadcast must not exceed one hour in total per day.
- Public service announcements not included in the advertising duration.
- The cinematographic films, films made for television, news bulletins and children's programmes, may be interrupted by an advertising and teleshopping once for each scheduled period of thirty minutes.

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Television Advertising & Teleshopping – Article 10

- (1) Advertisements and teleshopping ...clearly recognisable by optical and/or acoustic means and evidently distinguishable from the other elements of the programme service.
- (2) The proportion of all advertising spots, other than teleshopping spots, within a given clock hour must not exceed twenty percent.
- (3) The duration devoted to sponsorship, promotion of the broadcaster's own programmes and product placement must not be included in the proportion stipulated in the second paragraph. The proportion of programme promotions within a given clock hour must not exceed five percent.
- (4) Irrespective of the proportion stipulated in the second paragraph, teleshopping windows must be broadcast uninterruptedly at a minimum duration of 15 minutes provided they are clearly identified by optical and acoustic means. The duration of this broadcast must not exceed one hour in total per day.

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Television Advertising & Teleshopping

- (5) Public service announcements which are broadcast free of charge and recommended by the Supreme Council must not be included in the advertising duration.
- (6) Advertisement and teleshopping broadcasts may be inserted between programmes or during a programme in such a way that the integrity and value of the programme and the rights of the rights holders are not prejudiced....
- (7) The cinematographic films, films made for television, news bulletins and children's programmes, provided that their scheduled broadcasting duration is more than thirty minutes, may be interrupted by an advertising and teleshopping once for each scheduled period of thirty minutes.
- (9) The provisions under this article must not be applicable to television and radio broadcasting services devoted exclusively to advertising, teleshopping and self-promotion.

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Television Advertising & Teleshopping

Article Sanctioned CC from March 2011 to November 2015

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|------|-----|---|
| 10/1 | 575 | Advertisements and teleshopping will be clearly recognisable by means and evidently distinguishable from the other elements of the programme service. |
| 10/2 | 357 | The proportion of all advertising spots, other than teleshopping spots, within a given clock hour must not exceed twenty percent. |
| 10/4 | 345 | Teleshopping windows must be broadcast uninterruptedly at a minimum duration of 15 minutes. The duration of this broadcast must not exceed one hour in total per day. |

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Television Advertising & Teleshopping

Examples:

10/1



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Sponsorship

Sponsorship means any contribution made by undertakings or natural persons not engaged in the provision or production of audiovisual works, to the financing of audiovisual media services or programmes with a view to promoting their name, trade mark, image, activities or products.

The sponsored programmes, unlike advertising, may not make special promotional references.

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Sponsorship – Article 12

- Clearly be identified by appropriate statements at the beginning and end of the programme and before and after the advertisement breaks within the programme.
- The programme sponsors must not be referenced during the promotion of the programmes.
- Programmes must not be sponsored by real or legal persons dealing with the manufacture or sale of products and services whose commercial communication are prohibited.
- Sponsorship must not be allowed to influence the editorial independence and responsibility of the media service provider.

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Sponsorship – Article 12

- (1) If a programme is sponsored wholly or partially, it must clearly be identified by appropriate statements at the beginning and end of the programme and before and after the advertisement breaks within the programme. The programme sponsors must not be referenced during the promotion of the programmes.
- (2) In sponsored programmes, any reference to goods and services of a sponsor or of a third party must not be allowed, and their purchase, sale and rental must not be promoted.

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Sponsorship - Article 12

- (3) Programmes must not be sponsored by real or legal persons dealing with the manufacture or sale of products and services whose commercial communication are prohibited. In case of the sponsorship of programmes by undertakings whose activities include the manufacture, marketing or sale of medicinal products and the marketing and presenting medical treatments, the name, trade mark, logo or the image of the real and legal persons may be used in sponsorship but the medicinal products or medical treatments produced and sold by the real and legal persons available only on prescription must not be promoted.
- (5) Sponsorship must not be allowed to influence the editorial independence and responsibility of the media service provider. Sponsorship must be clearly identified at the beginning and end of the programme and before and after the advertising breaks within the programme, must not directly promote the rental or sale of goods and services of sponsors and must not give undue prominence to the goods and services.

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Sponsorship

Article Sanctioned CC from March 2011 to November 2015

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|------|----|---|
| 12/1 | 57 | 1) If a programme is sponsored wholly or partially, it must clearly be identified by appropriate statements at the beginning and end of the programme and before and after the advertisement breaks within the programme. The programme sponsors must not be referenced during the promotion of the programmes. |
| 12/2 | 92 | In sponsored programmes, any reference to goods and services of a sponsor or of a third party must not be allowed, and their purchase, sale and rental must not be promoted. |

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Sponsorship

Example

12/2



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Product Placement

Product placement means any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme, in return for payment or for similar consideration.

Product placement, in contrast to sponsorship messages, is built into the action of a programme whereas sponsor references may be shown during the programme but are not part of the plot.

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Product Placement

- ARTICLE 13 - (1) Product placement applications must not be allowed in broadcasts, except for the cinematographic works, films made for television, series, sports programmes and light entertainment programmes. Product placement applications must be subject to the regulations pertaining to commercial communication.
- (2) Product placement must be allowed where the provision of certain goods or services is included in a programme free of charge under the conditions determined by the Supreme Council.
- (3) Product placement must not be allowed in a way to influence the editorial independence and responsibility of the media service provider. Product placement must not directly promote the purchase or rental of goods or services, and must not give undue prominence to the product. Viewers must be clearly informed of the existence of product placement at the beginning and end of the programme and at the end of each advertising break within the programme.

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Product Placement

Article Sanctioned CC from March 2011 to November 2015

13/3 **26** (3) Product placement must not be allowed in a way to influence the editorial independence and responsibility of the media service provider. Product placement must not directly promote the purchase or rental of goods or services, and must not give undue prominence to the product. Viewers must be clearly informed of the existence of product placement at the beginning and end of the programme and at the end of each advertising break within the programme.

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Product Placement

Example:

13/3



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The programs which are not allowed to take commercial communications,

- Article 9 (4) Commercial communication must not feature, visually and/or orally, persons regularly presenting news bulletins and news programmes.
- (7) Commercial communication of foods and beverages containing nutrients and substances that are not recommended to be excessively consumed in the overall diet must not be inserted in or accompanied with the children's programmes.
- Article 10 (8) Advertisements and teleshopping must be, by no means, inserted during the broadcast of religious service programmes.
- Article 12 (4) Sponsorship of news bulletins, and religious service broadcasts must not be allowed.
- Article 13 (4) Product placements must not be allowed in news bulletins, children's programmes and religious programmes.

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The products which cannot be the subject of CC

- ARTICLE 11 - (1) Commercial communication for alcohol and tobacco products must not be allowed under any circumstances.
- (2) Commercial communication for medicinal products and medical treatments available only on prescription must not be allowed.
- (3) Advertisements for the medicinal products and medical treatments which are not subject to prescription must be prepared within the principle of honesty and in such a manner that they will comprise elements reflecting the truth and being subject to verification.
- (4) Teleshopping for medicinal products and medical treatments must not be allowed.
- Article 13 (5) The products whose commercial communication is prohibited must not be allowed to be used in product placement applications.

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The products which cannot be the subject of CC

Article Sanctioned CC from March 2011 to November 2015

11/2 **32** (2) Commercial communication for medicinal products and medical treatments available only on prescription must not be allowed.

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IN TURKEY



THANK YOU FOR YOUR ATTENTION!

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