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TOBACCO AND ALCOHOL MARKET REGULATION BOARD

Tobacco and Alcohol Control Department Directorate

Reference No. : B.12.6.0.TDK.0.11.00.00.550.03 - **05.11.12 20071**

Subject : World Tobacco Turkey 2013 Event

To the Attention of Turgut KAZAN

Attorney (SSUK Legal Consultant)

İstiklal Cad. Asmalımescit Sok. No:23/13

Beyoğlu/ISTANBUL

In Reference to: Your letter dated 03/09/2012.

To summarize the conclusion reached as a result of examining the referenced letter and attachments sent by Cigarette and Health National Committee Legal Consultant Attorney Turgut KAZAN, it is being requested that the “World Tobacco Turkey 2013” event that has been announced to take place at the Istanbul Lütfi Kırdar International Congress and Exhibit Palace between the dates of May 29-31, 2013, be prevented for the reason that it is in violation of Regulation 4207.

Upon examination of the site on which the event has been announced, it has been observed that in the event that is to take place in “fair” format, that such opportunities will be offered in Turkey which is “a developing tobacco products market” like “discussing products with existing buyers, making new contacts and gaining new work from visitors in the targeted market, the launch of new products, increasing brand and product portfolio recognition, providing participation in international promoting campaigns that encourage World Tobacco Turkey and benefitting from these” and that “sponsorships that are provided with fair participation and other marketing opportunities, will gain extra introduction opportunities for companies” has been expressed; in terms of the fair profile, many items including adhesives, agricultural machines, cigarettes, cigarillos, crushed tobacco, flavoring and aromatic materials, processing and packaging machines are being listed and the fact that the participation of decision makers is being targeted, is included on the site. Additionally, that fact that a wide promotional campaign will be included in the “Tobacco Journal International” and other media sources is being expressed.

As a result of the subject being evaluated by our Board with consideration for the relevant national and international regulations, the following remarks have been made.

As is known, The World Health Organization (WHO) Framework Convention on Tobacco Control, which Turkey signed, became a party of in 2004 and adopted as part of our internal law, is a series of comprehensive measures based on scientific facts and proof that the party countries have committed to, in order to reduce the supply and demand of tobacco products. At present 176 countries, including Turkey that are a party to this international Convention have renewed the securing of this right to the highest health standard and are committed to protecting their citizens against the hazards of tobacco products. In the relevant sections of the FCTC the following arrangements have been included on the subject:

1. Tobacco advertisement, promotion and sponsorship in FCTC and guide countries;

In articles 1-c and g of the FCTC wide definitions of tobacco advertisement, promotion and sponsorship have been provided. According to these;

*“1-(c) “tobacco advertisement and promotion”, any kind of commercial communication, suggestion or action that is done in order to directly or indirectly encourage a tobacco product or the use of tobacco”,*

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*1-(g) “tobacco sponsorship”, contributing to any kind of event, function or individual that has the purpose, effect or similar effect to directly or indirectly promote a tobacco product or tobacco use”* and in clause 4-c of article 13 within the constitution and constitutional principles of the Parties, it is stated that the matter to *“restrict the use of elements which directly or indirectly encourage the public to buy tobacco products”*, shall be carried out is included.

In the Guideline Principles that have been created for the application of FCTC article 13, detailed explanations have been included on the subject of tobacco advertisement, promotion and sponsorship activities.

According to the Guideline Principles;

The fact that tobacco advertisement, promotion and sponsorship increases tobacco use and comprehensive restrictions made on tobacco advertisement, promotion and sponsorship have reduced the use of tobacco, has been well documented.

According to the definitions included in article 1 of the Convention, a comprehensive prohibition towards tobacco advertisement, promotion and sponsorship, shall be applied to any *commercial communication, suggestion* or *action* or event, function or individualthat has the *purpose* to *directly* or *indirectly* encourage a tobacco product or tobacco use.

A prohibition against tobacco advertisement, promotion and sponsorship is only effective if it has a wide scope. The marketing communication of our day in the area of advertisement and promotion for the purchase and sales of goods includes an integrated approach with direct marketing, public relations, sales promotion, personal sales and online interactive marketing methods. If only a certain form of direct tobacco advertisements are prohibited, the tobacco industry will inevitably shift their expenditures to other advertisement, promotion and sponsorships by using creative ways to encourage tobacco products and tobacco use, especially among young people.

Thus the application of a partial advertisement prohibition against tobacco use, will have a limited effect. This situation has been accepted in article 13 of the Convention that determines the basic obligations with regard to tobacco advertisement, promotion and sponsorship. According to article 13.1 of the Convention, “The Parties accept that the application of a comprehensive prohibition against advertisement, promotion and sponsorship, will reduce the use of tobacco products”.

It is important to point out that both tobacco advertisement and promotion and tobacco sponsorship not only include actions that are aimed at promotion but also actions that create a promotional effect or have the possibility to create a promotional effect and not only direct promotion but at the same time indirect promotion.

Direct and indirect promotional effects can be created by using brand names, commercial brands, logos, tobacco manufacturer or importer names and tobacco products, colors or words, designs, images, sounds that contain color arrangements that are associated with the manufacturer or importer or a part or parts of words, designs, images and colors. Even if brand names or commercial brands are not used, the tobacco companies promoting themselves (this is also called corporate promotion) is also considered to be a form of promoting tobacco products or tobacco use. Exhibiting and sponsoring cigarette/tobacco smoking

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accessories such as cigarette papers, filters, cigarette rolling tools and imitation tobacco products, may create a promotional effect of tobacco products or tobacco use.

In the Guideline Principles, after the comprehensive prohibition is explained as above, the matter of “communication in tobacco commerce” is included. According to this, while it is accepted that an exception with the purpose of providing goods, information to the actors within the tobacco trade, the fact that access to this type of information must be restricted to individuals that make commercial decisions and therefore have a need for this information is stated.

In this context it is considered that although it is stated in the aforementioned internet site that the goal is for decision makers from the tobacco industry to participate in the subject activity, since there is no situation barring the participation of tobacco users outside of the professionals in the fair, the conclusion has been reached that the subject has exceeded the dimensions of an exceptional commercial communication and carries the risk of resulting in a tobacco product advertisement and tobacco promotion effect.

1. Tobacco advertisement, promotion and sponsorship in Regulation 4207 and other regulations:

In clause one of article 3 in the Regulation number 4207 titled *“Law on the Prevention and Control of Tobacco Products Hazards*” the fact that no advertisements and introductions may be made for any reason whatsoever using tobacco products and tobacco producer names, brands or symbols has been decreed.

In addition to Regulation 4207, article 8 of Regulation4733, article 16 of Regulation 4077, Principles on the Protection of Consumer Rights and article 4 (h) and (g) of the Regulations on the Codes of Application, all included regulatory provisions.

It is considered in this framework that if it is organized to be open to the participation of end users the subject event will present a violation of Regulation 4207 to begin with as well as all of the other above mentioned regulation provisions and will cause the advertisement and promotion of tobacco products and tobacco producing companies.

In light of the matters that are stated under the headings of article 1 and 2, our opinion that the above mentioned event to be ceased, has been sent to the Ministry of Food, Agriculture and Livestock Farming and the Turkish Health Institute Directorate, for the necessary action to be taken.

I request that they be informed.



 Ahmet Eray ATAY

 Chairman a.

 Deputy Chairman

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