

Health Claims for Anti-Coronavirus Products in Advertising

As coronavirus cases continue to spread in Turkey and around the globe, ads for food supplements and food claiming to prevent the effects of the virus have been rampant in every media including TV, radio and internet.

Legal authorities competent for ruling and supervising health claims in advertisements launched investigations since some advertisements of food supplements were considered to be unlawful, some food supplements advertised are not even authorized for sale and some made misleading health claims in advertising. Ministry of Health as well as Ministry of Agriculture and Forestry launched investigations against ads claiming to prevent or cure coronavirus.

Regulation on the Importation, Production, Processing and Supply of Supplementary Foods requires official authorization to be granted by the Ministry of Agriculture and Forestry for food supplements to be produced, imported, and launched into the market.

Health claims are not forbidden in ads for food supplements. Pursuant to Law no. 5996 on Veterinary Services, Plant Health, Food and Feed as well as Regulation on Products Sold with Health Claims official permission must be obtained from the Ministry of Health for health claims in advertising, packaging, promotion of food supplements. Accordingly;

- Ministry of Agriculture and Forestry has legal authority in granting official authorization for manufacturing and sale of food supplements, is competent in supervising the market and in imposing sanctions in case of non-compliance.
- Ministry of Health is the competent legal authority for supervising health claims for food supplements, has the legal power to impose sanctions against unauthorized or misleading health claims for food supplements. The sanctions could be cease of the unauthorized activity, seizure and confiscation of the products, administrative monetary fine.
- Advertisement Board is also entitled to impose sanctions (i.e. warning, cease of advertising, administrative monetary fine) against incompliant advertisements for food supplements, misleading health claims in advertising of food supplements.
- As per the Turkish Broadcasting Law, it is forbidden to advertise food supplements with health claims that would lead the target audience to perceive these products as pharmaceutical products that have medicinal or therapeutic effect. RTUK is entitled to supervise these advertisements.
- Law on Pharmaceuticals and Medical Preparations rules imprisonment term from 1 year up to 5 years for those who sell, advertise, promote any non-pharmaceutical product declaring that the product diagnoses and treats any disease.

As the result of this multiple controlling mechanism food supplements are subject to very strict supervision. Food supplements might be considered by the consumers as pharmaceuticals or as a substance used for treatment of illness, particularly in case of misleading health claims in their advertising. Hence food supplements are directly related with public health and public authorities attribute high importance on regulation of food supplements. As the result of this strict supervising activities apply.

It is recently observed that some celebrities and influencers promoted on their social media pages some food supplement brands and made false health claims in advertising thereof. Ads were claiming to prevent or cure coronavirus. It is announced by the legal authorities that the advertised food supplement had neither official authorization for sale, nor legal permission for health claims. It is considered that advertisers, due to their unpermitted and misleading advertising, could face serious and multiple sanctions described above.