

# The Countdown Has Begun!

## Deadline for Compliance with Advertising Legislation Is August 1

Significant amendments have been introduced to the Regulation on Commercial Advertisement and Unfair Commercial Practices (the "**Regulation**") through the Regulation Amending the Regulation on Commercial Advertisement and Unfair Commercial Practices (the "**Amendment**"), published in the Official Gazette dated July 1, 2026.

The Amendment, which **will enter into force on August 1, 2026**, introduces brand-new rules on **(i)** the use of artificial intelligence, **(ii)** discounted sales advertisements, and **(iii)** targeted advertising. With the Amendment, matters such as green claims, consumer reviews, and influencer advertising, which had previously been regulated through guidelines published by the Ministry of Trade, have now been brought within the scope of the Regulation. In this client alert, however, we focus on the key changes relating to artificial intelligence, discounted sales advertisements, and targeted advertising, which we believe may significantly affect advertisers' practices.

### 1. New Rules on the Use of Artificial Intelligence

The Amendment contains provisions similar to the transparency obligations set out under the AI Act. In fact, it could be argued that it goes even further in certain respects.

Indeed, with these changes, it becomes mandatory to explicitly disclose the use of artificial intelligence in certain advertisements; the Amendment also introduces certain restrictions on the use of deepfakes.

#### I. Transparency in the Use of Artificial Intelligence

Where, in advertisements, **(i) artificial intelligence or other software is used in a manner that significantly influences consumers' economic behavior, or (ii) digital characters indistinguishable from humans, created through artificial intelligence technologies, are featured**, it has become mandatory to indicate this in a clear, understandable, and distinguishable manner.

- ✓ Not every use of artificial intelligence requires a disclosure. The obligation applies only where artificial intelligence significantly influences the consumer's decision, or where digital characters indistinguishable from humans are used in the advertisement.
- ✓ The point to note here is the choice of the phrase "or other software". This wording appears quite broad in scope, as it covers not only artificial intelligence systems, but also other software used to create content capable of significantly influencing consumer behavior. Accordingly, based on the wording of the provision, even advertisements prepared with traditional image-editing software such as Photoshop may fall within the scope of this disclosure obligation.

#### II. A New Ban on Deepfake Use

Advertisements in which the **digital replica of a real person**, created using artificial intelligence technologies, **gives the false impression that the person has personally experienced, used, or recommended a good or service** are now prohibited.

- ✓ While the AI Act's approach takes the form of a disclosure obligation regarding deepfake use rather than a ban, the Amendment goes one step further by introducing a ban on deepfake practices. However, the Amendment does not prohibit deepfake use altogether; instead, it targets only those uses in commercial advertising that are capable of misleading consumers.
- ✓ But if the real person has actually experienced/used and recommended the good or service in question, should an advertisement conveying that same recommendation through the person's AI-generated digital replica also be deemed to fall within the scope of the ban? How this issue will be handled, and in particular whether proof of the "actual experience" will be required, is among the contentious points awaiting clarification in practice.

## 2. A New Regime for Discounted Sales Advertisements

### I. The 30-Day Rule for Determining the Previous Sale Price Reduced to 10 Days

Following the amendment, the sale prices to be taken as the basis are as follows:

- For goods subject to discounted sales: the lowest price applied within the ~~thirty~~ **ten** days preceding the date on which the discount is applied will be taken as the basis.
- For perishable goods: the price immediately preceding the discounted price will continue to be taken as the basis.
- For services: ~~The rule that the lowest price applied within the thirty days preceding the date on which the discount is applied~~ shall be taken as the basis has been abolished; **the price immediately preceding the discounted price** will now be taken as the basis.

- ✓ Following the amendments made to the Price Tag Regulation in October 2025, a similar change had been expected in the advertising legislation. With the Amendment, the inconsistency between the two regulations has now been eliminated.

### II. A Striking Change Concerning Loyalty Programs

**For the first time**, it is now explicitly regulated in the legislation that **advertisements concerning loyalty programs that consumers can easily access or use** will also be subject to the rules on discounted sales advertisements.

- ✓ Under the Guideline on Advertisements Containing Price Information, Discounted Sales Advertisements and Commercial Practices published by the Ministry of Trade, creating "the impression that a direct/indirect discount is offered" through expressions such as "discount/savings/deal" for goods/services provided under loyalty programs had been prohibited, and this prohibition applied to all loyalty programs.

With the Amendment, it has now been set out in the legislation that advertisements made by loyalty programs "that consumers can easily access or use" will fall within the scope of discounted advertisements.

- ✓ On the other hand, the Regulation does not clarify the boundaries of the phrase "easily accessible or usable"; therefore, which loyalty programs will or will not fall within this scope may give rise to debate in practice.

### III. Conditional Advertisements Will Now Be Subject to the Rules on Discounted Advertisements

Conditional sales advertisements tied to a specific **purchase or transaction condition** (e.g., "buy 2, pay for 1", "20% off purchases over TRY 500") **will also be subject to the provisions on discounted sales advertisements**. For these campaigns, only the obligation to display the quantity of the goods or services subject to the discounted sale will not apply.

- ✓ The Amendment also subjects conditional sales campaigns to the rules on discounted sales advertisements. However, it does not specify on what basis the pre-discount price will be determined in campaigns such as "20% off purchases over TRY 500."

In particular, for cart-based campaigns, the Amendment is not clear as to whether the lowest price of the last 10 days will be calculated on the basis of the cart total, each individual product covered by the campaign, or another method; practice is therefore expected to take shape over time.

### 3. Familiar from the DSA: Targeted Advertising

Regulation now defines targeted advertising in a broad manner **for the first time**, although it has not been added to the definitions article. Accordingly, *the presentation of advertising content tailored to specific individuals or groups by sellers, providers, or intermediary service providers, based on the analysis of consumers' personal data such as their online behavior, preferences, location data, and demographic data*, is deemed to constitute **targeted advertising**.

#### I. Information on Advertising Criteria

In targeted advertising, it is mandatory to provide the consumer with direct and easily accessible information on **(i) the criteria used to display the advertisement to the relevant consumer** and **(ii) how those criteria can be changed**.

- ✓ As is well known, Article 26(1) of the EU Digital Services Act ("DSA") likewise requires, for advertisements displayed on online platforms, that the following be presented in a manner directly accessible from the advertisement; (i) that the content is an advertisement, (ii) on whose behalf the advertisement is presented (or by whom it is financed), (iii) the criteria on the basis of which the advertisement is displayed, and (iv) how those criteria can be changed.
- ✓ The "Why am I seeing this ad?" feature frequently encountered on social media platforms is the best-known example of this. While the user is informed of the criteria based on which the advertisement is displayed, they are also directed to the settings where those criteria can be changed.

The Amendment introduces a similar transparency obligation with respect to targeted advertising.

#### II. Ban on Profiling Children

Where it is **known, or can reasonably be expected to be known, that the consumer is a child**, engaging in targeted advertising through profiling methods based on personal data is **now prohibited**.

- ✓ This ban also largely aligns with the DSA's prohibition on profiling-based targeted advertising directed at children; Article 28(2) of the DSA likewise prohibits online platforms from presenting profiling-based advertisements using a minor's personal data where the platform is aware with reasonable certainty that the user is a minor.
- ✓ The point to note is that the ban does not concern the display of advertisements to children as such; rather, it concerns the display of targeted advertisements through profiling based on personal data.
- ✓ In this context, as the legislation does not provide any different guidance on the definition of a child, profiling of persons who are "not of legal age" -under 18- appears to be prohibited.

#### OUR COMMENT

Amendment introduces quite comprehensive changes. In particular, it brings significant changes that will affect advertisers' day-to-day practices in areas such as the use of artificial intelligence, discounted sales advertisements, and targeted advertising.

Moreover, many of these provisions show that the approaches adopted in EU regulations such as the AI Act and the DSA have started to find their way into Turkish advertising legislation as well.

The Amendment will enter into force on **August 1, 2026**.

Considering that the remaining time is quite limited, it is important for advertisers to review their current advertising practices without delay and take the necessary compliance steps.

**CONTACT:** [info@yazicioglullegal.com](mailto:info@yazicioglullegal.com)

**Bora Yazıcıoğlu**

**Alperen Solak**

**Simge Yüce**

**Ezgi Girenay**

**Mehmet Yiğit Aktimur**

This client alert does not constitute legal advice. It has been prepared and distributed for informational purposes only. Should you wish to obtain legal advice on the matter, please do not hesitate to contact us.