

Turkish Food Law

1 Historical Evolution of Food Law in Turkey

Contemporary Turkish food law took its shape and characteristics through the adoption of the European Union (EU) norms. Thus, Turkish food law displays substantial similarities with European food law.

Yet, the origins of regulating the field of food in Anatolia¹ go back to antiquity. Many archaeological findings pertaining to food regulation have been found in Anatolian lands. For example, it was discovered that a Hittite column dating 3500 years back bears the phrases “thou shall not poison your neighbor’s meat” and “thou shall not fool your neighbor” (Yalçın, 2008). Cultural values and practices show that food safety and food hygiene were important in ancient Greece which was the site of important studies on hygiene, plant-based medicines and healthy dietary practices (Notermans & Powell, 2005).

The influence of teachings of Greece continued through ancient Rome. In the Roman Republic the maintenance of roads, the preservation of public peace and the organization of public games fell under the jurisdiction of the *aedilis curulis* that was established in 494 B.C. Amongst the functions of this authority was also the inspection of marketplaces. The *aediles* checked the authenticity of weights used in marketplaces, the quality of the products sold and also secured the storage and conservation of wheat in preparation for periods of scarcity. They could impose fines on sellers who sold defective products or committed fraud (Türkoğlu, 2011).

During the reign of the Ottoman sultan Bayezid II (1481-1512), laws setting out quality standards and fixing prices for various foodstuffs were enacted (Tayar, 2010). Under Ottoman rule, the general control over shopkeepers was carried out by constabularies called *muhtesipler* or *ihtisap ağaları*. These officials supervised the prices and quality of goods sold in bazaars and marketplaces, inspected the cleanliness of shops and checked the authenticity of weights. Their activities included the prevention of the sale of adulterated food (Yıldırım, 2011-2012).

The development of food control based on considerations of hygiene started in the Ottoman Empire alongside efforts to establish a modern health organization and a modern municipal organization. The control of foodstuffs and sales restrictions for public health reasons improved particularly on the institutional and administrative levels in periods marked by cholera epidemics that broke out in Istanbul in the years 1831, 1847, 1865 and 1894 – 1895.

During the second constitutional period (*ikinci meşrutiyet*) (1908 – 1918), the public health control of bovines was carried out by the Veterinary Inspectorship of the Province of Istanbul. The *Regulation on Health Administration of Provinces* (1913) enumerated the duties of health directors to be appointed to each province regarding the inspection of places of food production and sale. A regulation (1914) regarding the duties of the Health Inspection Commission under the General Directorship of Health required inspectors to perform sanitary controls of foodstuffs and beverages, as well as of slaughterhouses and tanneries. (Yıldırım, 2011-2012).

Moreover, a *By-Law on Cow Barns, Dairies and Milks* (1914) issued by the Health Directorate of the Municipality conditioned the establishment of new cow barns within the municipal boundaries of Istanbul on obtaining a permit from district municipalities. Besides these developments in the field of food control, a relative awareness as regards the necessity to control food manufacturers and sellers in order to prevent the spread of contagious diseases, emerged

around the beginning of the 20th century. For example, dairymen were required to present a health report to the municipality every six months. However, attempts to establish legal regulations in this field mostly remained at the stage of planning (Yıldırım, 2011-2012).

Despite the adoption of detailed food regulations after the foundation of the Republic of Turkey (1923), this field could not be subjected to a global and articulated legislation for a long time. Major food laws adopted during the first half of the 20th century were the following: the *Law on Spirit and Alcoholic Beverages Monopoly*,² the *Law on Animal Health Constabulary*,³ *Municipality Law*,⁴ the *Public Health Preservation Law*,⁵ the *Animal Health Constabulary Regulation*,⁶ the *Spirit and Spirituous Beverages Monopoly Law*,⁷ the *Regulation Indicating the Particular Qualities of Foodstuffs and of Commodities and Materials Concerning Public Health*,⁸ the *Regulation Indicating the Particular Qualities of Foodstuffs and of Commodities and Materials Concerning Public Health*.⁹ Due to difficulties encountered in updating this latter regulation, official authorities strived to supplement the existing food legislation with food standards adopted by the Turkish Standards Institute (*Türk Standardları Enstitüsü*) during 1960s (Artık et al., 2017).

Various laws entrusting the field of food services to different administrative authorities such as the Ministry of Agriculture and Rural Affairs, the Ministry of Health and Social Assistance, the Ministry of Industry and Trade, the Turkish Standards Institute and municipalities failed to distinguish the spheres of responsibility and powers of these with sufficient clarity.

Despite official reports and projects pointing at the necessity to remedy the confusion of powers, the lack of coordination between different authorities, and the disorder in food legislation, a concrete step in this direction could only be made with the enactment of the *Statutory Decree Regarding the Production, Consumption and Control of Foodstuffs*¹⁰ with the adoption by the EC - Turkey Association Council of Decision No. 1/95 on implementing the final phase of the Customs Union.¹¹ However, while constituting an important advance in the harmonization of Turkish food legislation with European standards, this *Statutory Decree* was not sufficient to bring a satisfactory solution to institutional and normative problems.

In the efforts to align with EU norms, Regulation (EC) No 178/2002¹² was decisive with the enactment of the *Law on the Adoption through Modification of the Statutory Decree Regarding the Production, Consumption and Control of Foodstuffs*.¹³

However, noting serious deficiencies concerning food safety, veterinary and phytosanitary policy, the *Turkey 2006 Progress Report* of the Commission of the European Communities revealed that substantial reforms were still necessary. The report noted that the “food, feed and veterinary package” had still not been adopted and that progress had remained limited in transposition and implementation in the field of general foodstuffs policy. Moreover, no progress was observed on subjects such as veterinary policy, registration of bovine and caprine animals, financing of veterinary inspection and controls, rules for placing on the market of food and feed, genetically modified organisms and novel foods. As regards the institutional plane, the report emphasized that a clear definition of competences between the central authorities and municipalities had to be established and that the Ministry of Agriculture and Rural Affairs had to be strengthened at central and local levels.¹⁴

Successive progress reports concluded that institutional and normative progress in the field of food safety, veterinary and phytosanitary policy remained limited. It was obvious that the harmonization of Turkish food law with EU standards required a comprehensive and systematic

general regulation. This situation was redressed with the adoption of the Veterinary Services, Plant Health, Food and Feed Law.¹⁵

2 Fundamental Legislation

The *Veterinary Services, Plant Health, Food and Feed Law*, hereafter “Food Statute”, constitutes the fundamental statute of Turkish food law. The statute indicates its aim as protecting and ensuring food and feed safety, public health, plant and animal health, animal improvement and welfare. This aim is attained by “taking into consideration” consumer interests and the protection of the environment (Article 1). The scope of the statute is quite wide.¹⁶ Primary production activities for personal consumption and foodstuffs prepared for personal consumption are excluded from the scope of the statute (Article 2 § 2).

In addition, the *Turkish Food Codex By-Law*¹⁷ issued on the basis of the *Food Statute* by the Ministry of Food, Agriculture and Livestock constitutes a conceptual matrix for specific food regulations.¹⁸

Two by-laws issued simultaneously by the Ministry of Food, Agriculture and Livestock which are considered as falling within the scope of the “horizontal food codex” are the *Turkish Food Codex Food Labeling and Informing Consumers By-Law*¹⁹ and the *Turkish Food Codex Nutrition and Health Claims By-Law*.²⁰ The aim of the former is “to determine the rules pertaining to the protection at the highest level of consumers as regards food information including differences of perception and necessities of information” (Article 1). The by-law covers general rules, requirements and responsibilities relating to food information as well as information procedures and measures guaranteeing the right to information of consumers (Article 2 § 1). The aim of the latter by-law is to regulate the nutrition and health claims used in labeling, presenting and advertising of foodstuffs provided to final consumers and mass consumption places (Article 2).

3 Risk Analysis

By imposing an obligation to base “acts pertaining to food, feed and plant health on risk analysis, in order to ensure the maximum protection of human health and life”, the *Food Statute* gives a central position to risk analysis (Article 26 § 1).²¹ While defining the concept of risk as “the functional relationship between the danger that may produce a negative effect on health and its severity” (Article 3 § 1, 54), the statute configures risk analysis as a process consisting of the components of risk assessment, risk management and risk communication (Article 3 § 1, 55).

The *Food Statute* foresees the establishment of risk analysis “commissions” having different working areas in order to make independent scientific risk assessment. These commissions, which formulate risk analysis conclusions of an advisory character, consist of representatives of research institutions, research institutes, university faculties concerned with the subject and of other specialists if necessary. A “risk assessment unit” established by the Ministry of Agriculture and Rural Affairs oversees the commissions and may cooperate with similar national and international organizations (Article 26 § 2).

In order to implement these provisions, the *Statutory Decree on the Organization and Duties of the Ministry of Food, Agriculture and Livestock*²² established the General Directorate of Food

and Control as one of the service units within the central organization of the Ministry. Currently, the duties of the General Directorate of Food and Control are governed by the Presidential Decree on the Organization of the Presidency of the Republic.²³ Duties of the General Directorate of Food and Control include “determining the principles of risk management for ensuring plant and animal health as well as food and feed safety, carrying out risk assessment and ensuring risk communication” (Article 413 § 1, o). The Presidency of the Department of Risk Assessment was established as the sub-unit of the General Directorate of Food and Control entrusted with the carrying out of risk assessment activities.²⁴

In order to regulate the formation and operation of risk assessment commissions foreseen by the Food Statute (Article 26 § 2) the Ministry of Food, Agriculture and Livestock prepared the By-law on the Working Procedures and Principles of Risk Assessment Committees and Commissions.²⁵ To date, seven commissions have been established to date by the Ministry in regard to risk assessments relating to food and feed safety.²⁶

Turkish food law attributes an essential role to scientific commissions in the field of risk assessment. The above cited by-law provides that the members of the scientific commissions are independent and that they shall not receive any instruction from any office, authority or person (Article 5 § 5). Commissions are able to make risk assessments upon request of the Ministry or on their own initiative (Article 8 § 1, a). Yet, the members of the commissions are appointed by the minister amongst candidates determined upon open call (Article 7 § 3). Scientific commissions have to submit their advisory opinions to the Ministry and are not permitted to share these directly with the public (Article 8 § 1, c). Members of the commissions are not permitted to disclose any information, documents or secrets they have obtained in the course of their duty, even after they have quit their function (Article 15 § 2). Even though the scientific commissions have the main responsibility regarding risk assessments, the Presidency of the Department of Risk Assessment is empowered to independently formulate advisory scientific opinions regarding animal health and welfare, plant health as well as feed and food safety.

The Food Statute requires that risk management and risk communication shall be carried out by the Ministry taking into consideration the results of risk assessment, scientific data, other related factors and the precautionary principle (Article 26 § 3). In the EU, the system is different with there being a clear distinction between the political (European Commission etc.) and scientific (EFSA) authorities.²⁷ The overlap of risk assessment and risk management in the Turkish system is problematic.

Turkey has acquired a considerable technical knowledge in the field of food safety. However, substantial improvements are necessary as regards the transparency of risk analysis processes and the publication of risk assessment data.

4. Fundamental Institutional Framework

A. Major Authorities

The principal authority in the field of food in Turkey is the Ministry of Agriculture and Forestry. The structure, duties and powers of the Ministry are found in the Presidential Decree on the Organization of the Presidency of the Republic. The duties of the Ministry are varied.²⁸ The Ministry is composed of central, provincial and foreign organizations. The central organization of the Ministry comprises twenty-one “service units”.²⁹ There are also five “related establishments”³⁰ and five “dependent establishments”.³¹

While placing food safety services principally within the competence of the Ministry of Agriculture and Forestry, the Food Statute provides certain powers to the Ministry of Health in the field of food. These two Ministries are expected to share some powers in conjunction with other establishments as, for example, in the case of contagious animal diseases and animal by-products not intended for human consumption. In certain areas such as waters, supplementary foods and dietary foods for special medical purposes the fields of competence of the Ministry of Agriculture and Forestry and the Ministry of Health are separated.

B. Enforcement Powers

The examination, inspection, control and sanction powers in the field of food law are stipulated in the *Food Statute*. In this regard, important powers are conferred upon the Ministry of Agriculture and Forestry.

The Ministry is empowered to take all necessary measures in the event of an outbreak of an animal disease subject to compulsory notification (Article 4 § 1, b).³² Moreover, as regards operations pertaining to animal by-products not intended for human consumption, measures relating to the prevention of threats to human and animal health and to the prevention of environmental damage shall be taken by the Ministry of Agriculture and Forestry, the Ministry of Health and the Ministry of Internal Affairs (Article 6 § 1).

The Ministry is responsible for taking appropriate measures against the introduction into the country of organisms harmful to plants or plant products and against their spread within the country. If there is a suspicion regarding harmful organisms or the appearance of harmful organisms in epidemical form, the Ministry may take any measures against their spread. Such measures may comprise the prohibition or restriction of seeding or planting, the prohibition of transport and sale of plants, plant products or other materials as well as the destruction of these (Article 15 § 1, b).

If it receives notification of a direct or indirect risk relating to animal and plant health or to food and feed, the Ministry is required to take all necessary measures. The owner of the animal or the keeper of the animal on behalf of the owner, the owner of the plant and plant products, the food or feed business operator is required to apply the measures and decisions taken by the Ministry. In case a serious risk to human, animal and plant health appears and the existing measures prove to be insufficient, administrative measures restricting or prohibiting the placing on the market, the use and introduction into the country of live animals or products may be applied (Article 25 §§ 1 - 3).

The *Food Statute* contains detailed provisions regarding sanctions for various unlawful acts. These sanctions are grouped in the Statute as sanctions relating to animal health, animal welfare and zootechnics; veterinary health products; plant health, plant protection products, food and feed; hygiene and official controls (Article 36 - 41). While part of these sanctions are for contravening preventive and protective measures adopted by the Ministry, others are for actions violating provisions regarding certain activities. Furthermore, sanctions are provided for not keeping certain records, not having certain documents and for forging documents. Most of the sanctions are administrative fines of various amounts. Apart from these, there are other sanctions such as the prohibition of exercising activity for those conducting unauthorized activities, the annulment of permits and approvals of those acting in contravention to the

provisions of the Statute and the confiscation of products which do not fulfil the legal standards. The sanctions under the *Food Statute* are applied by provincial and communal agriculture directors. In case of urgency, administrative sanctions other than administrative fines may be applied by control officers (Article 42).

C. Standards

Turkish food law is linked to various national and international food quality and safety standards. Preparing “Turkish standards” for all kinds of materials, products, services and procedures at the national level are assigned to the Turkish Standards Institute.³³ Within the Institute, these standards are prepared by specialized boards and adopted by a Technical Board.

On the international level, the Hazard Analysis and Critical Control Points (HACCP) and traceability systems are prominent. Owing to a growing awareness of food safety in recent years, compliance with international standards gained importance in Turkey. In order to raise their competitiveness in national and international markets, Turkish food companies were impelled to restructure their production activities so as to conform to these international standards. In addition, despite “compliance costs”, national incentive policies encourage companies to integrate food standards (Koç et al., 2018).

With the issuance of the *Turkish Food Codex By-Law*³⁴ in 1997, the establishment of HACCP system became compulsory for food businesses. Moreover, the Turkish Standards Institute adopted on March 3, 2003 the TS 13001 standard titled “Management of Food Safety based on HACCP - Rules Relating to the Management System for Food Producing Establishments and Suppliers.”

D. Authorization Requirements

a. Food Subject to Authorization

Under the *Biosafety Law*³⁵ and the *By-Law Regarding Genetically Modified Organisms and their Products*³⁶ operations relating to genetically modified organisms and their products are subject to regulation. The importation, exportation, release for experimental purposes, placement on the market of GMOs and their products as well as the use of genetically modified microorganisms in confined areas are dependent upon a risk assessment effectuated according to scientific principles. Both for the first importation of each GMO and its product and for the GMO and its product developed within the country, an application must be made to the Ministry by the gene owner, the importer or the interested party. As regards GMO and GMO products, the *Biosafety Law* prohibits their placement on the market without authorization, their use in contravention to the decisions of the Ministry, their use in infant food and infant formulae as well as in follow-on food and follow-on formulae. The production of genetically modified plants and animals is also prohibited.

The *Turkish Food Codex Food Additives By-Law*³⁷ indicates both food additives, which may be placed on the market directly and food containing food additives, in two separate annexed lists. Food additives or food containing food additives, which are not on the lists, cannot be placed on the market. Although the sale of porcine products is not prohibited in Turkey, the by-law prohibits explicitly the use of food additives of porcine origin in food, food additives, food enzymes and flavorings.

The *Food Statute* provides that “procedures and principles pertaining to novel food and feed shall be determined by the Ministry.” (Article 21 § 4) As yet, no legislation of any kind has been adopted in this field. As stated above, a Specific Food Components, Declarations and Novel Foods Commission has been established by the Ministry for, amongst other purposes, evaluating the safety of novel food. However, no activity of this Commission in this field is made public.

b. Procedural Aspects

Applications pertaining to GMOs should indicate their purpose. The result of a particular application cannot constitute a precedent for other applications. All applications falling within the scope of the Biosafety Law are subject to risk assessment based on scientific principles and socio-economical assessment separately. Risk management principles are established on the basis of the results of these assessments. The applicant is responsible for the preparation and implementation of a detailed risk management plan (Article 4).

A special by-law establishes a common application procedure for the evaluation and authorization of food additives, food enzymes, flavorings, source materials of flavorings and flavoring food components.³⁸ The General Directorate of Food and Control shall decide on applications within the framework of the relevant legislation. In the event of acceptance, the specific list in the by-law shall be up-dated through the insertion of the name of the new substance. The up-dating process of the substance lists annexed to the relevant by-laws may be initiated ex officio by the General Directorate or upon an application by individual food business operators or an establishment representing them.

5 Food Safety Limits

A. Residue Limits

The use of plant protection products in Turkey is dependent upon obtaining an authorization in accordance with the *By-Law on the Authorization and Placement on the Market of Plant Protection Products*.³⁹ The limits of plant protection product residues are fixed in the *Turkish Food Codex Maximum Pesticide Residue Limits By-Law*,⁴⁰ which applies to fresh, processed or composite food that may contain pesticide residue as well as to plant and animal products indicated in a special annex.

The *Turkish Food Codex By-Law on the Classification and Maximum Residue Limits of Pharmacologically Active Substances in Foods of Animal Origin* classifies pharmacologically active substances scientifically and technically detectable in foods of animal origin and determines the maximum residue limits of such substances.⁴¹ This by-law was prepared in conformity with Regulation (EC) No 470/2009⁴² and Regulation (EU) No 37/2010.⁴³ The by-law does not conflict with legislation pertaining to hormones and hormone-like substances, which are prohibited for food producing animals. The use of hormones and hormone-like substances for non-curative purposes is prohibited in Turkey since 1992 (Şevik & Ayaz, 2017). This field is currently regulated by the *Communiqué on Hormones and Hormone-Like Substances Whose Administration to Food Producing Animals is Prohibited or Conditionally Permitted*.⁴⁴ However, due to the lack of effective control mechanisms, serious deficiencies exist as regards the prevention of the use of hormones for growth purposes.

B. Contaminant Limits

Whilst the *Turkish Food Codex Contaminants By-Law*⁴⁵ sets the maximum levels of certain contaminants in foodstuffs, the microbiological criteria applying to foodstuffs are determined by the *Turkish Food Codex Microbiological Criteria By-Law*.⁴⁶ The *Turkish Food Codex By-Law on Materials and Articles in Contact with Food*⁴⁷ provides special rules pertaining to the specific and total limits of certain components or component groups of materials in contact with food inside or on the surface of food through special legislation. To that effect, various specific communiqués were issued on the basis of relevant EU legislation by the Ministry to set limits pertaining to ceramic articles, materials and articles made of regenerated cellulose films, certain epoxy derivatives in materials and articles, plastic materials and articles as well as active and intelligent materials and articles intended to come into contact with food.

C. Determination of Limits

Pursuant to the Turkish Food Codex Preparation By-Law,⁴⁸ legal regulations relating to the Turkish food codex are to be prepared by the Ministry based primarily on European Union legislation but also taking into account Codex Alimentarius Commission texts, national legislation, international norms as well as conditions of the country. The Ministry may, if it deems necessary, invite experts from institutions, establishments, universities and civil society to participate in the drafting process of the food codex. The prepared food codex drafts shall be submitted for the opinion of the said organizations (Article 11).

6 Process Requirements

A. The Hygienic Regulation of Business Processes

In the field of hygienic regulation of business processes, Turkish food law is mainly based on Regulation (EC) No 852/2004.⁴⁹ The Food Statute defines hygiene as “any measure and condition necessary for putting hazards under control and ensuring the suitability of food and feed for human and animal consumption by taking into consideration their intended use” (Article 3 § 1, 35).

The Ministry of Agriculture and Forestry is empowered to determine general and special hygiene principles, regulations based on hazard analysis and critical control points, health marks indicating that official controls are completed, regulations pertaining to identification marks and traceability. Primary producers, retail sale businesses as well as food and feed business operators are bound to comply with hygiene norms determined by the Ministry. Except for primary producers, food and feed business operators are under the obligation of setting up a food and feed safety system based on principles of hazard analysis and critical control points (Article 29). The Ministry is also empowered to determine which food and feed business are subject to registration and approval (Article 30).

B. Traceability Requirements

The *Food Statute* defines traceability as “the traceability and followability of plant products, food and feed, the animal or the plant from which food is obtained, a substance intended or expected to be in food and feed during all phases of production, processing and distribution” (Article 3 § 1, 39). According to the Statute, food and feed business operators are under the obligation to establish a system for tracing – in all phases of production, processing and

distribution food or feed – any substance to be added to food or feed, including the animal from which food is obtained and to provide such information to the Ministry when requested. Also, to ensure traceability, the food and feed to be placed on the market should be appropriately labeled or identified in conformity with the information and documents determined by the Ministry (Article 24).

7 Labeling

A. Mandatory Particulars

Pursuant to the *Turkish Food Codex Food Labeling and Informing Consumers By-Law*,⁵⁰ the following particulars is mandatory: a) the name of the food; b) the list of ingredients; c) determined substances or products causing allergies or intolerances; d) the quantity of certain ingredients or categories of ingredients; e) the net quantity of the food; f) the recommended date of consumption or the “use by” date; g) special storage conditions and/or conditions of use; h) the name or business name and address of the food business operator; i) the business registration number or identification mark; j) the country of origin; k) instructions for use where it would be impossible to consume the food appropriately in the absence of such instructions; l) with respect to beverages containing more than 1,2 % by volume of alcohol, the actual alcoholic strength by volume and m) a nutrition declaration (Article 9 § 1).

B. Labeling of Food Additives

The *Turkish Food Codex Food Additives By-Law* requires that the packaging of food additives intended for consumption by the final consumer shall contain the following information: a) the name and E-number of each food additive or a sales description which includes the name and E-number of each food additive; b) the statement “for use in food” or the statement “restricted use in food” or a more specific statement indicating the food in which the food additive is intended to be used; c) the name of the source from which the food additive is obtained; d) the species of the animal from which the food additive of animal origin is obtained. The by-law also contains special provisions pertaining to the terms, warnings and information to be included in sales descriptions and labels of table-top sweeteners. The packaging of food additives should also contain the information determined in specific provisions of the *Turkish Food Codex Food Labeling and Informing Consumers By-Law* and the *By-Law on Genetically Modified Organisms and their Products*.

C Allergen Labeling

The *Turkish Food Codex Food Labeling and Informing Consumers By-Law* provides a list of “certain substances or products causing allergies or intolerances” in its Annex – 1. According to the by-law, information pertaining to any ingredient or processing aid listed in that annex or derived from a substance or product listed in that annex causing allergies or intolerances used in the manufacture or preparation of a food and present in the finished product, even if in an altered form, shall be indicated in the list of ingredients by clearly indicating the name of the substance or product figuring in that annex (Article 24 § 1, a and b). The names of these substances or products should be emphasized through a typeset that clearly distinguishes them from the rest of the ingredients. The provision of information pertaining to the absence or reduced presence of gluten is facultative. In this respect, only the use of certain statements specifically determined in the by-law is permitted (Article 45).

D. Nutrition Labeling

The *Turkish Food Codex Food Labeling and Informing Consumers By-Law* states that the mandatory nutrition declaration is composed of the following information: a) energy value; and b) the amounts of fat, saturates, carbohydrate, sugars, protein and salt. In cases where the salt content is exclusively due to the presence of naturally occurring sodium, a statement relating to this situation may appear in close proximity to the nutrition declaration. It is compulsory to declare the amount of trans fat for spreadable fats and margarines, concentrated fats, plant fats and foods containing these with a trans-fat content exceeding 2 %. The indication in the nutrition declaration of the amounts of mono-unsaturates, polyunsaturates, polyols or sugar alcohol, starch, fiber as well as certain vitamins and minerals present in significant amounts is facultative. (Article 35 §§ 1 - 2)

E. Nutrition and Health Claims

The *Turkish Food Codex Nutrition and Health Claims By-Law*⁵¹ allows the use of nutrition and health claims in the labeling, presentation and advertising of foods provided that certain conditions are respected. The use of nutrition and health claims shall not: a) be ambiguous, false or misleading; b) cause doubt about the nutritional sufficiency or the safety of other foods; c) support or promote the excessive consumption of a given food; d) state, allege or insinuate that a varied and balanced diet cannot provide appropriate quantities of nutrients in general; e) refer to changes in bodily functions in a manner causing worry in the consumer by means of textual, pictorial, graphic or symbolic presentations (Article 5 § 2).

F. Medicinal Claims

Save for provisions of legislation pertaining to special dietary foods, the *Turkish Food Codex Food Labeling and Informing Consumers By-Law* prohibits preventive, curative or therapeutic claims. These rules also apply to the advertising and presentation of food, in particular its shape, appearance or packaging, the packaging materials used, the way in which it is arranged and its form of exhibition. (Article 7 §§ 3 - 4)