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The Turkish Competition Authority
accepts commitments from a vitamin
D supplier addressing personalised
discounts, tying and shelf visibility in
the pharmacy channel (*Orzaks*)

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References: [Turkish Competition Authority, *Orzaks*, Case No. 26-14/402-157, Decision, 16 April 2026 \(Turkish\)](#) | [Turkish Competition Authority, *Orzaks*, Case No. 26-14/401-156, Settlement decision, 16 April 2026 \(Turkish\)](#)

This article provides a summary of the Turkish Competition Board's ("**Board**") decision concerning *Orzaks İlaç ve Kimya Sanayi Ticaret Anonim Şirketi* ("**Orzaks**"). The decision determined whether *Orzaks* abused its dominant position in the D3 and D3K2 vitamin product markets. The investigation focused on alleged practices such as excluding competitors in the food supplement sector from the pharmacy channel and restricting the internet sales by pharmacies. The case concerned both Articles 4 and 6 of Law No. 4054 on the Protection of Competition ("**Law No. 4054**"), which are akin to Articles 101 and 102 TFEU, respectively.¹

The investigation initially concerned allegations that *Orzaks* (i) restricted pharmacies' online sales, (ii) imposed purchasing obligations on pharmacies, (iii) required pharmacies to stock certain product groups together, and (iv) implemented various discount practices capable of excluding competitors.

During the investigation, *Orzaks* applied for the commitment procedure. The Board accepted *Orzaks*' application with respect to the allegations under Article 6 of Law No. 4054, while rejecting it with respect to the allegations under Article 4. The Article 4 allegations were subsequently resolved through a separate settlement procedure, under which the Board found that *Orzaks* had infringed Article 4 by restricting pharmacies' online sales and imposed an administrative monetary fine of TRY 35,681,375.91.²

In relation to the allegations under Article 6, the Board accepted the commitments submitted by *Orzaks* and made them binding. These commitments address commercial support concerning D3 and D3K2 products, the criteria governing benefits provided to pharmacies, discounts concerning *Orzaks*' other products, pharmacies' freedom to

choose the products they purchase, and the visibility of competing products on pharmacy shelves.

The Board's Assessment of the Competition Concerns

The Board identified strong indications that *Orzaks* held a dominant position in the Turkish market for vitamin D products and noted that these were among products consumers most demanded. Against this background, the Board examined whether *Orzaks* could leverage its market power in vitamin D products through its commercial arrangements with pharmacies to exclude competing food supplement suppliers from the pharmacy channel.

Although the evidence did not directly establish such tying, the Board considered that certain contractual provisions and commercial practices could nevertheless give rise to exclusionary concerns. The Board considered that such practices could lead to *Orzaks* tying the purchase of its vitamin D3 products to its other products, eliminating pharmacies' ability to purchase from its competitors by imposing excessive purchasing obligations, or preventing competing products from being displayed in the limited shelf space.

The Board also examined the list of products required to be stocked by the pharmacies contracting with *Orzaks*, which was annexed to *Orzaks*' Business Partnership Agreement with dealer pharmacies. The Board determined that the obligation to stock all the products on the list could de facto eliminate the opportunity for *Orzaks*' competitors to work with these pharmacies, particularly in the case of small pharmacies. The Board highlighted that contractual

1. The Board's *Orzaks* decision of 16.04.2026 (26-14/402-157).

2. The Board's *Orzaks Settlement* decision of 16.04.2026 (26-14/401-156).

provisions or practices that could generate effects in the form of tying, bundled selling, or full-line forcing which artificially restrict pharmacies' freedom of choice by leveraging Orzaks' market power, primarily in vitamin D products where there were strong indications of a dominant position, raise concerns regarding the exclusion of competitors from the pharmacy channel.

Orzaks submitted commitments to address the competitive concerns regarding the exclusion of competitors through restricting competitors' visibility, personalized discounts, and tying practices.

The Commitments Offered by Orzaks and the Board's Assessment

The Board examined the commitments submitted by Orzaks under the following headings: (i) addressing the suspicion of strengthening Orzaks' dominant position in the vitamin D market, (ii) addressing the suspicion of excluding competitors from the market through personalized discounts, (iii) allegations of tying/full-line forcing by Orzaks and (iv) allegations of restricting competitors' visibility by Orzaks.

With respect to the suspicion of strengthening Orzaks' dominant position in the vitamin D market, Orzaks committed that (i) no shelf support will be provided for vitamin D products, (ii) no ticket support will be provided for vitamin D products, and (iii) vitamin D products will be excluded from any holiday campaigns that may be organized for pharmacists. Given the strong indications of Orzaks' dominant position in the highly demanded vitamin D market, the Board raised concerns that additional targeted campaigns for these products could exclude rivals from the market. The Board determined that Orzaks' commitments to cease practices such as shelf support, ticket (meal voucher) support, and holiday campaigns for D3 vitamin products would effectively prevent artificial demand surges, thereby increasing the likelihood of consumers choosing competing products. Consequently, the Board concluded that the submitted commitments are entirely capable of eliminating the competitive concerns regarding the

exclusion of competitors from the pharmacy channel.

In relation to the suspicion of excluding competitors from the market through personalized discounts, Orzaks submitted commitments that categorize pharmacies into two distinct groups as specific locations and others and apply uniform additional product rates within each group for its dominant D3 and D3K2 products, utilizing revenue-indexed caps to prevent arbitrary and customized discounting. Orzaks also committed that, while shelf and ticket support will be completely abolished for these dominant products, such supports for secondary products will be strictly limited by percentage-based and absolute monetary ceilings. The Board emphasized the necessity of these limits by noting that, without such caps, top-tier pharmacies could have received massive, exclusionary financial support, which would have severely tied them to Orzaks. Ultimately, the Board concluded that these structured financial caps and transparent, non-discriminatory policies successfully resolve the risk of market foreclosure in the pharmacy channel.

Regarding the allegations of tying and full-line forcing, Orzaks submitted commitments to explicitly include a clear and legible statement at the end of its product lists, ensuring that dealers are entirely free to choose the products they prefer. Furthermore, Orzaks committed that pharmacies will freely determine their own purchasing budgets and needs by selecting any desired products from the annexed lists. The Board evaluated that these measures effectively address concerns regarding the restriction of buyers' commercial decision-making freedom. Specifically, the Board noted that granting pharmacies complete autonomy over their purchasing budgets prevents Orzaks from forcing them into high-volume purchases that could exhaust their entire food supplement budgets and subsequently hinder them from stocking rival products. Consequently, the Board concluded that these commitments successfully eliminate the risk of excluding competitors from the pharmacy channel through tying or full-line forcing practices.

Regarding the allegations of restricting competitors' visibility, Orzaks committed to explicitly including a provision in its agreements stating that pharmacies are entirely free to use their shelf space as they wish, including displaying and making competing products visible. The Board emphasized that product visibility is crucial for consumer choice in the food supplement

sector, and an inability to display products could lead to market foreclosure. The Board noted that this commitment effectively guarantees competitors' access to pharmacy shelves. By formalizing this freedom in contracts and ensuring all pharmacies are aware of it, the commitment prevents Orzaks from pressuring pharmacies particularly those receiving financial shelf support into hiding rival products from consumers. Consequently, the Board concluded that this measure successfully eliminates the competitive concerns regarding the exclusion of competitors through practices that reduce their visibility in the pharmacy channel.

Ultimately, the Board accepted the commitments submitted by Orzaks and terminated the investigation with respect to the allegations falling under Article 6 of Law No. 4054. Moreover, the Board decided

that to ensure monitorability of the implementation of the commitments, Orzaks must report the number of pharmacies receiving shelf and ticket support, as well as the total amount paid, to the Authority annually for a period of five years.

Conclusion

The Decision is notable for the Board's assessment on the competitive concerns regarding the exclusion of competitors, in particular from the perspective of competitors' visibility, personalized discounts, and tying practices. It is expected to shed light on future enforcement on dominance cases about these practices.

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