HOW CAN INDEPENDENCY LEVEL OF AN INDEPENDENT REGULATORY AGENCY IN ALCOHOL MARKET AFFECT ALCOHOL MARKETING?
THE TURKISH CASE

ALKOL PİYASASINDAKİ BİR BAĞIMSIZ DÜZENLEYİCİ KURUMUN BAĞIMSIZLIK DÜZEYİ ALKOL PAZARLAMASINI NASIL ETKİLER?
TÜRKİYE ÖRNEĞİ

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ABSTRACT

The alcohol market is one of the leading sensitive markets in terms of economic and social life of a society. This sector is regulated by independent regulatory agencies (IRAs) in many countries. However, it is not usually easy to find empirical studies on the impact of independency level of IRAs on the alcohol market. In this context, this study aims to analyze the impact of the formal independency level of the Tobacco and Alcohol Market Regulatory Agency (TAMRA) on the competitive structure of the alcohol market from macro point of view and on the marketing activities of the companies in the alcohol market from micro point of view. For the measurement of formal independency level comprising the basis of the analysis, multi-dimensional scaling has been used in this study. As a result of analysis, it has been established that the TAMRA is one of the regulatory agencies with the lowest level of independency in Turkey and it has also been argued how this state of affairs is likely to shape up especially the marketing activities of the companies in the alcohol market.

Key Words: *Independency, Independent Regulatory Agencies, Marketing, Alcohol Market, Multidimensional Scaling Analysis*

ÖZET

Alkol piyasası, ekonomik ve toplumsal yaşamda hassas olarak nitelendirilebilecek piyasaların başında gelmektedir. Bu sektör, birçok ülkede Bağımsız Düzenleyici Kuruluşlar (BDK) tarafından denetlenmektedir. Bununla birlikte, alkol piyasasında BDK'nın bağımsızlık düzeyinin etkisini

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inceleyen çalışmalar pek fazla değildir. Bu bağlamda çalışma, Tütün, Tütün Mamulleri ve Alkollü İçkiler Piyasası Düzenleme Kurumunun formal bağımsızlık düzeyinin makro açıdan alkol piyasasındaki rekabet yapısı, mikro açıdan ise alkol piyasasındaki işletmelerin pazarlama faaliyetleri üzerindeki etkilerini incelemeyi amaçlamaktadır. Analizin temelini oluşturan formal bağımsızlık düzeyinin ölçümü için çalışmada çok boyutlu ölçekleme yöntemi kullanılmıştır. Analiz sonucunda, Tütün, Tütün Mamulleri ve Alkollü İçkiler Piyasası Düzenleme Kurumu Türkiye'deki en düşük bağımsızlık düzeyine sahip düzenleyici kurumlardan biri olarak bulunmuş ve bu durumun alkol piyasasını özellikle de bu piyasadaki işletmelerin pazarlama faaliyetlerini nasıl şekillendirebileceği çalışmada ele alınmıştır.

Anahtar Kelimeler: *Bağımsızlık, Bağımsız Düzenleyici Kurumlar, Pazarlama, Alkol Piyasası, Çok Boyutlu Ölçekleme Analizi*

INTRODUCTION

The alcohol market is one of the leading sensitive markets in terms of economic and social life of a society. The significance of this market stems from the impact of alcohol on such actors and structures as the individual, companies, society and the state at large. While alcohol, on the one hand, causes some economic losses and individual and social problems (Foster *et al.*, 2006: 473), it, on the other hand, constitutes an important source of revenue for the states, profit for companies and that of employment for the individuals (Centre for Addiction and Mental Health, 2004: 2).

The significance of alcoholic beverages and markets that can be associated in such issues as human rights and civil liberties as well as public health and security is increasing day by day. Given alcohol production and consumption, a well-designed public policy and its application taking into consideration the individual, society, companies and the relevant sector is crucial. Therefore, the role of the governments and IRAs becomes more important.

In order for the external pressures not to affect its functioning, governments in some countries have delegated the power and authority of regulating the alcohol markets to independent regulatory agencies (IRA) armed with the armour of independency. The IRAs operating in the alcohol market, together with the functions and powers such as regulation, inspection and applications of sanctions have a significant impact on both the competitive structure of the alcohol market and the marketing activities of the companies in this market. Therefore, the IRAs perceived as the guarantee of impartially regulating an important sector like alcohol, are important to have a high level of independency both for the alcohol markets themselves and for the companies in these markets.

This study aims to analyze the impact of the independency level of the Tobacco and Alcohol Market Regulatory Agency (TAMRA), an IRA regulating the alcohol market in Turkey, on the competitive structure of the alcohol market from macro point of view and on the marketing activities of the companies in the market from micro point of view. For this purpose, initially the alcohol marketing activities of companies and the role of IRA on regulating the alcohol market have been discussed. Afterwards, the regulation of the alcohol market in Turkey has been explicated. And then, the definition of "independency" of IRAs, the basis of this study, is explicated and through multi-dimensional scaling analysis, the formal independency of IRAs in Turkey generally and TAMRA specially is measured. Finally, the probable impacts of the formal independency level obtained for TAMRA on the competitive structure of the alcohol market and marketing activities of the companies are discussed within the framework of variables of the marketing mix and some suggestions are made.

THE MARKETING ACTIVITIES OF THE COMPANIES IN THE ALCOHOL MARKET

Companies are naturally the most important actors of an alcohol market that has a competitive structure. These companies develop different marketing strategies in order to increase their share of the market and profits. In fact, in the alcoholic beverage industry that is mature and highly competitive, companies regularly make use of marketing strategies in order to stimulate the demand (Novak, 2004: 4; Jackson *et al.*, 2000: 597). However, due to the different features and effects of alcoholic beverages from other products, the companies and their marketing applications in this industry have been controversial.

Marketing managers seek to influence the level, timing and the composition of the demand to meet the goals of the companies (Kotler, 2000: 5). In this context, since marketing management is equal to the management of the demand, the demand is positively influenced and oriented once the marketing strategies and decisions are put into application successfully.

Each component of the marketing mix of "product", "price", "place" and "promotion" together with their sub-components are directly related to alcohol consumption. Given place and price, it is observed that the price and accessibility of alcoholic beverages have especially an important impact on the alcohol consumption level of the young people (Casswell, 2004: 471). The availability of alcohol also increases the consumption of alcohol in the general population as well as among the young adults and older adolescents (Kuo *et al.*, 2003: 204). A possible change in the prices of alcoholic beverages, on the other hand, may have an influence on the sale of alcohol.

Accordingly, all the other factors being equal, a reduction in the price of alcohol is to lead to more sale of it. Given the reverse of this scenario, an increase in alcohol prices causes a drop in alcohol sales (Trolldal and Ponicki, 2005: 1158-1159).

Advertising, one of the subheadings of promotion in alcohol industry, is widely used. For instance, the alcohol industry spends enormous amounts of money on advertising media such as television, radio, print media and billboards (Hurtz *et al.*, 2007: 143). Similarly, the alcohol and tobacco industries are the biggest purchasers of the outdoor advertising spaces (Scott *et al.*, 2008: 203). The alcohol advertisers who are well aware of the relationship between alcohol consumption and alcohol advertisements use effective advertising techniques especially in order to reach the market where there are young people. For this purpose, by using physical attractiveness and sexiness, spokespeople, humor, music and popular culture icons, the industry try to influence the young people (Novak, 2004: 5). However, restrictions on alcoholic beverage advertising have become an issue for debate around the world. Some steps regarding the time and location limits on alcohol advertisements are being taken in some countries (Jones and Donovan, 2002: 154; Jones, 2000: 595).

The fact that the alcohol industry and advertisers target the adolescents, children and young people choosing their target audience according to age and/or gender is one of the leading topics of study in the relevant literature (Garfield *et al.*, 2003; Jernigan *et al.*, 2004; Jernigan, 2002; Siegel *et al.*, 2008). It is simply because the exposure of children, adolescents and young people to alcohol advertising leads them to consume alcohol more and help the starting age of alcohol consumption to drop as well. This causes a concern in terms of individual and social development.

The companies, in an attempt to increase the sale of alcoholic beverages, use packaging and labeling heavily in order to differentiate their products and ensure promotion, and try to create a strong and consistent brand identity and awareness (Novak, 2004: 9). The point of purchase marketing activities including alcohol advertising and other alcohol related marketing efforts also increase alcohol sales and consumption (MCelrath *et al.*, 2003: 310).

The companies in the alcohol market by and large try to promote consumption and increase their market share through marketing. However, they have to carry out these activities within the framework of law, rules and standards set out by the state. It is because the desire of those companies to stimulate and promote the demand of the alcoholic beverages increases alcohol consumption and leads to some social and economical problems. In other words, the companies in a sensitive sector like alcohol carry out all their commercial activities under the official scrutiny and control. The aim

of this scrutiny is in general to protect the competitive structure of the market, to make sure that the actors follow the law set out and to apply sanctions against those that fail to follow them. This role of an arbitrator in such a competitive market structure is now carried out by the IRAs that have especially become widespread after 1980s.

REGULATION OF THE ALCOHOL MARKET AND THE IRAs

Governments have established legal frameworks to balance the interests of consumer, commercial benefits emerging from the production and sale of alcohol, and public health and safety concerns associated with alcohol use. The public health and safety policies focusing on alcohol consumption also comprise those people who do not consume alcohol or consume it very little as well as those who consume it a lot. A public policy related to alcohol consumption generally aims to improve the public health at large. Therefore, the key goal of a public-health oriented perspective is to promote the reduction strategies of risk and harm in managing alcohol distribution. The alcohol policies are the cornerstone in balancing health and safety risks with the commercial aspects of alcohol distribution and sales (Centre for Addiction and Mental Health, 2004: 1-3)

The concerns emerging from the alcohol-related problems encourage the societies to develop and utilize individual and environmental strategies aiming to fight against harmful effects of the alcohol. Therefore, to constrain the availability of alcohol is one of the alcohol controlling strategies (Zakocs, 2000: 328). Moreover, regulating the alcohol-related advertising activities (regulating retail prices, advertising and promotional activities) comprise the significant strategies aimed at reducing the problems likely to arise from alcohol consumption (Kuo *et al.*, 2003: 210).

Since the rise in alcohol-related problems poses danger for the public health, the first step to be taken in such a situation is to regulate the alcohol market (Tkiewicz, 1997: 67). It is possible to talk about two kinds of regulations oriented to alcohol products: self regulation and statutory legislation. However, it is observed that the self-regulation practices aiming young people and children have been ineffective (Jones and Donovan, 2001; Jernigan, 2004; Scott *et al.*, 2008; Garfield *et al.*, 2003). Due to the ineffectivity of self-regulation, governments feel the need to regulate the alcohol market and products via the laws acceded by their parliaments.

Especially, governments since 1980s have given up statist policies after a transition to the regulated market economy and set up the IRAs for economically and socially significant and sensitive market regulations. The alcohol market is one of them. Therefore, the authority of the governments in order to regulate and scrutinize the alcohol market is used by the IRAs in some countries.

IRAs represent the best examples of delegation to non-majoritarian institutions (Majone, 2001). They are organizationally separate from governments and headed by unelected officials. Because of these characteristics, IRAs differ from classical administrative organizations. Even countries which have little experience in delegating functions to 'arm's length' institutions like Germany have established IRAs (Gehring, 2004; Döhler, 2002).

As a result of IRAs' distinguishing characteristics and great affect on economical and social life, most scholars focused on how and why elected politicians delegated to IRAs their authorities, formal institutional design of IRAs and consequences of creating IRAs (Thatcher, 2001, 2002a; Thatcher and Sweet, 2002; Majone, 2001; Gilardi, 2001a; Wilks and Bartle, 2002; Pollack, 2002).

The main rationale behind the creation of IRAs is to improve the efficiency of markets. In order to do necessary arrangements for establishing a competitive market structure and to implement sanctions to actors which do not comply with rules, it is essential that capacity of state be developed in accordance with run of law based on governance model (World Bank, 1997: 4). Likewise, IRAs are seen as an important element of governance structure, that is 'regulatory state', which state will form in order to undertake regulation, inspection and supervision functions (Thatcher, 2002b; Scott, 2000; Das *et al.*, 2002; Thatcher, 2005).

The primary aim of such agencies is the need and purpose to purify areas of the communication, energy, economic competition, banking and finance, telecommunication and food and beverages from the influence and pressure of politicians and actors that are active in these sectors (Cushman, 1953: 145; Jacobzone, 2005: 72). In this context, countries have established IRAs which are armed with the armory of independency in order to regulate and control important markets. Turkey is one of these countries.

There are nine active IRAs in Turkey. These are Capital Markets Board (CMB), Radio and Television Supreme Council (RTSC), Competition Authority (CA), Banking Regulation and Supervision Agency (BRSA), Information and Communication Technologies Authority (ICTA), Energy Market Regulatory Authority (EMRA), Sugar Authority (SA), Public Procurement Authority (PPA) and TAMRA. All of them were created by laws made in the Turkish Grand National Assembly (TGNA). Consequently, they can not be described as constitutional institutions. IRAs have public legal personalities in Turkey. There is a specific Ministry to which each IRA is relevant in order to secure the administrative integrity according to Turkish Administrative Law. IRAs perform their duties and exercise their powers through their boards. These boards are decision-making authority of IRAs.

The functions and powers of IRAs include authorizations such as regulation, supervision and inspection, consultancy, resolution of disputes and applying sanction (Sobacı, 2006: 168-170). In this context, IRAs have functions and powers in order to carry out regulation on such issues as prices, quantities, licensing and cancellation of the licenses, inspection and review of the activities of the actors in the market, asking for and confiscation of the information and documents of those inspections and reviews from the relevant authorities and application of such sanctions as administrative fines and cancellation of licenses. The above-mentioned agencies act independently while they exercise this authority. These agencies do not get orders or instructions from any person, institution or authority while they undertake their duties and benefit from broad administrative and financial autonomy.

An IRA to be established in the alcohol market is to have the relevant authorizations and to regulate the alcohol market accordingly. While the functions and powers of that the IRAs have in regulating the alcohol market have an impact on the competitive structure in the alcohol market from macro point of view, they will also have an impact on the marketing activities of the companies from micro point of view. Considered from a macro point of view, the regulations done in the alcohol market also influence the competitive structures of the potential or new companies as well as the competition among rival companies.

In fact, as Porter stated, there exists five forces that have an impact on the competitive structure of an industry. These forces are comprised of the existing competitors of the company in the relevant industry, the threats of the new entrants, the threats of substitute products and services, the bargaining powers of the suppliers and buyers (Porter, 1980: 34-36). The formation of those five forces varies in relation to the type of the industry. The most important competitive force or forces determine the profitability of an industry (Porter, 2008: 80-81). At this point, an IRA that has the authority of licensing for new entrants into the market and cancellation of the licenses and regulating such issues as prices, quantities and distribution, is in a significant position in arranging the competitive structure of the alcohol market.

The rules laid down by the regulatory institutions have a significant impact on the marketing activities of companies (Boone and Kurtz, 1995: 91). The functions and powers of IRAs may have impact especially on the marketing activities of the companies from micro point of view. Marketing function in companies that deal with the production and marketing of the alcoholic beverages is not very independent in managing the demand. Regulations and sanctions made by the IRAs in such issues as product quantities, quality, prices, distribution, sale and advertisement delimit the

freedom of companies in marketing area. Therefore, IRAs and marketing managers of companies have an impact on the management of the demand in the alcohol market.

REGULATION OF THE ALCOHOL MARKET IN TURKEY

The market of alcohol and alcoholic beverages in Turkey was administered by the government's monopoly between 1942 and 2003. In this period, as the only producer in the field of "distilled alcoholic beverages" and as the importer, TEKEL as state-run institution was in operation. Since 1995, as a requirement of Customs Union Agreement, "whisky and self bubbling wine" were freely imported by the private sector; the production of "beer and wine" has been conducted by the private sector and the government. However, the import of these products after the Customs Union Agreement has only been made by TEKEL and with limited quantities. Ethyl alcohol was produced only in the facilities of sugar factories and distributed by TEKEL (www.tapdk.gov.tr, Access Date: 02.03.2009).

As a result of the amendment in "Alcohol and Alcoholic Beverages Legislation" at the end of 2001, the state monopoly on alcoholic products was lifted. With the Law No 4733 as amended by the Turkish Grand National Assembly on the 3rd of January, 2002, what is called TAMRA was established as an IRA in order to regulate and inspect the alcohol market. TAMRA, with this particular characteristic in the regulation of alcohol and tobacco market, is in a state of restructuring that wishes to implement the approach of regulating, monitoring and controlling the relevant sectors under one roof (T.C. Cumhurbaşkanlığı Devlet Denetleme Kurulu Denetleme Raporu, 2010: 428-430). TAMRA is a public institution which has public legal personality, and administrative and financial autonomy. With the laws and regulation TAMRA published between 2002 and 2003, the import and export of alcoholic beverages in Turkey completely started to operate based on the free market principles (www.tapdk.gov.tr, Access Date: 02.03.2009).

In addition to its economic regulation functions within the market principles, the TAMRA was also designed to provide social regulations in its sectors to protect health and societal life from hazardous applications that may emerge in the distribution of alcoholic drinks (Sönmez, 2004: 163-164). In this context, TAMRA regulates the production of alcohol, its domestic and foreign trade, its denaturation, packaging, distribution, stocking for the production purposes, its storage, its recycling, processing, establishment of production plants, production license, project modification, its termination and all kinds of handovers (www.tapdk.gov.tr, Access Date: 02.03.2009).

After the alcohol market was opened to competition in Turkey, the vast increases of alcohol producers and alcoholic products in the market made it all the more clear that more care and attention was needed in such issues as protection of the consumers, ensuring the public health and safety, maintenance of the competitive structure in the market and economic interests. Realization of the relevant objectives related to the alcohol market in Turkey is directly related to the independency of TAMRA. These objectives can only be realized through TAMRA that is only independent of government and the agents in the market and is equipped with relevant assurances on this issue.

Since the regulations of TAMRA are closely related with marketing mix, they also have an impact on the marketing activities of the companies from micro point of view. In this connection, since the low independency level of TAMRA means that this institution will not be immune to the external inculcations and pressures, both the competitive structure of the alcohol market will be damaged and the marketing activities of the companies may be negatively or positively influenced.

INDEPENDENCY OF IRAs

Independency of IRAs is generally defined as the ability of these institutions to make decisions regarding the sectors they regulate without any affect or intervention from outside, especially from government or the actors in the regulated sector (Smith, 1997: 9; Virag, 1999: 16; Hogwood, 1990: 595). To put in another way, independency describes the stand of such agencies against the actors around them.

Independency of IRAs can be assessed under two dimensions, organic and functional independencies. By organic independency, it is meant that those who are appointed to management boards have more security compared to civil servants in other institutions in the context of appointment methods, terms of office and their dismissal procedure. IRAs which have high independency level are characterized by a long term of office for their board members, appointment of board members based on technical skills and dismissal only for official misbehavior not related to policy (Thatcher, 2001: 13; Gilardi, 2001b: 9). In addition, to ensure organic independency of IRAs, sources of revenues and budgets of these agencies and their independent personnel policies are also important factors.

Functional independency means that units of executive organ do not have any direct authority like putting operation under approval, blocking or delaying the operation coming into force over the operations and actions of IRAs, which may lead to invalidity of such operations and actions and that no institution or authority can give orders or instructions which will change these operations or prevent them from coming into force.

In this context, in order for them to protect the competitive structure of the markets, to increase their productivity and not to influenced by the external inculcations and pressures, the independency of those kinds of institutions have to be secured together with their organic and functional dimensions.

At this point, it is necessary to state that especially functional independency of IRAs should not be seen as an absolute independency but as a relative one. According to Fesler (1968: 192), absolute independency of IRAs against execution and parliament is a 'myth'. As Christensen and Laegreid (2005: 17) point that it is necessary to distinguish between the de jure formal level of independency and de facto independency. Real agency independency might not correspond with formal agency independency. Politicians might use informal channels to influence the decision making of agencies.

In this study, the formal independencies of the IRAs in Turkey are measured. The measurement of their formal independencies is based on two fundamental reasons. The first one is that as far as Christensen and Laegreid's (2005) distinction is concerned, it is very difficult to measure the de facto independency of the IRAs. It is simply because both the politicians and the other actors in the market will either secretly or indirectly be engaged in activities affecting the independency of the IRAs. In other words, unlike the formal independency level of the IRAs, it is not always possible to determine the channels and effects revealing the level of "de facto dependency", and subject them to an analysis. The second one is that since formal dependency refers to a dependency based on legal texts related to the IRAs, it is, so to speak, at the heart of the notion of dependency. After the establishment of the institution, the informal channels that are likely to be used by the politicians and companies in practice, and damage the independency of the institution may negatively influence its members and decisions. Therefore, in order for the independency of those institutions not to be damaged, it is a must that their dependency is guaranteed through legal regulations especially while they are being established. In this connection, what follows this part of the study is the empirical analysis enabling the measurement of the formal dependency of TAMRA.

FORMAL INDEPENDENCY LEVELS OF IRAs IN TURKEY: EMPIRICAL ANALYSIS

Data and Methods

In order to evaluate the formal independency of IRAs in Turkey, the index of IRAs' independency developed by Gilardi (2002: 881-883) is utilized. This index is focused on formal independency of IRAs. This can be divided into five main dimensions, namely the agency head status, the

management board members' status, the general frame of the relationships with the government and the parliament, financial and organizational autonomy and the extent of delegated regulatory competences. This index consists of twenty one indicators. Each indicator is numerically coded on a scale of 0 (lowest level of independency) to 1 (highest level of independency). Under every indicator, there are choices showing possible situations regarding this indicator. The independency index is illustrated in detail in Table 1.

Table 1: Formal Independence of Regulatory Agencies

Dimension	Indicators	Numerical Coding
A) Agency head status	1) Term of Office	
	- over 8 years	**1,00**
	- 6 to 8 years	**0,80**
	- 5 years	**0,60**
	- 4 years	**0,40**
	- fixed term under 4 years or at the discretion of the appointer	**0,20**
	- no fixed term	**0,00**
	2) Who appoints the agency head?	
	- the management board members	**1,00**
	- a complex mix of the executive and the legislature	**0,75**
	- the legislature	**0,50**
	- the executive collectively	**0,25**
	- one or two ministers	**0,00**
	3) Dismissal	
	- dismissal is impossible	**1,00**
	-only for reasons not related to policy	**0,67**
	- no specific provisions for dismissal	**0,33**
	- at the appointer's discretion	**0,00**
	4) May the agency head hold other offices in government?	
	- no	**1,00**
	- only with permission of the executive	**0,50**
	- no specific provisions	**0,00**
	5) Is the appointment renewable?	
	- no	**1,00**
	- yes, once	**0,50**
	- yes, more than once	**0,00**
	6) Is independence a formal requirement for the appointment?	
	- yes	**1,00**
	- no	**0,00**

Table 1 Continued

Dimension	Indicators	Numerical Coding
B) Management board member's status	7) Term of Office	
	- over 8 years	**1,00**
	- 6 to 8 years	**0,80**
	- 5 years	**0,60**
	- 4 years	**0,40**
	- fixed term under 4 years or at the discretion of the appointer	**0,20**
	- no fixed term	**0,00**
	8) Who appoints the management board members?	
	- the agency head	**1,00**
	- a complex mix of the executive and the legislature	**0,75**
	- the legislature	**0,50**
	- the executive collectively	**0,25**
	- one or two ministers	**0,00**
	9) Dismissal	
	- dismissal is impossible	**1,00**
	- only for reasons not related to policy	**0,67**
	- no specific provisions for dismissal	**0,33**
	- at the appointer's discretion	**0,00**
	10) May management board members hold other offices in government?	
	- no	**1,00**
	- only with permission of the executive	**0,50**
	- no specific provisions	**0,00**
	11) Is the appointment renewable?	
	- no	**1,00**
	- yes, once	**0,50**
	- yes, more than once	**0,00**
	12) Is independence a formal requirement for the appointment?	
	- yes	**1,00**
	- no	**0,00**

Table 1 Continued

Dimension	Indicators	Numerical Coding
C) Relationship with government and parliament	13) Is the independence of the agency formally stated	
	- yes	**1,00**
	- no	**0,00**
	14) Which are the formal obligations of the agency vis-à-vis the government?	
	- none	**1,00**
	- presentation of an annual report for information only	**0,67**
	- presentation of an annual report that must be approved	**0,33**
	- the agency is fully accountable	**0,00**
	15) Which are the formal obligations of the agency vis-à-vis the parliament?	
	- none	**1,00**
	- presentation of an annual report for information only	**0,67**
	- presentation of an annual report that must be approved	**0,33**
	- the agency is fully accountable	**0,00**
	16) Who, other than a court, can overturn the agency's decision where it has exclusive competency?	
	- none	**1,00**
	- a specialized body	**0,67**
	- the government, with Qualifications	**0,33**
	- the government, unconditionally	**0,00**

Table 1 Continued

Dimension	Indicators	Numerical Coding
D) Financial and Organizational Autonomy	17) Which is the source of the agency's budget?	
	- external funding	**1,00**
	- government and external funding	**0,50**
	- government	**0,00**
	18) How is the budget controlled)	
	- by the agency	**1,00**
	- by the accounting office or court	**0,67**
	- by both the government and the agency	**0,33**
	- by the government	**0,00**
	19) Who decides on the agency's internal organization?	
	- the agency	**1,00**
	- both the agency and the government	**0,50**
	- the government	**0,00**
	20) Who is in charge of the agency's personnel policy?	
	- the agency	**1,00**
	- both the agency and government	**0,50**
	- the government	**0,00**
E) Regulatory Competencies	21) Who is competent for regulation in the sector?	
	- the agency only	**1,00**
	- the agency and anotherindependent authority	**0,75**
	- the agency and parliament	**0,50**
	- the agency and government	**0,25**
	- the agency has only consultative	**0,00**

Source: Gilardi, 2002: 881-883.

This index contains the criteria that will help to measure the notion of dependency, the most noticeable characteristics of independent regulatory institutions, with all its organic and functional dimensions. The dependency index in question incorporates the indicators related to the organic dependency of the regulatory institutions such as the term of office of the chair and members of the board, by whom these actors are appointed. Furthermore, what are also available in this index are the indicators related to functional independency such as who regulates the market, to what extent the regulatory agencies are accountable to the parliament and which bodies have the right to veto the decisions. There are nine active IRAs in Turkey. These are Capital Markets Board (CMB), Radio and Television

Supreme Council (RTSC), Competition Authority (CA), Banking Regulation and Supervision Agency (BRSA), Information and Communication Technologies Authority (ICTA), Energy Market Regulatory Authority (EMRA), Sugar Authority (SA), Public Procurement Authority (PPA) and TAMRA.

The currently existing nine independent regulatory agencies in Turkey were evaluated in the first three months of 2008 in terms of the 21 indicators included by this index. To this end, all the regulatory agencies were given a value based on the characteristics illustrated by each and every indicator. For instance, if the term of office of the chair of a regulatory agency in Turkey was 6–8 years, the agency in question was given a value of "0.80", if the term of office was 5 years, it was "0.60" in terms of this indicator. If the institution of which the regulatory agency was independent was clearly indicated in the legal system, it was given the score of "1.00", if not indicated, the score was "0.00".   Since this independency index prepared by Gilardi measures the formal independency of the regulatory agencies, the fundamental point of departure, while naturally giving a value to the regulatory agencies in Turkey in terms of each and every indicator, was the legal regulations related to these agencies. In other words, after the analysis of their laws of establishment and some other regulations, a quantitative value for each indicator in terms of these agencies was given.

In this study, multidimensional scaling analysis is used to determine the formal independency of IRAs in Turkey. The aim of multidimensional scaling is to find a representation of the objects in a low-dimensional space. Thus, complex relationship among the objects in multidimensional data matrix can be presented and interpreted easily by multidimensional scaling. In addition, multidimensional scaling can be used to introduce similarity and dissimilarity (Takeuchi *et al.*, 1983: 410).

Applying multidimensional scaling analysis is important to identify data's measurement. Because, technical of distance matrix is chosen according to measurement type of data (Jobson, 1992: 585). Multidimensional scaling analysis is utilized from distance matrix. Consequently, we must calculate distance matrix suitable to data's type. If measurement of data is interval or ratio, it is the most used Euclidean distance that can be calculated for i and j unit as follows:

$$d_{ij} = \left[\sum_{k=1}^{r} (X_{ik} - X_{jk})^2 \right]^{1/2} \qquad (1)$$

Where $X_{i1}, X_{i2}, ..., X_{id}$ is element of vector X_i, and $X_{j1}, X_{j2}, ..., X_{jd}$ is element of vector X_j for $k = 1, 2, ..., r$.

After applying multidimensional scaling, we must compare configuration distance with distance obtained from original data for suitability. That is to say, stress measure is used for compare suitability to finding results with original distance matrix. Stress measure can be calculated as follows (Hair *et al.*, 1998: 540).

$$\text{Stress} = \sqrt{\frac{(d_{ij} - \hat{d}_{ij})^2}{(d_{ij} - \bar{d})^2}} \qquad (2)$$

Where $\bar{d}$ is mean distance $(\sum d_{ij}/n)$ is original distance, and $\hat{d}_{ij}$ configuration distance for between i and j. So, the more $\hat{d}_{ij}$ is close d_{ij}, the more stress value is small. The stress measure is used to compare suitability between original distance and distance obtained from solution. Therefore, lower stress measure indicates better solutions (Timm, 2002: 546).

RESULTS

As a result of the multi-dimensional scaling analysis, it is seen that among alternative dimensions, three-dimension case is the most suitable one. Iteration implemented for three-dimension solution and result of Young's Stress test, which gives goodness of fit, are shown in Table 2.

Table 2: Young's Stress Test Result

Iteration	S-stress	Improvement
1	0,07189	-
2	0,06378	0,00811
3	0,06345	0,00034

S-stress test stops when recovery is below 0,001. The stress test value (0,06345) found in third iteration shows that goodness of fit is at high level.

The values given according to indicators used in the evaluation of IRAs' independency show also similarities and dissimilarities between related agencies. The coefficient of Stimulus coordinates is used for the evaluation of such similarities and dissimilarities. In the context of this study, similarities and dissimilarities point out independency levels of IRAs. The agency which has the highest positive Stimulus coefficient is the most independent regulatory agency in Turkey.

When Table 3 is analyzed, it is seen that the highest positive value (1,2180) in the first dimension belongs to the BRSA. After a complete examination of indicators measuring the independency of institutions, it is found that BRSA is the one which has the highest level of independency

among IRAs. On the contrary, SA is the one which has the lowest level of independency in the first dimension. This results from the fact that, SA takes a negative and low value (-3,3188) in the examination of calculated similarities.

Table 3: Stimulus Coordinates (Similarity as to Dimension)

Stimulus Number	Stimulus Name	Dimensions		
		1	2	3
1	Banking Regulation and Supervision Agency (BRSA)	1,2180	-0,4411	-1,5539
2	Capital Markets Board (CMB)	0,7628	0,2522	-0,1266
3	Information and Communication Technologies Authority (ICTA)	0,0530	-0,2328	0,3848
4	Energy Market Regulatory Authority (EMRA)	0,1529	0,4949	0,1326
5	Competition Authority (CA)	0,4802	0,2247	0,1969
6	Sugar Authority (SA)	-3,3188	0,4341	-0,6563
7	Public Procurement Authority (PPA)	0,4954	-0,8101	-0,5723
8	Radio and Television Supreme Council (RTSC)	0,6873	1,6643	0,8483
9	Tobacco and Alcohol Market Regulation Authority (TAMRA)	-0,5307	-1,5862	1,3464

It turns out that the institution with the second lowest level of independency seems to be TAMRA. In fact, TAMRA is the only other institution with a negative value (-0,5307) together with SA. This value makes TAMRA the second regulatory agency in Turkey with the lowest level of independency. The fact that a negative score emerged in terms of TAMRA, indicators such as the terms of office of the chair and board members, the methods of appointment, whether they are to me appointed and the clear indication of their independency in the law of establishment caused TAMRA to have some handicaps in terms of those indicators.

Since the term of office of the chair and board of TAMRA is 5 years, TAMRA, one of the two indicators in the independency index was given the score of "0.60" instead of "1" (full score). In terms of the indicators of the appointment of the chair and board members, TAMRA is given a rather low score/value (0.25). Moreover, since the chair and the board members are able to be re-appointed, TAMRA gets "0.00" from this indicator and this particular characteristic seriously damages its dependency. TAMRA's independency is not clearly expressed in the relevant law. Therefore, it gets

the value "0.00" from this indicator. All these values cause TAMRA to have a relatively low level of independency in comparison with all the other regulatory agencies in Turkey.

Of course, it has to be noted that all these are not simple quantitative results. These quantitative values indicate, in terms of both for TAMRA and the relevant parties in the sector that it regulates, implications related to very different topics. This low score in terms of dependency also brings in problems related to TAMRA's stance to the actors in the sector that it regulates, its strength and legitimacy. The low independency of TAMRA that has a wide spectrum of powers and authorities such as regulating the sector, determining the actors that enter into and leave the sector and implementing sanctions will cause the other companies in the market to take notice of this and take a certain stance against this position in the face of the low level of power and legitimacy.

The fact that TAMRA has a low value of independency means that it will be exposed more to lobbying by politicians and especially by the companies in the sector, and will fail to take sound decisions and enforce them. Therefore, the independency and impartiality of the decisions taken by TAMRA regarding the alcohol market will be disputable. As a matter of fact, one of the worst consequences likely to be caused by such a scenario is for its decisions and even for the institution itself to start to lose its legitimacy. Such a consequence will even worsen the situation and the competitive structure and efficiency of the alcohol market will be negatively influenced. As appropriate to the purpose of this study, in the rest of this study, in the face of the low level of independency of TAMRA found as a result of the analysis, there will be evaluations and comments about the how companies, the most fundamental actor in the market, will behave.

THE POTENTIAL EFFECTS OF THE LOW LEVEL OF INDEPENDENCY OF TAMRA ON THE MARKETING ACTIVITIES OF COMPANIES

The relationship between formal low level of independency of TAMRA and marketing activities can be considered within the framework of lobbying activities of the companies. The companies try influence the legal decision-makers and their enforcement through such lobbying activities in the countries. For this purpose, they are in close cooperation with law makers and government officials (Kotler and Armstrong, 1991: 465). The fact that the companies in the alcohol market in general are large-scale companies may be a factor in the success of lobbying of those companies. Therefore, large-scale companies in the alcohol market are to have a greater impact on the TAMRA that has a low independency level through effective lobbying activities. These effects will especially reflect on

the marketing activities of the companies. These reflections may be considered from micro and macro point of view. It has also to be emphasized that our considerations and assessments are not true for those companies that do not benefit from the current state of the TAMRA and have their own ethical codes of conduct.

From macro point of view, this will firstly have an impact on the competition and competitive advantages between the companies in the alcohol market. With the competition between market leader and challenger leading the way, the competition between all the companies in the alcohol industry will be affected by the low level of independency of TAMRA. Furthermore, TAMRA's low level of independency will comprise an opportunity or threat for the new entrants to the alcohol industry. It is because TAMRA can allow entrance and exit to the market through the inculcations of the existing companies in the sector. The low level of independency will have an impact on force of the buyer and supplier in the sector. Consequently, the regulations made or to be made by TAMRA will fundamentally influence the competitive structure in the alcohol sector. However, in the study carried out by Gümüş and Gümüş (2009: 47) in which 42 wine producers were studied and the problems in this sector were revealed, the executive directors of the companies interviewed with indicated that one of the most important problems was black economy production and marketing. Black economy sales, on the other hand, cause unfair competition and drive the other companies into a corner. It was also reported in the SPA's Private Specialization Report of the Ninth Development Plan for the Sector of Alcoholic Drinks, Tobacco and Tobacco Products (2007: 22-23) that the most important factor negatively affecting the power of competition of the sector was black economy production and the ensuing unfair competition. One other important problem revealed in the Gümüş and Gümüş's study (2009: 47) was the lack of inter-company coordination and the fact that the market was unable to be supervised.

From micro point of view, TAMRA's low level of independency is likely to have an impact on the marketing activities of companies closely related with competitive structure within the context of all the elements of marketing mix. These effects can be seen on every stage of marketing from target market chosen by the marketing managers to the marketing strategies to be followed and employed.

Since the consumers demonstrate heterogeneity in terms of needs of product and service, and purchasing behavior (Dibb and Simkin, 1999: 52), the marketing managers divide the relevant big market for smaller consumer groups or market segments that require similar products. The consumers markets are generally divided according to geographic, demographic,

psychographic, and behavioral variables (Kotler and Armstrong, 1991: 220). At this point, TAMRA's low level of independency has an impact on the segmenting and targeting of the alcohol market. For instance, a segmentation to be made according to demographic variables can be made by the companies based on age groups comprising adolescents and young children, and may chose them as their target market. This particular state of affairs is one that is constantly criticized and concerned about in alcohol advertisements and sales.

The companies, in addition to their efforts to increase the sales of the existing products in order to have a bigger share of market, also try to obtain more sale revenues by introducing new products or increasing the diversity of the products. After the period of liberalization in the alcohol market in Turkey started in 2003, considering the fact that the product diversity of the companies rose from 900 to 2500 in 5 years time (www.tpdk.gov.tr), it would not be incorrect to deduce that the policies and decisions of the companies regarding their products will be influenced by TAMRA's low level of independency. For instance, TAMRA's low level of independency is likely to cause the companies to deviate from the standards laid out by the regulatory institution regarding the companies' packaging and labeling.

Pricing of the alcoholic beverages as well as pricing objectives and the pricing methods used will be determined, by taking advantage of TAMRA's low level of independency, in a way to encourage more consumption and sale. As was mentioned earlier, the fall in the prices of alcoholic beverages may cause the sale quantities of alcoholic beverages and alcohol consumption to rise. Therefore, the companies may intervene in the pricing regulations of TAMRA or obtain more freedom in the issue of pricing. Consequently, they may promote alcohol consumption with such methods as psychological and promotional pricing.

The marketing managers may take advantage of TAMRA's low level of independency regarding the distribution element of marketing mix. This may come on the scene in the choice of distribution channel members, in the use of alternative distribution channels such as the internet, in the number of the channel members to be used, the management of channel members and evaluation. For instance, the companies, without observing the qualities of distribution channel members, may only pay attention to the criteria of the quantity of the alcoholic beverages that the retailer will sell. Therefore, they may not pay attention to the type of sale method these retailers employed and the target audience they chose their location of establishment, and how they acted regarding pricing and advertisements.

Similarly, in order for the companies to ensure that their products are sold in as many retailers as possible, they may favor the intensive

distribution as a distribution policy. This method is chosen in order to ensure that the consumers have a reach to those products in as many retailers as possible and whenever they desire them (Kotler and Armstrong, 1991: 371). However, as a result of this, especially some retail points can be established around schools and religious areas and alcoholic beverages can be sold in those points for long periods throughout the day. Those kinds of sales are heavily criticized. TAMRA has made some regulations in an effort to ban those kinds of sales. However, TAMRA's low level of independency increases the possibility of violating those regulations.

TAMRA's low level of independency will also have an impact on the promotion activities of the companies. Those impacts will be observable on such issues as personal sales, advertising and other sale efforts. TAMRA's low level of independency may cause the companies to aim at the young people as their target audience and utilize physical attraction in their messages in the advertisements. Moreover, the point of purchasing activities and the aggressive sale efforts of the salesmen may also be enhanced through TAMRA's low level of independency.

CONCLUSION

TAMRA is one of the leading regulatory agencies with the lowest level of independency in Turkey. This state of affairs reduces its capacity of realizing the objective of protecting the competitive structure in the alcohol market that is the main mission of TAMRA and ensuring its efficiency. Moreover, due to the low level of independency, as a result of poor implementation of supervision and inspection activities, it will be the case for the companies in the alcohol market to implement more aggressive marketing activities in an effort to promote alcohol consumption. This in turn may cause individual harms to arise as a result of excessive alcohol consumption and damage the welfare of the country, the social peace and public well-being.

Therefore, in order for the alcohol market in Turkey to function in a healthful fashion, the restructuring process of TAMRA has to be launched urgently. This process first has to focus on raising the formal independency level of TAMRA. It is because an IRA armed with the armor of independency can fulfill impeccably its duties related to the relevant market. The independency of TAMRA is actually the guarantee of its capacity in taking decision without an external intervention and implementing them. In this context, such practices as the appointment of the board's director and members by the Council of Ministers, the capacity of board's director and members to be able to be appointed again and the fact that the financial control of this institution is carried out by the High Control Commission of the office of Prime Minister have to be reconsidered.

This study has focused on TAMRA's formal independency. However, there can be some differences between de jure independency and de facto independency. In this sense, analyzing their possible effects on the marketing activities of companies by focusing only on formal independency constitutes one of the limitations of this study. However, it is significant to measure the formal independency of a regulatory agency in the alcohol market. It is because ignoring some of the elements affecting independency in establishing a regulatory agency in the first step will pave the way for de facto independency to be lower. Therefore, it will be inevitable for the effects mentioned above to be implemented deeply.

In this study due to the pressures likely to come from the companies in the market in general, how the alcohol marketing activities will shape up has been analyzed. The inculcations and pressures likely to come from the government, political institutions, politicians or NGOs may also have an impact on the commercial activities related to alcoholic beverages. In this context, in accordance with the pressures likely to come from political actors and NGOs, we observe that how the alcohol market in general and the alcohol marketing in specific will shape up, and the analysis of the sectoral, economic and social "consequences" of influences likely to come from both the companies and political actors are important topics for future studies.

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