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Aggravated Scrutiny for Consumer Reviews

Consumer reviews are of great importance in online shopping as they enable consumers to form their opinion in terms of the features and quality of the products or services that they consider purchasing and the care and professionalism the sellers and providers present to consumers.

Due to the decisive impact of consumer reviews on consumers' shopping preferences, the Regulation on Commercial Advertising and Unfair Commercial Practices ("**Regulation**") were amended on February 1, 2022 with inclusion of Article 28/B and 28/C setting out the basic procedures and principles regarding the making and publication of consumer reviews and consumer complaints. In line with this rationale, the Advertisement Board in its meeting dated 12.09.2023 and numbered 337 adopted the Guideline on Consumer Reviews ("**Guideline**") in order to guide advertisers, advertising agencies, media organizations and all persons, institutions and organizations related to advertising with respect to the basic principles, informing process, control process, cases that are deemed misleading and respective parties' obligations regarding consumer reviews.

The principles set out in the Guideline reflect the evaluations and principles adopted by the Advertisement Board in its earlier decisions regarding the comments and rating practices and their rankings, which are composed of consumer experience that have an important role in the formation of consumers' shopping preferences and that significantly affect their purchasing decisions.

 The Advertisement Board in its decision dated April 2023 examined an ecommerce platform's practice of refusing the publication of a consumer's review, which evaluated that the purchased product was "wrong product", stating that "We approve comments that provide information about the product or brand, including positive or negative opinions and experiences about the product/use.

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Since your comment does not meet our publishing criteria, it has not been published." The Board determined that the review shared by the consumer as "wrong product" was not published under "product review" section since it was considered as "seller review" according to the publication criteria of the e-commerce platform, meaning that this comment could have been indeed published in a separate section about the seller. The Board found that such a distinction is not possible to be comprehended by an average consumer and consumers can make evaluations about the purchased product as well as the secondary services provided by the platform, and therefore, this practice constitutes an unfair commercial practice that makes it difficult for consumers to share their reviews in the evaluation process.

This issue is addressed under the Guideline as well. Article 6 of the Guideline titled "Informing Consumers" regulates that the consumer review screen may not be set in a manner which prevents consumers from evaluating the goods or services, which are the main factors in forming a purchasing decision, or the related secondary agreements, particularly delivery, or which limits the scope of the evaluation only with certain respects of the products and services. The Guideline contains illustrations establishing that the consumer's review concerning the delivery of the ordered food cannot be rejected on the grounds that the consumer's assessment of delivery is "independent of the service received from the restaurant" and that the control process for publishing the consumer reviews must be reasonable and proportionate.

The Board in its decision rendered in June 2023 examined the practices of an advertiser that was engaged in the procurement of comment/interaction services. As a result of the examination conducted by the Board, it was concluded that the advertising company provides services such as compiling/evaluating/processing

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comments made about businesses in consideration of a certain fee. It was determined by the Board that the advertising company intervened in the process of collecting, processing and linking the said comments with other websites, and prevented the publication of negative comments or prevented them from being visible to consumers, and manipulated the relevant data and increased the visibility of businesses through Google system in a misleading manner and it was noted that persons who did not purchase goods or services from the businesses were directed to make comments and these comments were published in various mediums. As a result, it was evaluated that these practices were contrary to the provisions of the advertising legislation, especially to those regulating the consumer reviews. Accordingly, the Board ordered the cease of the mentioned advertisements and commercial practices.

Pursuant to the Guideline, the process of collecting, processing and linking consumer reviews with other websites cannot be interfered with in order to prevent the publication of negative reviews. Sellers, providers or intermediary service providers may not engage in practices that may manipulate consumer reviews. As can be seen, the mentioned decision is based on the same grounds as the principles set in the Guideline.

 Similarly, under the Guideline, collusive acts, such as purchasing a large number of goods for the sole purpose of making favorable comments and returning the purchased goods right after the publication of the favorable comments, are counted as examples of unfair commercial practices.

For instance, the Board in its decision dated September 2023 detected that a large number of consumers shared their reviews about the food provided by the restaurant in question, although they ordered only a bottle of water, and ranked the food 5 out of 5 and posted exaggerated comments about the food which

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exceeded the limits of appreciation and praise. As a result, it was detected by the Board that consumers generally use food platforms for ordering food, and it is not a usual and customary consumer behavior to order only a small-sized water from a restaurant that offer food and it was noted by the Board that in the concrete case all customers who ordered small-sized water shared highly positive review about the food offered by the restaurant, which created an impression that the food offered by the restaurant satisfies the consumers at the highest level in terms of taste and service quality. Further, it has been evaluated that the mentioned comments and evaluations have been made intentionally with the aim to manipulate consumer preferences and purchasing decisions and that the commercial practices in question are unfair commercial practices aimed at significantly disrupting the economic behavior of consumers. Accordingly, the Board ordered the cease of the mentioned advertisements and commercial practices.

The Guideline also specifically states that consumer reviews containing health claims contrary to the relevant legislation may not be published. Accordingly, the Board in its decision dated October 2023, examined the health claims contained in the comments regarding the products sold through an e-commerce website such as "successful in eliminating edema", "very useful for cellulite", "I have been using it for 3 days and I feel quite light" and found it violating that the expressions such as "about edema", "weight", "gastritis" were presented to consumers as a filtering option under the heading "filter by subject" determined by the advertiser. Accordingly, the Advertisement Board issued a cease order with respect to the mentioned unfair commercial practices and imposed an administrative fine of 347,128 TRY.



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The decisive impact of consumer reviews, complaints and evaluations on consumers' purchasing decisions played a crucial role in the Board's publication of the Guideline. It is considered that the Guideline will guide advertisers in complying with the legislation and help establishing a uniform practice by the Advertisement Board.