

CLIENT ALERT

CONSUMER LAW | TURKEY

JANUARY 2023

THE GUIDELINE ON ENVIRONMENTAL DECLARATIONS IN ADVERTISEMENTS HAS BEEN PUBLISHED.

The "Guideline on Advertisements Containing Environmental Declarations" ("**Guideline**"), issued based on the Law numbered 6502 on Consumer Protection and the Regulation on Commercial Advertisements and Unfair Commercial Practices has been published as the principal decision numbered 2022/2 at the meeting of the Advertisement Board dated 13.12.2022 and numbered 328. The purpose of the Guideline is to provide guidance to persons, institutions, and organizations regarding the compliance of their environmental declarations and visuals in commercial advertisements and applications made by advertisers, advertising agencies, and media organizations with the relevant legislation.

Within the scope of the Guideline, environmental declaration is defined as "a statement or visual relating to environmental benefits or not having harmful environmental effects about the components, manufacturing method, supply process, use or destroy of the advertised goods or services."

In addition, general concepts such as "green", "sustainable", "eco", "eco-friendly", "nature-friendly", "environmentally friendly", "environmentally friendly slogans", "zero waste", "recyclable", "environmentally safe", "energy efficient", "recyclable", "carbon neutral", "renewable", "green energy", are included in the Guideline.

In this regard, key issues regulated in the Guideline are as follows:

- Advertisers, advertising agencies or media organizations shall not use environmental declarations in advertisements in a way that:
 - exploit the sensitivity of consumers to environmental matters or their potential lack of information;
 - deceive consumers in any way;
 - use without providing detailed information to consumers so as to create ambiguity regarding the effects of that good or service or its production processes;
 - suggest the legal procedures and standards which the goods or services, or advertiser, must comply with according to the relevant legislation, that they are different or superior to its competitors or equivalents;
- In addition to this, advertisers, advertising agencies or media organizations should not use comparative environmental declarations without making the content of the comparison clear, or imply that the advertised good or service covers all elements without indicating which part, component, or process it is referring to.
- The Guideline also stipulates that environmental declarations related to biodegradability, solubility, and recyclability must specify if these declarations apply to the product as a whole or just a part of it, and whether the procedure requires special equipment or additional actions.

- Furthermore, detailed regulations have been introduced regarding the utilization, in advertisements, of:
 - Certificates & approvals,
 - Declarations related to degradability,
 - Declarations related to recyclability,
 - Declarations related to renewable energy,
 - Declarations related to reclaimed water.

This Guideline emphasizes that all advertisements containing environmental declarations should be created with a sense of responsibility towards the target audience and society and the overarching principle of this Guideline is to prevent misleading visuals and statements. To ensure that the advertisement is not misleading, it should include clear and conspicuous disclosures that are placed close to the relevant claims. Additionally, the disclosure should be unavoidable, free of distractions, and understandable to the intended audience in order to be effective.



In compliance with Turkish bar regulations, opinions relating to Turkish law matters that are included in this client alert have been issued by Özdirekcan Dündar Şenocak Ak Avukatlık Ortaklığı, a Turkish law firm acting as correspondent firm of Gide Loyrette Nouel in Turkey.

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