

How to Evaluate Social Responsibility in Advertisements?

The Advertisement Board ("Board") made a striking decision at its meeting on January 9, 2024. The decision is based on the provision of the Regulation on Commercial Advertising and Unfair Commercial Practices ("Regulation") which emphasizes the necessity of taking economic and social responsibility into consideration in advertisements. The decision in question pertains to the introduction of the collection titled "The Jacket" by the global textile giant Zara on their Instagram page, <https://www.instagram.com/zara>. The promotional presentation of this clothing collection comprises of visuals showing mannequins wrapped in white fabric and wooden crates are shown.



In its examination of the images in question which were subject to complaint, the Board concluded that the white fabric wrapped mannequins and wooden crates seen on the floor create an impression of shrouds and wooden coffins, and thus violating Article 7 of the Regulation, titled "Accuracy and Honesty", ruling that "Advertisements shall be in compliance with the principles of fair competition which have gained acceptance in both commercial life and in public opinion within the framework of the sense of economic and social responsibility". Accordingly, the Board decided to suspend the aforementioned advertisements and imposed an administrative fine of TRY 347,128.

Although the Regulation explicitly states that advertisements should respect the economic and social responsibility, these terms are not precisely defined under the Regulation. In this regard, the Advertisement Board's decisions have importance for enlightening how these principles are to be interpreted and implemented. As a matter of fact, in its meeting dated September 13, 2022, the Board evaluated that the promotion of shoe and sandal products offered for sale by the same company, together with food products such as bread and donuts, by positioning them under, on or next to each other was in violation of the same provision of the Regulation and imposed a suspension penalty for the

advertisements in question. Our assessment of this decision was that, the Board in its said decision, considered the notion of bread as "sacred" from a societal perspective and that it finds a place within scope of social responsibility required by the Regulation.

The recent decision does not contain any justification or reasoning as to why and how the scrutinized advertisement constitutes a breach in the sense of economic and social responsibility. However, upon examination of the Board's decision, it is presumed that the Board considered the fact that, with the ongoing Israeli-Palestinian conflict at that time, the launch of the advertisement created sensitivity before the public and the Board relied upon the term 'social responsibility' sought by the Regulation. Furthermore, it can be assumed that the Board took into consideration, not only the reaction of the Turkish society, but also the reaction and calls for boycott from foreign societies against the same advertisement published abroad. The advertisement campaign in question became a topic of debate in many parts of the world in December 2023 and it was subject to calls for boycott. The Advertising Standards Authority ("ASA") in the UK reviewed the campaign due to numerous complaints but did not impose any sanctions as the company quickly removed the related advertisements.