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Regulations on Covert Advertising: An Analysis of Advertising Board Decisions in Türkiye

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ABSTRACT

Complaints concerning covert advertising in Türkiye are evaluated and sanctioned by the Advertising Board. This study analyzes the decisions categorized under “covert advertising” in the press bulletins published by the Board and employs a content analysis technique with purposive sampling. A total of 173 cases labeled as covert advertising, spanning from January 2023 to July 2024, were examined. The key finding reveals that 87,3% of the penalties issued involved the suspension of advertisements, while only 12,7% resulted in administrative fines. The data indicates that sanctions were most frequently applied to individuals engaging in covert advertising on digital platforms, particularly Instagram. The leading cause for these penalties was the presence of links, tags, or similar elements without clear labels such as “advertisement” or “collaboration” (72,3%). This was followed by promotional expressions intended to praise, endorse, or encourage purchasing behavior (31,8%). The main contribution of this study is to highlight that, despite the prevalence of covert advertising, the current sanctions, especially on social media, are not sufficiently deterrent. These findings suggest the need for more nuanced approaches and updated regulatory policies.

Keywords: Covert Advertising, Advertising Board Decisions, Sanctions in Advertising, Advertising Ethics, Regulation.

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INTRODUCTION

Covert advertising, also known as surreptitious advertising, refers to the promotion of products and services through elements such as brand names, logos, or other identifiers without clearly indicating that the communication is an advertisement. Consumers have a legally protected right to know when a message is intended as advertising. When encountering an advertising message, consumers may wish to critically evaluate it or avoid exposure altogether. However, if it is not explicitly stated that a message is an advertisement, consumers are unknowingly exposed and deprived of the opportunity to assess the content properly.

To safeguard consumer rights, covert advertising is legally prohibited across all media platforms. Beyond its legal implications, covert advertising also raises ethical concerns, as it involves deceiving consumers. Erol (2017) examined the motivations behind covert advertising, considering factors related to consumer behavior, advertising effectiveness, economic pressures, legal frameworks, and publishing policies. The factors concerning consumer behavior and advertising effectiveness are closely linked. It can be argued

that consumers' heavy exposure to advertisements, sometimes referred to as “advertising bombardment”, increases their tendency to avoid advertisements altogether. When a message is presented in a way that conceals its commercial intent, consumers are caught off guard.

In other words, when advertising is covert, consumers exposed to it might trust it more when, as Boyer et al. (2015, p. 104) state, they believe the message source has nothing to gain from conveying that message. Economic motivations also drive the use of covert advertising, as it can reduce advertising costs, however, legal restrictions may prohibit overt promotion of certain products. On television, covert advertising is particularly common in health and entertainment programs (Erol, 2017, p. 61). Similarly, newspapers often embed covert advertising within news articles, again catching consumers off guard and creating ethical concerns (Tomažic et al., 2014, p. 117).

On social media platforms, covert advertising is frequently encountered in influencer posts (Zengin & Zengin, 2021). In Türkiye, the Advertising Board of the Ministry of Commerce imposes sanctions against such

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practices. This study examines the Board's decisions through content analysis. These decisions, published as press releases, cover the period from January 2023 to July 2024. In total, 173 cases related to covert advertising were penalized during this timeframe.

Various studies on covert advertising have been conducted in Türkiye. The topic attracts interest not only from scholars in the field of advertising but also from disciplines such as law. Research in this area includes dissertations and books (e.g., Erol, 2017; Taşkaya, 2008; Özdil, 2023; Pektaş, 2007), as well as review articles (e.g., Atay, 2023; Aktekin & Gürbüz, 2009; Korkmaz, 2022; Çamdereli & Kocabay Şener, 2016; Erol, 2017). Some studies have specifically addressed covert advertising practices in newspapers (Eşiyok Sönmez, 2015) and health communication-related news articles (Taylan & Ünal, 2017). Although a few research articles analyze Advertising Board decisions and include data on covert advertising on television (e.g., Eşiyok, 2018; Çelik & Kükrer Aydın, 2016), these works do not focus exclusively on covert advertising itself.

As evidenced by the literature discussed above, there is a clear research gap concerning studies on the decisions made by the Advertising Board. Some existing works are outdated, not taking into account the latest regulatory changes, while most do not attempt to systematically analyze a large number of decisions. With the rise of social media influencers, the penalties issued against them have become a prominent topic of discussion in Türkiye, highlighting the need for a comprehensive review of the Board's recent decisions.

Thus, this study contributes to existing literature by examining the latest decisions made by the Advertising Board. Specifically, by analyzing various types of penalties across different media platforms, this study aims to provide a better understanding of the current scope of covert advertising practices. Furthermore, the findings may assist policymakers in revising and improving current regulations, helping to create an environment that discourages malicious actors while protecting ordinary users and well-intentioned influencers. Beyond imposing deterrent penalties, fostering mutual understanding and establishing clear, easily applicable rules would ultimately benefit both consumers and influencers.

Covert Advertising in Commercial Advertising and Unfair Commercial Practices Regulation

According to Arens et al. (2011, p. 8), "Advertising is the structured and composed non-personal communication

of information, usually paid for and usually persuasive in nature, about products (goods, services, and ideas) by identified sponsors through various media." Article 61 of Law No. 6502 on the Protection of Consumers (TKHK) (Resmi Gazete, 2013) similarly defines commercial advertisements as "announcements in the form of marketing communication made by advertisers through written, visual, audio, and similar means in any medium in order to ensure the sale or rental of a good or service in connection with trade, business, craft, or a profession, and to inform or persuade those who make up the target audience." As these definitions suggest, the basic elements of advertising include: conveying an informative or persuasive message, clearly identifying the advertiser, pursuing a commercial purpose, and being disseminated through a medium aimed at an audience.

Tomažič (2016, p. 244) created a typology of terms related to covert advertising and examined the concepts associated with it. In her study, she preferred the term covert advertising, which she used for "all texts that have been paid for and published in the form of journalistic texts and try to influence the public in terms of commercial benefits." In addition to Tomažič's typology, Alkhafagi and ALSiede (2022) suggest undercover marketing and buzz marketing as related terms. Moreover, there is the term "surreptitious advertising" especially used in Eur-Lex (Official Journal of the European Communities, 1989, p. 26) where it is defined as "the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the broadcaster to serve advertising and might mislead the public as to its nature." It is clear that there are many terms that scholars and practitioners are using interchangeably. Many studies in the communications literature (e.g., Tomažič et al., 2014; Göbel et al., 2017; De Veirman & Hudders, 2019; Wojdyski & Evans, 2019; Li et al., 2022; Pierre, 2023) adopt the term covert advertising; that convention is therefore followed in the present study.

Erol (2017, p. 45) defines covert advertising as any communication that is not clearly disclosed as advertising but whose message can still be understood by the average consumer. Although it may be difficult to prove whether a formal advertising agreement exists between the advertiser and the media organization, Erol emphasizes that the critical issue is the consumer's lack of awareness, leaving them vulnerable to undetected advertising exposure. Similarly, Wojdyski and Evans (2019, p. 4), in listing various types of covert advertising, argue that

a common characteristic is the missing, opaque, or obscured recognizability of the advertisement.

The Commercial Advertising and Unfair Commercial Practices Regulation (Resmi Gazete, 2015a) defines covert advertising as “the inclusion of names, brands, logos, or other distinctive forms or expressions related to goods or services in articles, news, publications, and programs for the purpose of advertising and presenting them in a promotional manner without clearly stating that it is advertising.” Although the definition mentions “articles, news, publications, and programs,” the regulation’s definition of “medium” is broad and includes the internet and “all kinds of communication channels.” According to Article 22 of the Regulation, covert advertising is prohibited. In addition, it is stated that advertisements must not be presented in a way that compromises editorial independence.

Further details on covert advertising are provided under the title “evaluation of covert advertisements” in the Regulation. Article 23 outlines specific rules concerning the use of distinctive elements such as brands, logos, and trade names within media content. These elements must be consistent with, and proportional to, the format, subject matter, presentation, and duration of the content. The primary purpose of the content should be to inform consumers and should not directly encourage the purchase of products or services. Additionally, the article addresses special content categories such as tourism, folklore, and urban documentaries, as well as product and service reviews. Brand and business information—such as signs or posters—should not be displayed prominently or exaggeratedly, and detailed contact information must not be included. The regulation also establishes guidelines for displaying brand and business names during urban area shots, interviews, and event coverage, emphasizing that brand elements should not be highlighted or overly emphasized.

Why Advertisers Resort to Covert Advertising and Ethical Issues?

The consumer’s most fundamental right is to know when a message has a commercial intent and to evaluate the content accordingly. This right is legally protected through the prohibition of covert advertising. Despite this prohibition, covert advertising remains widely used, resulting in violations of consumer rights (Atay, 2023, p. 222). It is also one of the most debated topics in the fields of advertising ethics and advertising regulation (Karadeniz, 2022, p. 954). Taşkaya (2008, p. 448) argues that covert advertising practices are deceptive because viewers do

not realize they are being exposed to advertising, and stresses that such practices conflict with the principles of fair competition. The strict enforcement of the ban on covert advertising in television programming has pushed advertisers toward social media platforms, where monitoring and control are more challenging (Karatepe Kaya, 2021, p. 709).

Erol (2017) identifies several reasons for the use of covert advertising: consumer-related factors, factors related to advertising effects, economic motives, legal constraints, and publishing policies. She attributes consumer-related reasons primarily to consumer resistance to advertising. Due to increasing media fragmentation and complexity, consumers today are exposed to thousands of commercial messages daily across both traditional media, such as television and newspapers, and digital environments (Kelly et al., 2010, p. 16; Dix & Phau, 2010). Consumers, overwhelmed by advertising clutter, actively seek to avoid advertisements. It is estimated that one-third of internet advertisements are blocked by ad-blocking applications. Consumers also ignore parts of web pages designated for advertisements, posing a significant challenge for marketers (Kelly L. et al., 2021, p. 343). As Boyer et al. (2015, p. 105) state, in a world saturated with advertising, marketers increasingly adopt covert methods to get their messages across.

Regarding factors related to advertising effects, advertising awareness plays a crucial role. When consumers recognize a message as advertising, they may engage in avoidance behaviors. This avoidance can take various forms, including physical avoidance (e.g., leaving the room or falling asleep), cognitive avoidance (e.g., engaging in conversation or shifting attention), or mechanical avoidance (e.g., zipping and zapping) (Dix & Phau, 2010, p. 115).

It should also be noted that overt advertising activates consumers’ persuasion knowledge, whereas covert advertising may be perceived as organic content (Wojdyski & Evans, 2019, p. 4). However, this strategy can backfire. Evidence suggests that once consumers recognize covert advertising, it leads to negative attitudes toward both the brand (van Reijmersdal et al., 2016, p. 1469) and the publisher (Amazeen & Wojdyski, 2020, p. 1978).

Advertisers and media outlets publishing advertisements are subject to tax liabilities arising from the advertisements they publish. In addition to high advertising costs, the legal obligation for media service providers to pay a 1.5% share of their commercial

communication revenues to the Radio and Television Supreme Council (RTÜK) (Resmi Gazete, 2015b) has been cited as an economic factor motivating covert advertising. When advertising is covert, however, advertisers and media outlets can avoid these costs (Erol, 2017).

There are also legal factors that lead to covert advertising. While certain products and services can be advertised with limitations, others are entirely prohibited. For instance, advertising is banned for products such as alcohol and tobacco, weapons, astrology services, and dating websites, as well as for medicines, supplements, herbal products marketed as medicinal, and the promotion of health-related products and services by praise (RTÜK, 2018; Türk Tabipleri Birliği, 2017). Since open advertising of these products is not permitted, they are often promoted through covert advertising in various media. In addition, both prohibited and non-prohibited products are often covertly advertised in the form of news content. Broadcasting policies further incentivize covert advertising. Health programs and entertainment shows, in particular, allocate significant space to covert advertisements. Some channels, particularly those with low annual commercial revenues, continue to broadcast such advertisements persistently, despite facing penalties. It has been suggested that fines imposed by RTÜK may in fact be covered by the advertisers (Erol, 2017, p. 61).

Covert advertisements have also been found in newspapers. Eşiyok Sönmez (2015) examined 106 Advertising Board decisions between 2010 and 2014, and documented penalties imposed on newspapers for publishing covert advertisements. The findings indicated that the health sector was the most frequent user of covert advertising, with some tobacco and alcohol brands also engaging in such practices. Furthermore, products and services subject to advertising bans were found to be more frequently promoted as news rather than through other types of programming (Çamdereli & Kocabay Şener, 2016, p. 222). However, according to Article 61/4 of the Consumer Protection Law (Resmi Gazete, 2013), it is prohibited to advertise through any text, news item, broadcast, or program without clearly stating that it is an advertisement. Ethical codes of journalism emphasize principles such as truthfulness, accuracy, and impartiality, and prohibit the use of journalism for propaganda or personal gain (Daştan, 2021, p. 41; Akdal, 2017, p. 2071). Thus, covert advertisements embedded within news content deceive readers and undermine journalistic integrity.

Covert advertising is frequently encountered not only in traditional media but also on social media platforms. Opinion leaders and influencers, in particular, engage in covert advertising practices (Atay, 2023, p. 232; Tam, 2020, p. 1326), creating an urgent need for new regulatory policies. In response, the Ministry of Trade published a guideline for social media influencers to ensure compliance with advertising regulations (T.C. Ticaret Bakanlığı, 2021). This guide, similar to the standards set by the Federal Trade Commission (2019) in the United States, specifies the types of disclosures influencers must make depending on the platform they use. In the event of a complaint, if the Advertising Board determines that the law has been violated, it may impose several sanctions: temporarily or permanently suspending the advertisement, requiring its correction, and/or imposing administrative fines on the responsible parties (Atay, 2023, p. 229).

METHODOLOGY

This study analyzes the covert advertising section of the Advertising Board decisions, as published by the Presidency of the Advertising Board. This section contains information on the sanctioned individuals and organizations, the justifications for the sanctions, and the specific laws and regulations cited. The study specifically examines how the sanctioned parties violated the law, the types of products or services that were covertly advertised, and the types of sanctions that were applied. It thus contributes to understanding enforcement patterns in covert advertising cases.

The research questions are:

RQ1: Which parties are most frequently penalized for covert advertising?

RQ2: What types of penalties are imposed?

RQ3: What reasons are cited for the penalties?

RQ4: Which categories of products and services are advertised covertly?

RQ5: Which CAUCPR articles are cited as being violated?

For RQ1–RQ4, the study further explores whether penalties differ by media vehicle.

The content analysis technique was used in the study. Content analysis is the careful, detailed, systematic examination and interpretation of a certain amount of material in an effort to identify patterns, themes, assumptions, and meanings (Berg & Lune, 2019, p. 344).

Table 1: Coding categories

Category	Values
Examined file	
Name of the party receiving the penalty	
Whether the penalized party is a person or organization	person, organization
How many instances of violations	
Media	internet, television, newspaper
Media vehicle	website, Instagram, X/Twitter, YouTube, Facebook, TikTok
Type of advertised product/service	electrical and electronic devices, clothing/accessories, personal care products/cosmetics, kitchen utensils, food/restaurant, accommodation, travel, health institution/healthcare worker, home decoration, cleaning products, alcohol, health products/supplements, marketplace store (such as Trendyol, Hepsiburada), market (such as Bim, A101), entertainment, events/organization, agency/production, other (automotive, bank, insurance)
Number of links, tags, hashtags, locations given	
Reason for penalties given	<p>Presence of links, tags, etc., but absence of expressions such as advertisement/collaboration</p> <p>Presence of expressions that praise, promote, direct, or create demand for purchases</p> <p>Going beyond the purpose of meeting consumers' need for enlightenment, information, and news reporting</p> <p>Promoting the product/service without links, tags, etc., and without using an expression indicating collaboration</p> <p>Being misleading to consumers and constituting a violation of fair competition principles</p> <p>Presenting the product as if it were a medicine or medical product</p> <p>By using small font sizes, failure to present labels such as advertisement, collaboration, partnership, etc. in a way that is immediately noticeable, easily readable, and visible to consumers</p> <p>Including misleading statements suggesting it's not an advertisement</p> <p>Making comparative advertising</p> <p>Disparaging one product while praising another</p>
Penalty given	penalty to suspend the advertisements mentioned, administrative fine
Violated articles	covers all articles in the CAUCPR (5, 6, 7, 8, 9, 10, 18, 22, 23, 26)

Purposive sampling, which is one of the non-probability sampling methods, was used in this study. "In a purposive sample, the researcher determines the characteristics of the target population and identifies units that match

these characteristics to include in the sample." (van Haute, 2021, s. 249).

A second rater coded a subset of the files and Cohen's Kappa analysis was performed to determine

the agreement between two raters. The Cohen's Kappa showed that for most of the categories, there was perfect agreement. For one of the categories, the level of agreement between the raters was above substantial levels ($\kappa=0.783$).

The evaluations and decisions made under the covert advertising section are primarily based on the Commercial Advertising and Unfair Commercial Practices Regulation (CAUCPR) and Article 61 of the Consumer Protection Law No. 6502. Article 61 outlines the general framework for commercial advertising and is referenced in nearly all files under the covert advertising title. While decisions are primarily based on the CAUCPR, depending on the content of the files, additional regulations such as the Cosmetics Regulation, the Regulation on Promotion and Information Activities in Health Services, and the Regulation on the Use of Health Declarations in Food and Supplementary Foods may also apply. However, in this study, the 12th item in the coding sheet focuses solely on the CAUCPR and does not consider these additional regulations.

The study examined all files under the covert advertising section in the Advertising Board's press releases published between January 2023 and July 2024. During this period, 19 press releases were issued. Two of these (numbered 333 and 336) did not include a covert advertising section, leaving 17 press releases for

examination. In total, 183 files were reviewed, however, 10 files resulted in the decision that "the relevant provisions of the CAUCPR and Article 61 of Law No. 6502 were not violated". Therefore, these were excluded from the analysis. Consequently, the final sample consisted of 173 files where sanctions were imposed. The study was conducted in August 2024.

It should be noted that the advertisements evaluated in these decisions pertain to earlier publication dates. In some cases, multiple advertisements published on different dates were evaluated collectively (for example, in a file from bulletin number 335 dated July 2023, the advertisement publication/access dates were 23.12.2022, 07.01.2023, 02.02.2023, and 04.02.2023). In such cases, multiple advertisements within the same product/service category were evaluated as a single instance. Furthermore, the analysis considered all forms of written and audio content. For social media platforms, stories, posts, highlights, tags, links, hashtags, locations, and both static and video posts were included in the Advertising Board's decisions.

The coding sheet used for data collection was refined following a pre-test. The categories addressed are listed in Table 1.

Table 2: Distribution of press releases

	n	%	Valid %	Cumulative %
329 (January 2023)	12	6,9	6,9	6,9
330 (February 2023)	8	4,6	4,6	11,6
331 (March 2023)	8	4,6	4,6	16,2
332 (April 2023)	10	5,8	5,8	22,0
334 (June 2023)	10	5,8	5,8	27,7
335 (July 2023)	7	4,0	4,0	31,8
337 (September 2023)	12	6,9	6,9	38,7
338 (October 2023)	15	8,7	8,7	47,4
339 (November 2023)	15	8,7	8,7	56,1
340 (December 2023)	10	5,8	5,8	61,8
341 (January 2024)	4	2,3	2,3	64,2
342 (February 2024)	14	8,1	8,1	72,3
343 (March 2024)	6	3,5	3,5	75,7
344 (April 2024)	6	3,5	3,5	79,2
345 (May 2024)	9	5,2	5,2	84,4
346 (June 2024)	18	10,4	10,4	94,8
347 (July 2024)	9	5,2	5,2	100,0
Total	173	100,0	100,0	

Table 3: Cross-tabulation for media vehicle and person/organization

		Party receiving penalty		
		Person	Organization	Total
Instagram	n	125	7	132
	% within Media vehicle	94,7	5,3	100,0
	% within Party receiving penalty	92,6	18,4	76,3
Website	n	1	19	20
	% within Media vehicle	5,0	95,0	100,0
	% within Party receiving penalty	,7	50,0	11,6
Facebook	n	2	0	2
	% within Media vehicle	100,0	,0	100,0
	% within Party receiving penalty	1,5	,0	1,2
X	n	2	3	5
	% within Media vehicle	40,0	60,0	100,0
	% within Party receiving penalty	1,5	7,9	2,9
YouTube	n	4	2	6
	% within Media vehicle	66,7	33,3	100,0
	% within Party receiving penalty	3,0	5,3	3,5
Tiktok	n	1	0	1
	% within Media vehicle	100,0	,0	100,0
	% within Party receiving penalty	,7	,0	,6
TV Channel	n	0	5	5
	% within Media vehicle	,0	100,0	100,0
	% within Party receiving penalty	,0	13,2	2,9
Newspaper	n	0	2	2
	% within Media vehicle	,0	100,0	100,0
	% within Party receiving penalty	,0	5,3	1,2
Total	n	135	38	173
	% within Media vehicle	78,0	22,0	100,0
	% within Party receiving penalty	100,0	100,0	100,0

The identity of the parties receiving the penalty has not been disclosed in the study to protect their privacy. The first four articles in the first part of the CAUCPR consist of purpose, scope, basis, and definitions, so they are not among the violated articles in the Advertising Board decisions. Therefore, in the coding sheet regarding violated articles, the listing begins with Article 5.

FINDINGS

The study examines 19 press releases listed under the “Advertising Board Decisions” section on the Board’s website, published between January 2023 and July 2024.

As explained in the methodology section, two of these press releases (numbers 333 and 336) do not contain a section dedicated to covert advertising.

When the table is examined on a monthly basis, it can be seen that the highest number of penalties (n=18) were issued in June 2024 (in the press release number 346). Comparing the first seven months of 2023 and 2024, 55 files were found to contain covert advertising in 2023, while 66 files did so in 2024. Throughout 2023, 97 suspension orders and 10 administrative fines were issued. Looking specifically at the first seven months

of 2023, 49 suspension orders and 6 administrative fines can be observed. Comparing these figures to the same period in 2024, it can be seen that the number of administrative fines has increased, with 54 suspension orders and 12 administrative fines issued.

When the number of administrative fines is compared by year, it can be seen that there is an increase in the first seven months of 2024 compared to all of 2023. Therefore, it is reasonable to expect that the Advertising Board will issue even more fines in the remaining months of 2024, indicating a rising trend in administrative penalties.

More than three-quarters (78%) of the covert advertising penalties were issued to people, i.e. influencers. When examined by medium, it can be seen that the most penalized covert advertisements are those made on Instagram (76,3%). Covert advertisements are mostly found on the Internet, particularly on social media

and websites (96%). Sanctions have also been imposed on covert advertisements broadcast on television (2,9%) and published in newspapers (1,2%).

Across all media, penalties for covert advertising were issued most frequently on Instagram (76,3%), followed by websites (11,6%) and YouTube (3,5%). A comparison of traditional and new media shows that the majority of penalties (96%) were issued about new media.

In addition, according to the cross-tabulation, when Instagram is taken into consideration, nearly all of the penalized parties are individuals (94,7%). However, the results are reversed for traditional media and websites. All penalized parties are organizations (TV channels and newspapers). And only one (0,7%) individual for websites. Moreover, the chi-square test indicates a statistically significant difference ($X^2(7) = 114,005, p=0$).

Table 4: Cross-tabulation for media vehicle and type of penalty received

		Order to suspend advertising	Order to suspend advertising and administrative fines	Total
Instagram	n	116	16	132
	% within Media vehicle	87,9	12,1	100,0
	% within Type of penalty received	76,8	72,7	76,3
Website	n	20	0	20
	% within Media vehicle	100,0	,0	100,0
	% within Type of penalty received	13,2	,0	11,6
Facebook	n	1	1	2
	% within Media vehicle	50,0	50,0	100,0
	% within Type of penalty received	,7	4,5	1,2
X	n	5	0	5
	% within Media vehicle	100,0	,0	100,0
	% within Type of penalty received	3,3	,0	2,9
YouTube	n	3	3	6
	% within Media vehicle	50,0	50,0	100,0
	% within Type of penalty received	2,0	13,6	3,5
Tiktok	n	1	0	1
	% within Media vehicle	100,0	,0	100,0
	% within Type of penalty received	,7	,0	,6
TV Channel	n	4	1	5
	% within Media vehicle	80,0	20,0	100,0
	% within Type of penalty received	2,6	4,5	2,9
Newspaper	n	1	1	2
	% within Media vehicle	50,0	50,0	100,0
	% within Type of penalty received	,7	4,5	1,2
Total	n	151	22	173
	% within Media vehicle	87,3	12,7	100,0
	% within Type of penalty received	100,0	100,0	100,0

Table 5: Reasons for penalty received

	n	%
A. Presence of links, tags, etc., but absence of expressions such as advertisement/collaboration	125	72,3
B. Presenting the product as if it were a medicine or medical product	17	9,8
C. Being misleading to consumers and constituting a violation of fair competition principles	25	14,5
D. Including misleading statements suggesting that the message in question is not an advertisement	1	0,6
E. Promoting the product/service without links, tags, etc., and without using collaboration expressions	27	15,6
F. Presence of expressions that praise, promote, direct, or create demand for purchases	55	31,8
G. By using small font sizes, failure to present advertisement, collaboration, partnership, etc. labels in a way that is immediately noticeable, easily readable, and visible to consumers	6	3,5
H. Going beyond the purpose of meeting consumers' need for enlightenment, information, and news	28	16,2
I. Comparative advertising	1	0,6
J. Disparaging one product while praising another	1	0,6

The penalty to suspend the advertisement was issued in all cases. However, as Table 4, shows, in 12,7% of cases, this penalty was coupled with an administrative fine. The rest of the cases (87,3%) did not include fines, just suspension of the ad in question. Additionally, it can be seen from the table that although most penalties were issued for Instagram, administrative fines amount to only 12,1% for this media vehicle. The table also shows that for websites, X and Tiktok, the only penalty given is to suspend advertising; no administrative fines issued. In addition, chi-square test indicates a statistically significant difference ($X^2(7) = 16,593, p=0,02$).

Various reasons have been cited as grounds for imposing penalties, and a single file may contain multiple

reasons. Among these, the most common reason was the presence of links, tags, or similar elements without clear expressions such as “advertisement” or “collaboration” (72,3%). This was followed by the presence of expressions that praise, promote, direct, or create demand for purchases (31,8%).

When reasons for penalties are cross-tabulated with types of penalties, it is observed that the order to suspend advertising dominates for all reasons. However, administrative fine ratios are relatively higher for certain reasons. The highest ratio is for “presenting the product as if it were a medicine or medical product” (35,3%), followed by misleading consumers and violating fair competition principles (32%).

Table 6. Cross-tabulation for media vehicle and reasons of penalty received

		A	B	C	D	E	F	G	H	I	J	TOTAL
Instagram	n	118	13	19	1	3	32	6	8	1	1	202
	% within Media vehicle	58,4	6,4	9,4	0,5	1,5	15,8	3,0	4,0	0,5	0,5	100,0
Website	n	2	2	2	0	11	12	0	13	0	0	42
	% within Media vehicle	4,8	4,8	4,8	0,0	26,2	28,6	0,0	31,0	0,0	0,0	100,0
Facebook	n	1	1	1	0	1	0	0	1	0	0	5
	% within Media vehicle	20,0	20,0	20,0	0,0	20,0	0,0	0,0	20,0	0,0	0,0	100,0
X	n	1	0	0	0	3	4	0	0	0	0	8
	% within Media vehicle	12,5	0,0	0,0	0,0	37,5	50,0	0,0	0,0	0,0	0,0	100,0
YouTube	n	2	0	1	0	4	4	0	1	0	0	12
	% within Media vehicle	16,7	0,0	8,3	0,0	33,3	33,3	0,0	8,3	0,0	0,0	100,0
Tiktok	n	1	1	1	0	0	1	0	0	0	0	4
	% within Media vehicle	25,0	25,0	25,0	0,0	0,0	25,0	0,0	0,0	0,0	0,0	100,0
TV Channel	n	0	0	0	0	3	2	0	3	0	0	8
	% within Media vehicle	0,0	0,0	0,0	0,0	37,5	25,0	0,0	37,5	0,0	0,0	100,0
Newspaper	n	0	0	1	0	2	0	0	2	0	0	5
	% within Media vehicle	0,0	0,0	20,0	0,0	40,0	0,0	0,0	40,0	0,0	0,0	100,0
TOTAL	n	125	17	25	1	27	55	6	28	1	1	286
	% within Media vehicle	43,7	5,9	8,7	0,3	9,4	19,2	2,1	9,8	0,3	0,3	100,0

Table 7. Product/service category distribution

	n	%
Clothing /Accessories	63	36,4
Personal Care/Cosmetics	52	30,1
Food/Restaurant	52	30,1
Marketplace store	33	19,1
Accommodations	21	12,1
Healthcare institution/Healthcare worker	18	10,4
Health Products/Supplements	16	9,2
Entertainment	16	9,2
Travel	15	8,7
Electronic equipment	14	8,1
Others	11	6,4
Kitchen utensils	10	5,8
Events/Organizations	10	5,8
Market	8	4,6
Home decoration	7	4,0
Agency/Production	7	4,0
Alcohol	5	2,9
Cleaning products	3	1,7

As shown in the table, the most common reason for penalties for different medium are as follows: On Instagram, the presence of links, tags, etc., but the absence of expressions such as advertisement/collaboration (58,4%); on websites, going beyond the purpose of meeting consumers' need for enlightenment, information, and news (31%); on X (formerly Twitter), presence of expressions that praise, promote, direct, or create demand for purchases (50%); on newspapers, promoting the product/service without links, tags, etc., and without using collaboration expressions and going beyond the purpose of meeting consumers' need for enlightenment, information, and news are both 40%.

In the Advertising Board's press release, the most frequently covertly advertised categories are clothing/accessories (36,4%), personal care/cosmetics (30,1%), and food/restaurants (30,1%). It has been found that products and services for which advertising is prohibited, such as praising health institutions/health workers (10,4%), health products/supplements (9,2%), and alcoholic products (2,9%), were also covertly advertised.

It has been revealed that the files of the penalized parties were evaluated under covert advertising for a minimum of one post and a maximum of 18 posts. Among the 173 files examined, 126 (72,8%) directed consumers to the advertiser by sharing tags/links/hashtags/locations. In the remaining 47 files, the product/service description was present either verbally or in writing.

On Instagram, most of the penalties are issued for clothing/accessories (19,7%), personal care/cosmetics (15,6%), and food/restaurants (13,1%) categories. On websites, the most penalties are for health institutions/health workers (17,4%). Health products/supplements (68,8%) with advertising restrictions are most penalized on Instagram, health institutions and organizations (66,7%) are most penalized on Instagram; alcohol is most penalized (60%) on YouTube for covert advertising. Marketplace stores matched with influencers were most commonly found on Instagram (97%) according to the Advertising Board's evaluations.

The penalties under the covert advertising section were evaluated according to certain articles in the CAUCPR (Resmi Gazete, 2015a). Table 9 lists the articles by their numbers, with details provided in the appendix. All files show violations of articles 22 and 23 of the regulation covering the prohibition of covert advertising. In the second part of the regulation, under the title of accuracy and honesty, articles 7/1, 7/2, 7/3 (99,4%), 7/4, 7/5 (97,7%), and under the title of advertisement distinction, articles 6/1, 6/3 (97,1%), 6/4 (95,4%) were violated in almost all files.

CONCLUSION

Today, consumers are bombarded with advertisements across both traditional and digital media. As a result, they increasingly tend to avoid advertising. Covert advertising, however, catches consumers off guard.

Table 8. Cross tabulation for media vehicle and product/service category

		Electronic equipment	Clothing /Accessories	Personal Care/Cosmetics	Kitchen utensils	Food/Restaurant	Accommodations	Travel	Healthcare Institution/Healthcare	Home decoration	Cleaning products	Alcohol	Health Products/Supplements	Marketplace store	Market	Entertainment	Events/Organizations	Agency/Production	Others
Instagram	n	10	62	49	10	41	19	15	12	6	3	2	11	32	5	13	10	7	7
	%	71,4	98,4	94,2	10,0	78,8	90,5	10,0	66,7	85,7	10,0	40,0	68,8	97,0	62,5	81,3	10,0	10,0	63,6
Website	n	2	1	1	0	3	1	0	4	1	0	0	2	0	3	2	0	0	3
	%	14,3	1,6	1,9	0,0	5,8	4,8	0,0	22,2	14,3	0,0	0,0	12,5	0,0	37,5	12,5	0,0	0,0	27,3
Facebook	n	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
	%	0,0	0,0	0,0	0,0	3,8	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
X	n	0	0	0	0	3	1	0	0	0	0	0	0	0	0	0	0	0	1
	%	0,0	0,0	0,0	0,0	5,8	4,8	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	9,1
YouTube	n	2	0	1	0	1	0	0	0	0	0	3	0	1	0	0	0	0	0
	%	14,3	0,0	1,9	0,0	1,9	0,0	0,0	0,0	0,0	0,0	60,0	0,0	3,0	0,0	0,0	0,0	0,0	0,0
Tiktok	n	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
	%	0,0	0,0	1,9	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	6,3	0,0	0,0	0,0	0,0	0,0	0,0
TV Ch.	n	0	0	0	0	1	0	0	2	0	0	0	1	0	0	1	0	0	0
	%	0,0	0,0	0,0	0,0	1,9	0,0	0,0	11,1	0,0	0,0	0,0	6,3	0,0	0,0	6,3	0,0	0,0	0,0
Newspaper	n	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0
	%	0,0	0,0	0,0	0,0	1,9	0,0	0,0	0,0	0,0	0,0	0,0	6,3	0,0	0,0	0,0	0,0	0,0	0,0
TOTAL	n	14	63	52	10	52	21	15	18	7	3	5	16	33	8	16	10	7	11
	%	10,0	10,0	10,0	10,0	10,0	10,0	10,0	10,0	10,0	10,0	10,0	10,0	10,0	10,0	10,0	10,0	10,0	10,0

Table 9. Violated Articles of the CAUCPR

Article	n	%	Article	n	%
26	32	18,5	7/2	172	99,4
5/1b	7	4,0	7/3	172	99,4
6	4	2,3	7/4	169	97,7
6/1	168	97,1	7/5	169	97,7
6/3	168	97,1	7/8	1	0,6
6/4	165	95,4	8/1	2	1,2
9/1	13	7,5	10/1	2	1,2
9/2	12	6,9	22/1	3	1,7
9/3	1	0,6	22	170	98,3
9/4	8	4,6	23/1a	173	100,0
9/5	11	6,4	23/1b	170	98,3
18/1	1	0,6	23/1c	173	100,0
7/1	172	99,4			

Covert advertising practices appear in all types of media, but the Advertising Board evaluates and penalizes such practices when a violation is identified. The Advertising Board is not a judicial body but oversees advertising regulation in Türkiye and its monthly bulletins publish

inspection outcomes and imposed sanctions across all media (Arat & Şimşek, 2025, p.268).

In this study, the files under the covert advertising sections of press releases published between January

2023 and July 2024 were analyzed using content analysis. According to the findings, a total of 173 files were penalized for covert advertising, with 78% of these violations occurring in digital media. Instagram, in particular, accounted for a large portion of covert advertising cases (76,3%). Each file may contain multiple instances of violations, with up to 18 instances evaluated in a single file.

It was revealed that the most advertised product/service categories were clothing/accessories (36,4%), personal care/cosmetics (30,1%) and food/restaurant (30,1%); with these covert advertisements primarily found on Instagram. In addition, it is seen that covert advertising is also made for products and services whose advertising is prohibited, such as health institutions/health workers (10,4%), health products/supplements (9,2%), and alcoholic products (2,9%).

A large portion of covert advertisements involved directing consumers to brands and products via tags, links, hashtags, or locations. These are elements of social media which can be included in the advertisement in a more interactive and easier way compared to traditional media. In addition, some directed the consumer by verbal, written or visual means. It was found that redirections to marketplace stores are mostly conducted through Instagram.

It was also found that penalties were most frequently issued for the presence of link, tag, etc. but the absence of expressions such as advertisement/collaboration (72,3%). It is followed by expressions that praise, promote, guide, and create demand for purchase (31,8%). It is also interesting that there is a file penalized for using the expression "not an advertisement", indicating that such disclaimers are insufficient to avoid penalties.

Although numerous studies have examined the decisions of the Advertising Board, the scopes and timeframes of these studies vary considerably, making direct comparisons challenging. For instance, Eşiyok (2018) focused solely on penalties issued to television broadcasters and found that only one out of 62 cases involved covert advertising. Similarly, Çelik and Kükrer (2016) analyzed television-related files and reported that 9,9% of the cases were penalized for covert advertising. In contrast, Eşiyok Sönmez (2015) examined newspaper-related cases and identified covert advertising in 106 out of 136 instances. The present study, by comparison, adopts a broader approach by analyzing multiple media platforms; however, it focuses exclusively on covert advertising cases.

Implications for Regulators, Influencers and Consumers in General

There are advertising regulations in many different countries around the world, and these regulations frequently involve sanctions (Mangani & Pacini, 2025). Nevertheless, issues similar to those addressed in this study are also encountered in other countries. For instance, in Nordic countries, it is required that social media posts containing advertising content clearly and explicitly indicate that they are advertisements. Despite this requirement, businesses and influencers attempting to engage in commercial communication without adhering to the established rules are still observed. Difficulties in monitoring compliance with regulations and enforcing penalties are cited as the primary reasons for this situation (Abidin et al., 2020).

Asquith and Fraser (2020) discuss problems related to the enforcement of regulations in the United States, Canada, and the United Kingdom. Chief among these are the self-regulatory structures of organizations such as the ASA and IAB, and the failures of entities like the FTC in monitoring and implementing sanctions. They particularly emphasize that the rapidly evolving nature of digital media exacerbates these challenges. Silver et al. (2023) argue that digital media poses significant challenges for regulators and that the FTC's guidelines are inadequate. They further assert that stronger enforcement of these guidelines is necessary.

Mangani and Pacini (2025) found that, although the amount of monetary penalties varies depending on the firm's size, sector, and the platform where the advertisement is published, the overall increase in fines has been generally effective. Gonzalez-Diaz and Quintas-Froufe (2024) propose the imposition of deterrent sanctions, such as the temporary suspension of influencers' posts, in cases where guidelines are not followed in digital media. Additionally, the authors suggest that advertisers should also be held accountable.

In this study, it was found that the main reason for the sanctions is that they do not include any of the expressions such as advertisement, collaboration, partnership as required by the Ministry of Trade's guide for social media influencers. Influencers, on the other hand, look at the situation from their own perspective. They claim that even though they do not collaborate with brands, they risk being penalized if they mention any brand. However, as Boerman et al. (2017) point out, there may be various motivations behind such posts, and these may not be clear for the consumer. This also applies when an

influencer presents their own brand to consumers. Some influencers argue that there is nothing covert when it comes to their own brands, so they do not have to write the collaboration statement (Cumhuriyet Gazetesi, 2024). Nevertheless, the guide for social media influencers (T. C. Ticaret Bakanlığı, 2021) does not distinguish advertising of influencers' own brands from collaborations with other brands. Thus, the regulation remains justified, given the difficulty of discerning the true intentions behind posts.

Although the administrative fines issued (amounting to 550,059 TL) are considerable, they are arguably not sufficiently deterrent, as 87,3% of penalties involve only ad suspension. By the time action is taken, consumers have often already been exposed to covert advertisement. However, findings show that administrative fines have increased in the first seven months of 2024 compared to all of 2023, suggesting a move toward greater deterrence. However, there may be a better solution. As Korkmaz (2022) suggests, the application of these penalties should be fair, and influencers with a thousand followers and influencers with one million followers should not be given the same amount of fine; there should be lower and upper limits. Consequently, instead of imposing significant administrative fines for a small number of parties, the number of fines should increase, but the monetary amount should be scaled in accordance with the party's influence, such as audience size or follower count. Another approach could involve adopting Gonzalez-Diaz and Quintas-Froufe's (2024) suggestion of imposing temporary bans on influencer accounts. Clearly, a new and more nuanced regulatory framework is needed to better address covert advertising on digital platforms.

Limitations and Suggestions for Future Research

Despite the comprehensive approach of this study, several limitations should be acknowledged. First, the study relies solely on the decisions published by the Advertising Board within a specific timeframe (January 2023–July 2024), which may not fully capture the broader landscape of covert advertising practices beyond this period. As the data were restricted to officially sanctioned cases, instances of covert advertising that were either undetected or unresolved by the Board remain outside the scope of this research.

Future research could explore influencers' and consumers' perspectives. It would be valuable to investigate influencers' attitudes toward the penalties: Do they find the sanctions fair, deterrent, or coercive? The consumer perspective is also important: Are they

aware of these regulations, and do they believe the rules offer them protection? When a penalty is imposed on an influencer, how does it affect the level of trust between the influencer and the consumer? Future research might also broaden the scope of this study to uncover more about the patterns and implications of such penalties.

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APPENDIX

- Articles of Commercial Advertising and Unfair Commercial Practices Regulation (CAUCPR) mentioned in the study (Resmi Gazete, 2015a).
- 5/1 Advertisements;
- b) Cannot be of a nature that damages public health.
- 6/1 Regardless of its form and medium of publication, an advertisement must be clearly recognizable as an advertisement.
- 6/2 Advertisements cannot be made using electronic devices or other tools displaying images for very brief durations, or by manipulating their structure in a way that viewers cannot notice or know, enabling subliminal perception.
- 6/3 Advertisements must be clearly distinguishable from editorial content both visually and audibly.
- 6/4 When a title, logo, set, or music identified with any published writing, broadcast, or program in any medium is used in an advertisement, the message must be easily recognizable as an advertisement by consumers.
- 6/5 When an image or sound effect associated with news bulletins or public service announcements is used in an advertisement, the message must be easily recognizable as an advertisement by consumers.
- 7/1 Advertisements must be truthful and honest.
- 7/2 Advertisements must be prepared with economic and social responsibility and in a way that does not lead to unfair competition.
- 7/3 Advertisements must be prepared considering the average consumer’s perception level and the potential impact of the advertisement on consumers.
- 7/4 Advertisements cannot abuse consumer trust or exploit their lack of experience and knowledge.
- 7/5 Advertisements cannot contain statements or images that may directly or indirectly mislead consumers about any matter, including but not limited to:
- a) Product characteristics such as: structure, composition, supply, benefits, risks, accessories, production method and date, fitness for purpose, usage method, lifespan and areas of use, technical specifications, efficiency and performance, quantity, origin, environmental impact,

- b) Service qualities,
- c) Trade name, business name, status, and areas of authority of the person or organization offering goods or services,
- ç) Value of goods or services and actual total price to be paid,
- d) Other payment terms such as lease, rental, installment sales, and credit sales,
- e) Delivery, replacement, take-back, warranty, after-sales services, spare parts or maintenance and repair conditions,
- f) Intellectual and industrial property rights,
- g) Official recognition or approval, medals, awards, diplomas, and similar documents,
- ğ) Social aid,
- h) Consumers' legal rights or risks they may face.
- 7/8 In advertisements: a) Research results or quotations from scientific publications cannot be distorted. b) Statistics cannot be presented in a way that would yield results different from reality. c) Scientific terms cannot be used in a misleading way. d) Claims cannot contain scientific terminology and expressions suggesting a scientific basis they do not actually possess.
- 8/1 Comparative advertisements can only be made under the following conditions:
- a) Not including competitors' product names, brands, logos, trade names, business names, or other distinctive elements,
- b) Not being deceptive or misleading,
- c) Not leading to unfair competition,
- ç) The compared goods or services meeting the same needs or having the same purpose,
- d) Comparing an aspect that will benefit consumers,
- e) Objectively comparing one or more material, essential, verifiable, and typical features, including price, of the compared goods or services,
- f) Claims based on objective, measurable, numerical data being proven with scientific tests, reports, or documents,
- g) Not disparaging or discrediting competitors' goods, services, activities, or other characteristics,
- ğ) In comparisons regarding goods or services with stated origin, the goods or services being from the same geographical location,
- h) Not causing confusion regarding the advertiser's and competitor's brand, trade name, business name, or other distinctive mark or goods or services,
- i) Not being contrary to principles determined by the Advertising Board.
- 9/1 Advertisers are obligated to prove the truthfulness of claims in their commercial advertisements.
- 9/2 Definitions, claims, or exemplified explanations regarding verifiable facts in advertisements must be proven with scientifically valid information and documents. When deemed necessary, information and documents from relevant university departments or accredited or independent research, testing, and evaluation organizations shall be requested.
- 9/3 Claims in comparative advertisements must always be proven with information and documents obtained from relevant university departments or accredited or independent research, testing, and evaluation organizations.
- 9/4 Reports submitted under paragraphs two and three must be of a nature that proves the claims in the advertisement during the period of publication.
- 9/5 Advertisers are obligated to submit documents proving the claims in advertisements to those authorized and assigned to oversee the implementation of principles determined in this Regulation.
- 10/1 Advertisements cannot demean, explicitly ridicule, or similarly disparage any person, institution or organization, commercial or professional activity, goods or services, advertisement, or brand.
- 18/1 Information that may affect consumer purchasing decisions must be communicated in a duration and form that the average consumer can perceive.
- 22/1 Covert advertising through any means of communication, whether audio, written, or visual, is prohibited.
- 22/2 Advertisements cannot be used in a way that affects the editorial independence of media organizations.

23/1 In evaluating written content, news, broadcasts, and programs containing names, brands, logos, or other distinctive forms or expressions related to goods or services, and trade names or business names, along with information and images about institutions and persons representing them, for covert advertising:

- a) Information and images about names, brands, logos, or other distinctive forms or expressions and trade names or business names, and the institutions and persons representing them, must be compatible, unexaggerated, and proportional in terms of format, subject, content, presentation, positioning, and duration with the written content, news, broadcast, or programs in which they appear,
- b) Written content, news, broadcasts, or programs published within the framework of the right to report, disseminate, and receive information must meet consumers' need for enlightenment and information,
- c) Conditions shall be considered regarding not encouraging the rental or purchase of goods or services by making special promotional references that could consciously influence consumer preferences.

26 Advertisements for medicines, human medical products, medical devices, health services, foods, food supplements, cosmetic and cleaning products, biocidal products, tobacco products, and alcoholic beverages must also comply with other provisions regarding advertising and promotion in their relevant legislation.