

## DEPARTMENT OF HUMAN RIGHTS

### NATIONAL COUNCIL OF CHILDREN AND TEENAGERS RIGHTS

#### RESOLUTION 163 OF MARCH 13<sup>TH</sup>, 2014

Treats the unconscionability of targeting advertising and marketing communications to children and teenagers.

**THE NATIONAL COUNCIL OF CHILDREN AND TEENAGERS RIGHTS - CONANDA**, in exercise of its duties set forth on Law 8,242, of October 12<sup>th</sup>, 1991 and on Decree 5,089, of May 20<sup>th</sup>, 2004 and its Bylaws,

Considering the established on article 227 of the Federal Constitution;

Considering the established on articles 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 86<sup>th</sup> of Law 8,069, of July 13<sup>th</sup>, 1990;

Considering the established on § 2<sup>nd</sup> of article 37, of Law 8,078, of September 11<sup>th</sup>, 1990;

Considering the Ten-year Plan on Human Rights of Children and Teenagers, especially the strategic objective 3.8 - "Perfecting instruments of protection and defense of children and teenagers to cope with threats or violations of rights facilitated by Information and Communication Technologies", resolves:

Article 1 This Resolution provides for the unconscionability of targeting advertising and marketing communications to children and teenagers, in accordance with the national policy on care of children and teenagers provided in articles 86 and 87, sections I, III, V of Law 8,069, of July 13<sup>th</sup>, 1990.

§ 1 'Marketing communication' means any activity of commercial communication, including advertising, for the promotion of products, services, brands and companies regardless of the support of the media and by any means used.

§ 2 Marketing communication includes, among other tools, print material, television commercials, radio **spots, banners**, websites, packaging, promotions, **merchandising** actions through concerts and performances and arrangement of products in points of sales.

Article 2 It is considered unfair, because the national policy on care of children and teenagers, the practice of targeting advertising and marketing communications to children, with the intention of persuading them to the consumption of any product or service, using, among others, the following aspects:

I - children's language, special effects and color excess;

II - soundtracks of children's voices or sung by children's voices;

III – representation of children;

IV - people or celebrities that appeal to children;

V - characters or child hosts;

VI – cartons or animations;

VII – dolls or similar objects;

VIII - promotion with distribution of prizes, gifts or collectibles with appeal to children; and

IX - promotional competitions or games that appeal to children.

§ 1 The provisions in the **caput** applies to advertising and marketing communication held, among other ways and places, in events, public spaces, websites, television channels, at any time, through any support or media, whether of products or services related to childhood or related to childhood or to teenager or adult audiences.

§ 2 It is considered unconscionable the advertising and marketing communication within daycare and school institutions of kindergarten and elementary education, including their school uniforms or textbooks.

§ 3 The provisions of this article shall not apply to campaigns of public utility that do not constitute advertising strategy concerning information about good nutrition, safety, education, health, and other items related to better child development in the social environment.

Article 3 General principles to be applied to advertising and marketing communication directed to teenagers, beyond those foreseen in the Federal Constitution, on Law 8,069 of July 13<sup>th</sup>, 1990, Statute of Children and Teenagers, and Law 8,078 of September 11<sup>th</sup>, 1990, the Consumer Protection Code, the following:

I - respect for human dignity, privacy, social interest, national institutions and symbols;

II - special care and attention to the psychological characteristics of teenagers and their status as a developing person;

III - not to allow the advertisement to influence teenagers to constrain their guardians or take them to a socially inferior position;

IV - not to promote or encourage any kind of offense or gender, sexual orientation and gender identity, racial, social, political, religious or nationality discrimination;

V - not to induce, even implicitly, a sense of inferiority on teenagers, in case they do not consume a given product or service;

VI - not to induce, favor, praise or encourage any form of illegal activities;

VII - not to induce, in any way, any kind of violence;

VIII - any form of environmental degradation; and

IX - prioritize a true presentation of the product or service offered, explaining about its features and functioning, especially considering the peculiar characteristics of the target audience it is intended;

Article 4 This Resolution shall enter into force on the date of its publication.