

**LAW ON THE PREVENTION AND CONTROL OF HARMFUL EFFECTS OF  
TOBACCO PRODUCTS <sup>(1)</sup>**

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*Purpose*

**Article 1 – (As amended as per Art. 2 of Law No. 5727 dated 3/1/2008)**

(1) The purpose of this Law is to take actions and measures for the protection of individuals and future generations from the hazards of tobacco products and from any advertisements, promotions or incentive campaigns encouraging the use of tobacco products and to make arrangements to ensure that everybody enjoys clean air.

*Prohibition of tobacco products <sup>(2)</sup>*

**Article 2 – (As amended as per Art.3 of Law No.5727 dated 3/1/2008)**

(1) It shall be prohibited to consume tobacco products:

- a) in indoor areas of public services buildings;
- b) in indoor areas, including hallways of buildings that are owned by private legal entities and used for educational, healthcare, production, commercial, socializing, cultural, sports, entertainment and similar purposes and that serve to more than one person (except residential houses);
- c) **(As amended as per Art.26 of Law No.6487 dated 24/5/2013)** at driver seats of passenger cars as well as in vehicles for public transport by road, rail, sea, or air, including those serving as taxis;
- ç) in indoor and outdoor areas of preschool educational institutions, primary and secondary institutions, including private teaching institutions, and cultural and social service buildings;
- d) in restaurants and entertainment establishments, such as coffeehouses, cafeterias and bars, owned by private legal entities.

(2) However, spaces may be designated for consuming tobacco products:

- a) in elderly care facilities, psychiatric hospitals and prisons;
- b) at decks of ships carrying passengers on domestic or international routes.

Minors under 18 years of age shall not be permitted to enter such spaces.

(3) In businesses in the lodging industry, rooms may be designated for guests who consume tobacco products.

(4) Use of tobacco products shall be prohibited in outdoor places where any kind of cultural, artistic, sports, and entertainment activities are held and spectator areas of such places. However, areas for consuming tobacco

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<sup>1</sup> *The name of this Law was “The Law on Preventing the Harmful Effects of Tobacco Products”, and it was amended to be effective as of 19/5/2008 as per Article 1 of the Law No.5727 dated 3/1/2008, and the amendment was incorporated in the text.*

<sup>2</sup> *The title of this Article was “Places where smoking tobacco and tobacco products is prohibited”, and it was amended to be effective as of 19/5/2008 as per Article 3 of the Law No.5727 dated 3/1/2008, and the amendment was incorporated in the text.*

products may be designated in such places.

(5) Indoor areas designated for consuming tobacco products pursuant to this Law shall be insulated to prevent the passage of smoke or odor and shall be equipped with a ventilation system.

(6) For the purposes of this Law, the term “tobacco products” shall refer to substances, which are produced for use by smoking, sucking, chewing or inhaling through the nose and which are entirely or partly made of tobacco leaf. **(Sentence added as per Art.26 of Law No.6487 dated 24/5/2013)** Any kind of hookah and cigarette that does not contain tobacco but imitates a tobacco product shall be considered a tobacco product.

*Other protective measures<sup>(1)</sup>*

**Article 3 – (As amended as per Art.4 of Law No.5727 dated 3/1/2008)**

(1) No advertising or promotion activities, in which names, logos, or trademarks of producer companies are used, can be made for tobacco products for whatever reason. Campaigns promoting or encouraging the use of tobacco products cannot be held. Companies that produce or market tobacco products may not contribute in any manner, to any event or activity by using their names, logos, trademarks.

(2) The names and logos of companies operating in the tobacco products industry or the trademarks or logos of tobacco products, or any symbols that would remind people of the company or the tobacco products may not be used on clothes, accessories and jewelry.

(3) Vehicles which belong to a tobacco company shall not bear any kind of sign that would promote the brand.

(4) Tobacco products produced and marketed by companies shall not be distributed free of charge to dealers or consumers, for whatever purpose, including as incentives, gifts, giveaways, promotions, or favor.

(5) Announcements for or advertisements in media outlets of tobacco products by using names, logos, or emblems of tobacco products shall be prohibited notwithstanding the purpose of such actions.

(6) Tobacco products cannot be used in or displayed on TV programs, films, series, music videos, advertisements and promotional videos.

(7) Tobacco products cannot be sold in places where healthcare, educational, cultural and sports services are provided.

(8) Tobacco products as well as hookahs or similar products whether or not they contain tobacco products shall not be sold or offered for use to persons under eighteen years of age.<sup>(2)</sup>

(9) Persons under eighteen years of age cannot be employed in businesses engaged in tobacco products in the marketing or sales of tobacco products.

(10) Tobacco products cannot be sold, once their original packages opened, either in pieces or in smaller packages.

(11) Tobacco products (...) <sup>(3)</sup> shall not be sold via vending machines, telephone, TV, or electronic environments such as the Internet and shall not be shipped by couriers for sales purposes.<sup>(3)</sup>

(12) Butts, packs, mouthpieces, wrappers and similar waste associated with tobacco products cannot be discarded in the environment.

(13) Tobacco products cannot be offered for sale in a way that allows persons under eighteen years of age directly access to such products or that they are seen from the outside of the establishment. Tobacco products cannot

<sup>1</sup> The title of this article was “Other prohibitions”, and it was amended to be effective as of 19/5/2008 as per Article 4 of Law no. 5727 dated 3/1/2008, and the amendment was incorporated in the text.

<sup>2</sup> After the wording “Tobacco products” in this paragraph, the phrase “as well as hookahs and similar products, whether or not they contain tobacco products” was added as per Article 9 of Law No.6354 dated 4/7/2012.

<sup>3</sup> The phrase “except for places which are authorized sellers” that was previously included in this paragraph was removed from the text of the Article as per Article 47 of Law No.5917 dated 25/6/2009.

be offered for sale without a sales certificate or in a place not specified in the sales certificate.

(14) Chewing gums, candies, treats, toys, clothes, jewelry, accessories, and similar products of all types cannot be produced, distributed, or sold in a way that either resembles any tobacco product or recalls a tobacco brand.

(15) **(Added by Art. 9 of Law No. 6354 dated 4/7/2012)** Names, brands, emblems, logos of tobacco products and of companies producing, importing, or distributing tobacco products, or other names and signs that evoke the aforementioned cannot be linked with companies or products in the sectors of goods and services other than tobacco products, nor can they be used in a way to imply that the tobacco products and other products and services are associated with each other. Names, brands, emblems, logos of companies and products that fall under the sectors of goods and services other than tobacco products, or other names and signs that evoke the aforementioned cannot be linked with tobacco products and relevant companies, nor can they be used in a way to imply that they are associated with tobacco products; no such product can bear a sign or color in a way that evoke tobacco products. The principles and procedures concerning the enforcement of this clause shall be determined by the Tobacco and Alcohol Market Regulatory Authority with the assent of the Ministry of Health.

*Ensuring control <sup>(1)</sup>*

**Article 4 – (As amended by Art.5 of Law No.5727 dated 3/1/2008)**

(1) In spaces where smoking of tobacco products is prohibited, warning signs stating both the legal regulations and the penal consequences in case of non-compliance with these regulations shall be posted; the font size of such signs shall be ten centimeters at least for halls and three centimeters at least for public transportation vehicles. Moreover, warning signs describing the hazards of using tobacco products in terms of health shall be posted in spaces, where it is permitted to consume tobacco products, in a way that such signs can be seen by everyone therein.

(2) **(As amended as per Art.6 of Law No.5752 dated 3/4/2008)** In places where the sale of tobacco products is permitted, a sign that contain the phrase “Legal Warning: Cigarettes and other tobacco products cannot be sold to those who are under 18 years of age; legal action shall be taken against those who violate this order” shall be posted in a way that they can be easily seen and read, in accordance with the procedures to be determined by the Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority.

(3) **(First sentence was amended by Art.10 of Law No.6354 dated 4/7/2012)** Warning signs that contain pictures and messages written in Turkish in a special frame to describe hazards of tobacco products shall be placed on each of the widest two sides of packets of tobacco products that are imported to or manufactured in Turkey and of the hookah bottles except for their bases, provided that the size of the sign shall not be less than sixty-five percent of the relevant area. Similarly, it shall be obligatory to place such warning signs on the boxes of tobacco products that contain more than one package. Warning messages may be in the form of a picture, figure, or graph. Tobacco products bearing no warning messages cannot be imported or put up for sale.

(4) **(As amended as per Art.10 of Law No.6354 dated 4/7/2012)** No misleading and/or incomplete information about the specifics, effects on the health, hazards and emissions of tobacco products imported to or produced in Turkey can be given on the packages and labels of such products; no texts, names, brands, phrases, metaphors, pictures, figures, signs, colors or combinations of colors can be used to urge or encourage the consumption, to mislead the consumer, or to make the product attractive.

(5) Issues related to the messages of legal warnings in the form of text, picture, figure or graphic mentioned in this Law shall be governed by a regulation. Such regulation shall be issued by the Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority with the assent of the Ministry of Health.

(6) Companies operating in the tobacco products sector must submit any information about their products, as well as their production, marketing and other activities within fifteen days upon being requested by the Ministry of Health and the Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority.

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<sup>1</sup> *The title of this Article was “Warnings”, and it was amended to be effective as of 19/5/2008 as per Article 5 of the Law No.5727 dated 3/1/2008, and the amendment was incorporated in the text.*

(7) The Turkish State Radio and Television Corporation and other national, regional, and local private radio and TV outlets shall be obliged to broadcast programs aimed at warning and educating the public regarding the harmful effects of tobacco products and other unhealthy habits at least for ninety minutes per month. Such programs shall be broadcasted between 8:00 AM and 10:00 PM, provided that a minimum of thirty minutes are broadcasted between 5:00 PM and 10:00 PM, and copies of such programs shall be submitted regularly to the Radio and Television Supreme Council on a monthly basis. Programs which are broadcasted at times other than the abovementioned time intervals shall not be included in the minimum duration of ninety minutes per month. Compliance with the minimum duration shall be inspected by the Radio and Television Supreme Council. These programs shall be prepared or contracted by the Ministry of Health, Ministry of National Education, Radio and Television Supreme Council, Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority, scientific institutions, and non-governmental organizations. The Radio and Television Supreme Council shall ensure the broadcasting of such programs after approval by the Ministry of Health.

(8) The Ministry of National Education shall prepare, after taking opinions of relevant institutions and non-governmental organizations, an educational curriculum to raise awareness of children and young people about the health risks of consumption of tobacco products and exposure to tobacco smoke.

(9) The Ministry of Health shall take necessary actions to develop programs that encourage people for quitting tobacco products and to ensure access to pharmaceutical treatment of tobacco addiction.

(10) To fund the programs mentioned in paragraphs seven, eight and nine of this Article, adequate appropriation shall be allocated in the annual budgets of both the Ministry of Health and Ministry of National Education.

(11) Announcement and advertisement expenses specified in paragraph 1 (7) of Article 41 of Income Tax Law No.193 of 31/12/1960 cannot be written off in the calculation of annual income and corporate tax bases.

*Penal provisions* <sup>(1)</sup> <sup>(2)</sup>

**Article 5 – (As amended as per Art.6 of Law No.5727 dated 3/1/2008)**

(1) **(As amended by Art.11 of Law No.6354 dated 4/7/2012)** Those who consume tobacco products in the areas that are specified in paragraphs one and four of Article 2 and those who act in violation of paragraph two of Article 3 shall be penalized according to the provisions of Article 39 of the Misdemeanor Law No.5326 dated 30/3/2005. A fine of fifty Turkish Lira shall be imposed by (i) public officials authorized by the relevant administrative supervisor upon individuals who act in violation of paragraph twelve of Article 3 in closed and open areas of public buildings; and (ii) by municipal police officers upon individuals who act in violation of the same in open and closed areas of buildings that are owned by private legal persons and that can be accessed by anyone as well as in the streets and other public spaces. If the resultant environmental pollution is immediately remedied by the relevant individual, the administrative fine may not be imposed.

(2) **(As amended as per Art.202 of Law No.6111 dated 13/2/2011)** An administrative fine from one thousand to five thousand Turkish Lira shall be imposed by the local civilian authority upon operating officers (...) <sup>(2)</sup> who do not fulfill their obligations regarding the implementation of and taking measures for prohibitions specified in

<sup>1</sup> The title of this Article was “Actions against those who do not comply with prohibitions”, and it was amended to be effective as of 19/5/2008 as per Article 6 of the Law No.5727 dated 3/1/2008, and the amendment was incorporated in the text.

<sup>2</sup> As per Article 11 of Law No.6354 dated 4/7/2012, the phrase “operating officers” included in the second paragraph of this Article was amended as “upon operating officers”, and the phrase “shall be primarily warned in writing by inspecting authorities. This letter of warning shall be served upon the operating officer. Those who fail to fulfill their obligations despite this warning” in the same paragraph was removed from the text, and the word “fifteenth” was added after the word “fifth” included in the third paragraph.

paragraphs one (except for subparagraph (a)), three, four and five of Article 2.<sup>(2)</sup>

(3) Those who act in violation of each of the prohibitions in paragraphs one, three, four, five, fifteen (...) <sup>(1)</sup> of Article 3 shall be imposed an administrative fine from fifty thousand to two hundred fifty thousand Turkish Lira. The Tobacco, Tobacco Products and Alcoholic Beverages Regulatory Authority shall be authorized to decide on such fines. <sup>(2) (1)</sup>

(4) In case of violation of the prohibition set forth in paragraph six of Article 3 via visual media, local broadcasting institutions shall be fined from one thousand Turkish Lira to five thousand Turkish Lira, regional broadcasting institutions shall be fined from five thousand Turkish Lira to ten thousand Turkish Lira and national broadcasting institutions shall be fined from fifty thousand Turkish Lira to one hundred thousand Turkish Lira. The Radio and Television Supreme Council shall be authorized to decide on such fines.

(5) **(As amended as per Art.202 of Law No.6111 dated 13/2/2011)** Those who violate paragraph seven of Article 3 shall be imposed an administrative fine of one thousand Turkish Lira by the local civilian authority.

(6) Those who violate the prohibitions set forth in paragraph eight of Article 3 shall be sentenced according to Article 194 titled "Provision of substances dangerous for health" of the Turkish Penal Code No.5237 dated 26/9/2004.

(7) Those who violate the prohibitions set forth in paragraph nine of Article 3 shall be imposed an administrative fine of one thousand Turkish Lira for each individual by the local civilian authority.

(8) **(Repealed as per Art.6 of Law No.5752 dated 3/4/2008)**

(9) **(Repealed as per Art.6 of Law No.5752 dated 3/4/2008)**

(10) **(As amended as per Art.202 of Law No.6111 dated 13/2/2011)** Those who produce products specified in paragraph fourteen of Article 3 shall be imposed an administrative fine from twenty thousand Turkish Lira to one hundred thousand Turkish Lira by the local civilian authority.

(11) Those who violate any of the obligations set forth in paragraphs one and two of Article 4 shall be imposed an administrative fine of one thousand Turkish Lira by the local civilian authority.

(12) Manufacturing companies that violate each of the obligations stipulated in paragraphs three and four of Article 4 shall be imposed, by the Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority, an administrative fine in an amount that is equal to the market value of the products released to the market by the company in violation of these obligations. However, the fine to be imposed shall be no less than two hundred fifty thousand Turkish Lira.

(13) **(Repealed as per Art.6 of Law No.5752 dated 3/4/2008)**

(14) In case of violation of obligations set forth in paragraph seven of Article 4, local TV outlets shall be imposed an administrative fine of from one thousand Turkish Lira to five thousand Turkish Lira, regional TV outlets shall be imposed an administrative fine of from five thousand Turkish Lira to ten thousand Turkish Lira, and national TV outlets shall be imposed an administrative fine of from fifty thousand Turkish Lira to two hundred fifty thousand Turkish Lira. For radio outlets, these fines shall be applied as one tenth of the aforementioned amounts. The Radio and Television Supreme Council shall be authorized to decide on such fines.

(15) For civil servants and other public officers who fail to execute their duties mandated by this Law,

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<sup>1</sup> The phrase "and eleventh" included in paragraph three was removed from the text of the Article as per Article 6 of Law No.5752 dated 3/4/2008.

disciplinary provisions included in the legislation to which they are subject shall be applied, aside from the proceedings under the penal code.

16) **(Added as per Art.202 of Law No.6111 dated 13/2/2011; Amended as per Art.27 of Law No.6487 dated 24/5/2013)** If any action requiring a penalty stipulated in this article is repeated within one year, the administrative fine to be imposed shall be two folds for the first recurrence and three folds for the second recurrence. Upon the third recurrence within the same period, the business shall be closed down for a period between ten days and one month.

*Administrative fines*

**Article 6 – (Repealed as per Art.9 of Law No.5739 dated 26/2/2008)**

*Acquisition of ownership by the state <sup>(1)</sup>*

**Article 7 – (As amended as per Art.7 of Law No.5727 dated 3/1/2008)**

(1) The decision for acquisition by the state of the ownership of any objects subject to prohibitions set forth in paragraphs two, four and fourteen of Article 3 of this Law as well as tobacco products specified in paragraphs three and four of Article 4 of this Law shall be made by the local civilian authority.

*Provisions regarding fines*

**Article 8 – (Repealed as per Art.8 of Law No.5727 dated 3/1/2008)**

**Provisional Article 1 –** The tobacco and tobacco products produced in or imported to Turkey before the promulgation of this Law shall continue to be sold for one year notwithstanding the condition stipulated in paragraph two of Article 4.

**Provisional Article 2 –** The allocation of separate spaces as per paragraph two of Article 2, the removal of advertisement boards banned by Article 3 and the work that needs to be performed pursuant to paragraph one of article 4 shall be completed within one year as of the date of the promulgation of this Law.

**Provisional Article 3 – (Added as per Art.9 of Law No.5727 dated 3/1/2008)**

(1) The regulations stipulated in this Law shall be issued within one month upon entry into force of this Law.

**Provisional Article 4 – (Added as per Art.24 of Law No.6354 dated 4/7/2012)**

(1) Tobacco products produced in or imported to Turkey prior to the date on which this Article enters into force shall be brought in compliance with paragraph three of Article 4 within one year.

(2) The regulation stipulated in paragraph fifteen of Article 3 shall be issued within three months.

*Entry into force*

**ARTICLE 9 –** This Law shall enter into force on the date of its promulgation.

*Enforcement*

**Article 10 –** The provisions of this Law shall be enforced by the Council of Ministers.

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<sup>1</sup> The title of this Article was "Judicial fines", and it was amended to be effective as of 19/5/2008 as per Article 7 of the Law No.5727 dated 3/1/2008, and the amendment was incorporated in the text.

**LIST SHOWING THE DATE OF ENTRY INTO FORCE OF LEGISLATION MAKING  
ADDITIONS AND AMENDMENTS TO LAW NO.4207**

<b>Amending Law</b>	<b>Amended articles of Law No. 4207</b>	<b>Effective date</b>
5727	Name of the Law, Articles 1, 2, 3, 4, 5, 7 and 8 and Provisional Article 1	On 19/5/2008,  i.e., four months after the date of publication (19/1/2008)
	Subparagraph (d) of paragraph 1 of Article 2	On 19/7/2009,  i.e., 18 months after the date of publication (19/1/2008)
5739	6	19/5/2008
5752	4, 5	19/5/2008
5917	3	10/7/2009
6111	5	25/2/2011
6354	3, 4, 5, Provisional Article 4	12/7/2012
6487	2, 5	11/6/2013