



**SCREENING CHAPTER 10
INFORMATION SOCIETY AND MEDIA**

**AGENDA ITEM 13A : TELEVISION WITHOUT
FRONTIERS DIRECTIVE**

**ADVERTISING, TELE SHOPPING
AND SPONSORSHIP**

**Country Session: The Republic of TURKEY
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Content (I)

A) Legal Framework

B) Broadcasting Law No.3984

I. General Provisions

II. Legislation of Advertising and Sponsorship

III. Qualitative Rules

IV. Quantitative Rules

V. Form and Presentation

VI. Insertion

VII. Advertising of Particular Products

VIII. Sponsorship

IX. Advertising on Broadcasts from Abroad

Content (II)

- C) By-Law on the Rules and Principles for the Radio and TV Broadcasting**
 - I. Teleshopping**
 - II. Protection of Minors**
 - III. Misleading and Unfair Advertising and Teleshopping**
 - IV. Virtual Advertising**



Legal Framework (I)

- I- Law No.3984 on the Establishment of Radio and Television Enterprises and their Broadcasts, 20 April 1994**
- II- By-Law on the Rules and Principles for the Radio and Television Broadcasting, 17 April 2003**
- III- European Convention on Transfrontier Television Strasbourg, 1989**

Legal Framework (II)

- **Purpose is to constitute general provisions and qualitative/quantitative rules for advertising, teleshopping and sponsorship in radio and television programme services**
- **Provisions of the Law No.3984 and related By-law are compatible with the Transfrontier Television Convention**



BROADCASTING LAW NO.3984



General Provisions

Law No.3984

Art. 4/j, m

Advertising;

- **Shall not serve to an unfair aim and interest and shall not lead to unfair competition**
- **Shall be announced clearly without leading to any suspicion**
- **Spots which are deceptive, misleading or that would lead to unfair competition shall not be broadcasted**

Legislation of Advertising and Sponsorship

Law No.3984

Articles 19-23 are completely devoted to advertising and sponsorship:

- The general standards
- Duration and daily/hourly limits
- Rules for inserting advertising spots
- Particular products



Qualitative Rules

Law No.3984

Art.19

Advertising:

- **Shall be fair and honest**
- **Shall not be misleading and shall not prejudice the interests of consumers**
- **Addressed to or using children shall avoid anything likely to harm their interests**
- **Advertiser shall not interfere in the content of programmes**



Quantitative Rules

Law No.3984

Art.19

Advertising:

- **Shall not exceed 15 percent of the daily transmission time**
- **Within a given one-hour period shall not exceed 20 percent**
- **Direct offers to the public for the sale, purchase or rental of products shall not exceed one hour per day**



Form and Presentation

Law No.3984

Art.20

Advertising:

- **Shall be clearly and easily distinguishable and recognisably separated from the other items of the programme service by optical and acoustic means**
- **Shall not use subliminal techniques**
- **Shall not feature, visually or orally, persons regularly presenting news and current affairs programmes**



Insertion

Law No.3984

Art.21

Advertising:

- **Inserted between programmes**
- **Not prejudice integrity and value of the programme and the rights of the rights holders**
- **Between the intervals of the programmes with autonomous parts**
- **Not inserted during broadcast of religious services**

Additionally:

- **20 minutes between spots, within programmes**
- **Surreptitious advertising shall not be allowed**



Advertising of Particular Products

Law No.3984

Art.22

Advertising of:

- **Products containing alcohol, tobacco and tobacco products, medicines and medical treatment which are only available on prescription are prohibited**
- **Other medicines and medical treatment shall be honest, truthful and subject to verification; comply with the requirements of protecting the individual from harmness**

Sponsorship

Law No.3984

Art.23

General standards;

- **Clearly be identified at the beginning and/or end of the programme**
- **Sponsors may not influence on the content and scheduling of programme**
- **No references to products or services of the sponsor or a third party**
- **Sponsorship of prohibited products, news and current affairs programmes not allowed**

Advertising on Broadcasts from Abroad

Law No.3984

Art.29/m

- **For broadcasts transmitted from abroad through satellite platform and cable system, insertion of advertising in Turkish language shall be allowed**
- **For such advertising, relevant regulation shall be applied**



BY-LAW ON THE RULES AND PRINCIPLES FOR THE RADIO AND TV BROADCASTING



Teleshopping

Teleshopping is defined and regulated under the By-law on The Rules and Principles for the Radio and Television Broadcasting in order to provide harmonisation with the provisions of the Amending Protocol of Transfrontier Television Convention



Protection of Minors

By-law

Art.7

Advertising and teleshopping addressed to minors:

- **Not to harm minors physically, mentally, socially or psychologically,**
- **Not to show minors in danger,**
- **Contain clearly perceptive information on the price, dimensions, value, and performance of the product,**
- **Not to force minors to sign any contracts,**
- **Split-screen techniques and tele-shopping are prohibited during children's programmes**



Misleading and Unfair Advertising and Teleshopping

By-law

Art.8

- **Standards to prevent unfairly competitive advertising and teleshopping**

Art.10

- **Prevents misleading advertising and teleshopping on screen**

Virtual Advertising (I)

By-law

Art.16

Contains the standards and principles for using virtual advertising in the programmes;

- Viewers must be informed by optical and/or acoustic means at the beginning and/or end of the programme about the use of virtual advertising
- Shall not change the perception of the scene
- Shall not prejudice the integrity and value of the programme



Virtual Advertising (II)

By-law

Art.16

- **Acoustic effects shall not be used**
- **Subliminal techniques and advertising of prohibited products are not allowed**
- **Shall not be placed on the actors or players on screen**
- **Cannot be used in news, current affairs, children's programme and religious service broadcasts**



THANK YOU FOR YOUR ATTENTION