

# **Brazilian Advertising Self-Regulation**

The III Brazilian Advertising Self-Regulation Congress that was held in the City of São Paulo in 1978 unanimously approved the Brazilian Advertising Self-Regulation Code.

The Code was the result of a comprehensive and long study conducted by a group of broadcasters who, for more than one year, studied and searched ethics in advertising in Brazil and abroad.

As explained in the introduction to the Code, by Mauro Salles, 1<sup>st</sup> Rapporteur of the Brazilian Inter Association Advertising Commission and as thereafter ratified by Caio A. Domingues, 2<sup>nd</sup> Rapporteur, the purpose of the study was to find an alternative between two extremes: "total absence of regulation, which permits disordered practice to the detriment of healthy competition among advertisers and affects legal rights of consumers, and the other extreme that is the total delegation of the regulatory function to the government, the executive and legal structure of which not always seem to understand the function, value and subtleties of the commercial advertising (...). What today we call Self-regulation is the midway path that has more and more followers and that shows increasing advantages in theory and in practice over the visionary systems of total freedom or total governmental control."

The Rapporteur also affirmed:

"The self-regulation dealt with in this bill of law assumes a voluntary activity by the advertising industry based on the awareness of a self-discipline comprising four basic issues:

- a. it establishes the ethic rules for the advertising industry;
- b. it permits an effective action to anticipate the controversy;
- c. it establishes a system for solution of disputes and claims out of the scope of the Public Power;
- d. it guarantees a fast, prompt and objective solution of claims, complaints and disputes."

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### **Section 1 – Introduction**

## **Article 1**

All advertisement shall be respectful, comply with the laws of the country and also be honest and truthful.

## **Article 2**

All advertisement shall be prepared with due sense of social responsibility, avoiding to emphasize in a depreciative manner any social differences resulting from lower or higher purchasing power of the groups it may intend to reach or may eventually reach.

## **Article 3**

The advertiser, advertising agency and media shall be liable towards consumers for all advertisements.

## **Article 4**

All advertisement shall conform to the generally accepted commercial principles of fair competition.

## **Article 5**

No advertisement shall denigrate advertising or demerit the trust of the audience on the services that advertising renders to the economy as a whole and primarily to the public.

## **Article 6**

All advertisement shall conform to the purposes of national economic, educational and cultural development.

## **Article 7**

Since advertising has a strong cultural influence on population, this Code recommends that all advertisements shall be created and produced by agencies and professionals domiciled in the Country – except as to duly evidenced impossibility – and that the advertisement be commercialized by a company domiciled in the Country.

## **Section 2 – Purposes**

### **Article 8**

The primary purpose of this Code is to regulate the ethical rules applicable to advertising, which means all activities designed to stimulate consumption of products and services and promote institutions, concepts or ideas.

### **Sole Paragraph**

The provisions of this Code are not applicable to public relations and publicity activities, since they are separate from advertising.

## **Article 9**

The advertising activities dealt with herein shall always be ostensible.

**First Paragraph** - The indication of the service or product mark, trade name of the advertiser or use of elements clearly associated thereto are in compliance with the ostensibility requirement.

**Second Paragraph** – The teaser, that is, the message that aims to create expectation or curiosity in the public, does not need to comply with such requirement of identification of the advertiser, product or service.

## **Article 10**

The indirect advertising or “merchandising” shall also be subject to all rules of this Code, especially to the requirement of ostensibility (Article 9) and advertising identification (Article 28).

## **Article 11**

Any political or political-party advertising is not included in this Code.

## **Article 12**

Advertising of the government, subsidiaries, governmental agencies, public companies, departments, quasi public corporations, private and public joint stock companies and official bodies of the Union, States and Territories, Municipalities and Federal District shall, except in the event of legal prohibition, conform to this Code in the same manner as private advertising.

## **Article 13**

Advertising of social institutions, foundations or any other non-profitable activities or entities shall also be governed by the provisions of this Code, whenever applicable thereto.

## **Section 3 – Construction**

### **Article 14**

This Code shall be applied in the spirit as well as in the letter.

### **Article 15**

The ethical behavior standards set forth herein shall be observed by all professionals involved in the advertising activities, including advertisers, advertising agencies, media, broadcasters, journalists and other communication professionals who participate in the advertising process.

### **Article 16**

Though primarily conceived to be a self-regulatory tool of the advertising industry, this Code is also destined to use of Courts and authorities as a reference document and a subsidiary source in the context of advertising legislation and other laws, decrees, directives, rules or instructions that may directly or indirectly affect or be affected by advertising.

### **Article 17**

Conformity of an advertisement or campaign to the provisions of this Code is assessed by the probable impact of the advertisement as a whole on the audience. Based on such global assessment a detailed analysis of each part of the visual or oral content of the advertisement or of the nature of the medium used for its broadcasting shall be made.

### **Article 18**

For the purposes of this Code:

- a. The word **advertisement** is used in its broad sense, including any type of advertising, whatever the medium may be. For such purpose, packages, labels, leaflets and point-of-sale materials are considered types of advertising.

However, the word **advertisement** only includes the advertising made in space or time paid by the advertiser;

- b. The word **product** includes goods, services, causes, institutions, concepts or ideas that may be promoted by advertising;
- c. The word **consumer** refers to every person who may be reached by the advertisement, either as final consumer, intermediary public or user.

## **Chapter II**

### **General Principles**

#### **Section 1 – Respect**

### **Article 19**

All advertising activities shall respect the dignity of human being, privacy, social interest, institutions and national symbols, constituted authorities and family.

### **Article 20**

No advertisement shall encourage or stimulate any type of offense or racial, social, political, religious or national discrimination.

### **Article 21**

The advertisement shall contain nothing that may induce to criminal or illegal activities – or that may encourage, stimulate or incite such activities.

## **Section 2 – Decency**

### **Article 22**

No advertisement shall contain statements or visual or audio presentations that may offend the decency standards of the audience it intends to reach.

## **Section 3 – Honesty**

### **Article 23**

The advertisement shall not exploit the consumer's credulity, lack of knowledge or inexperience.

## **Section 4 – Fear, Superstition, Violence**

### **Article 24**

No advertisement shall cause fear without a relevant social reason.

### **Article 25**

No advertisement shall exploit any type of superstition.

### **Article 26**

The advertisement shall contain nothing that may induce to violence.

## **Section 5 – Truthful Presentation**

### **Article 27**

The advertisement shall contain a truthful presentation of the product being offered, as provided in the next provisions of this Section, which include some aspects that deserve special attention.

#### **First Paragraph – Description**

All descriptions, assertions and comparisons relating to facts or objective data shall be capable of being substantiated, and advertisers and agencies shall supply the documentary evidence whenever so requested.

#### **Second Paragraph – Assertions**

No advertisement shall contain text information or visual presentation that may, directly or indirectly, by implication, omission, exaggeration or ambiguity mislead the consumer concerning the product being advertised, the advertiser or its competitors or concerning the following:

- a. nature of the product (natural or artificial);

- b. origin (domestic or foreign);
- c. composition;
- d. purpose.

### **Third Paragraph – Value, Price, Conditions**

The advertisement shall clearly state:

- a. the value or total price to be paid for the product, avoiding unrealistic or exaggerated comparison with other products or prices; in the event of a claimed price reduction, the advertiser shall be capable of submitting evidence of such reduction by means of previous advertisement or evidence of the previous price;
- b. down payment, installments, credit peculiarities, fees or expenses applicable to long term transactions;
- c. terms of delivery, exchange or eventual replacement of the product;
- d. conditions and limitations of the warranty being offered.

### **Fourth Paragraph – Use of the Word "Free"**

- a. The use of the word "free" or other expression with the same meaning shall only be admitted when there is no actual cost to the consumer concerning the promised free item;
- b. In the cases involving payment of any postal, freight, or delivery expenses or any taxes, it is necessary to inform the consumer.

### **Fifth Paragraph – Use of Selling Expressions**

The use of expressions such as "directly from the manufacturer", "wholesale price", "no down payment" and other similar expressions can not mislead the consumer and shall only be admitted when the advertiser or the agency may prove the claim.

### **Sixth Paragraph – Nomenclature, Language, "Climate"**

- a. The advertisement shall use correct grammar and restrict the use of slang and foreign expressions, unless they are absolutely necessary to transmit the information or the intended "climate". However, such recommendation does not invalidate certain concepts universally adopted in the creation of advertisements and campaigns. The first concept is that advertising is not made only of facts and ideas but also of words and images; therefore, semantic freedom in the advertising creation is vital. The second concept is that in order to communicate with the audience, advertising has to make use of that language that the Poet has already qualified as "The wrong people's language/ The right people's language/ Since the people speak the good Portuguese in Brazil".
- b. as regards advertisement to be broadcast by radio and television, advertisers, agencies and media shall care for the good pronunciation of the Portuguese language and avoid to aggravate prosodic vices that have already so much contributed to disfigure the legacy that we received from our ancestors;
- c. the advertisement shall be created within the scope of the Brazilian social and cultural context, the use or adoption of foreign cultural context being restricted as much as possible;

- d. the advertisement shall not use bad words;
- e. any technical description of the product that may be included in the advertisement shall be based on the official nomenclature of the relevant segment and whenever possible it shall follow the rules and directives of the Brazilian Association of Technical Rules – ABNT and the National Institute of Metrology, Rules and Industrial Quality – INMETRO.

#### **Seventh Paragraph – Survey and Statistics**

- a. The advertisement shall not refer to a survey or statistic that has no identifiable and responsible source.
- b. the use of partial data of a survey or statistic can not lead to distorted findings or to conclusions opposed to those that would be reached through the use of all available data

#### **Eighth Paragraph – Scientific Information**

The advertisement shall only use pertinent and defensible information expressed in a clear manner even for laymen.

#### **Ninth Paragraph – Testimonials**

- a. The advertisement shall only show personalized and genuine testimonials relating to past or present experience of the witness or of whomever the witness may identify;
- b. the testimonial used shall always be capable of substantiation;
- c. when non-personalized models are used, the testimonial may be permitted as an "advertising license", which in no event may be confused with a testimonial;
- d. the use of characters using uniforms or clothes pertinent to a profession shall not mislead the consumer and shall always be restricted by the ethical rules of the profession in question;
- e. the use of doubles depends upon authorization of the person being depicted or imitated and shall not induce to confusion.

### **Section 6 – Advertising Identification**

#### **Article 28**

The advertisement shall be clearly identifiable as such, whatever its type or broadcasting medium may be.

#### **Article 29**

This Code does not deal with the so-called “subliminal advertising”, since it is not a proven technique, never verified in an unquestionable legal manner. However, any attempts to produce subliminal effects in any advertising shall be condemned.

#### **Sole Paragraph**



This Code stimulates the Communication Vehicles to adopt measures within their scope designed to facilitate the understanding of the advertising nature of the merchandising.

### **Article 30**

Any advertisement in the format of a newsprint, article, news, text-caption or any other format that is published upon payment of a value shall be properly identified to be distinguished from editorial and confuse the consumer.

### **Article 31**

This Code disapproves any undue and unlawful advertising advantages obtained by "ride" and/or "trick", due to invasion of the editorial or commercial space of the communication medium.

**Sole Paragraph** – Undue and unlawful advertising advantages are those obtained:

- a) by use of any trick or artifice;
- b) without support of a regular agreement entered into by the lawful parties providing for a lawful object;
- c) without the previous agreement of the communication medium and further holders of the involved rights.

## **Section 7 – Comparative Advertising**

### **Article 32**

In view of the modern international trends and in compliance with the applicable rules of the Industrial Property Code (Law no. 5772, of December 21, 1971), comparative advertising shall be accepted, provided that it conforms to the following principles and limits:

- a. its primary purpose shall be the clarification or consumer's protection;
- b. it shall have as basic principle the objectiveness of the comparison since subjective data, psychological or emotionally-based data does not constitute a valid comparison basis for consumers;
- c. the purposed or implemented comparison shall be capable of being supported by evidence;
- d. in the case of consumption goods, the comparison shall be made with models manufactured in the same year and no comparison shall be made between products manufactured in different years, unless it is only a reference to show evolution, in which case the evolution shall be clearly demonstrated;
- e. there shall be no confusion between the products and competitor's brands;
- f. there shall be no unfair competition, denigration of the product's image or another company's product;
- g. there shall be no unreasonable use of the corporate image or goodwill of third parties;

- h. whenever the comparison is made between products with different prices such circumstance shall be clearly indicated in the advertisement.

## **Section 8 – Safety and Accidents**

### **Article 33**

This Code disapproves any advertisement that:

- a. shows disregard for safety, especially when it depicts teenagers and children or whenever the message is addressed to them;
- b. stimulates the dangerous use of the product being offered;
- c. fails to mention special care for preventing accidents when such care is necessary to the use of the product;
- d. fails to mention liability of third parties when such mention is necessary;
- e. fails to specify special care concerning the use of the product by children, old and sick people, should such care be necessary.

## **Section 9 – Protection of Privacy**

### **Article 34**

This Code disapproves any advertisement that:

- a. makes use of image or words of living persons, unless their previous and express consent has been obtained;
- b. disrespects religious belief and other susceptibilities of persons who descend from or relate to deceased persons whose image or reference appears in the advertisement;
- c. fails to show respect for the dignity of the human being and the institution of family;
- d. fails to observe private property and its limits.

### **Article 35**

The above rules shall not be applicable to:

- a. photographs of large groups or crowds where the persons may be recognized but that do not involve a slanderous, offensive or humiliating context;
- b. advertising of books, films, radio and television programs and similar activities showing the image of the authors or participants.

## **Section 10 – Pollution and Ecology**

### **Article 36**

Advertising shall reflect the major human concern with problems related to life quality and environmental protection; so that there shall be vigorously disapproved any advertisement that directly or indirectly stimulates the following:

- a. air, water, forest pollution and pollution of other natural resources;
- b. urban environment pollution;
- c. depredation of fauna, flora and further natural resources;
- d. visual pollution of forests and cities;
- e. sound pollution;
- f. waste of natural resources.

### **Sole Paragraph**

Considering the increasing utilization of environmental information in institutional advertising and products and services advertising, the following principles shall be observed:

**1. truthfulness** – environmental information shall be true, verifiable and possible of being corroborated;

**2. accuracy** – environmental information shall be accurate and precise and no generic and vague information shall be permitted;

**3. pertinence** – environmental information shall maintain a relationship with the processes of production and commercialization of the products and services being advertised;

**4. relevance** – environmental benefit shall be substantial in terms of total impact of the product and service upon environment in all its processes and cycles, from production to use and disposal.

## **Section 11 – Children and Teenagers**

### **Article 37**

The efforts of parents, educators, authorities and community shall find in the advertising an aggregating factor for the formation of responsible citizens and aware consumers. In view of such perspective, no advertisement shall address a consumption imperative appeal directly to the children. Furthermore:

I – The advertisement shall reflect special care concerning safety and good manners and shall not:

- a. demerit positive social values such as, among others, friendship, urbanity, honesty, justice, generosity and respect for people, animals and environment;
- b. voluntarily cause any type of discrimination, especially against those that, for any reason, are not consumers of the product;

- c. associate children and adolescents to situations incompatible with their condition, including illegal, dangerous or socially condemnable situations;
- d. impose the notion that consumption of the product may provide superiority or, in its absence, inferiority;
- e. provokes situation of constraint to the parents or responsible parties or to disturb third parties with the purpose of imposing consumption;
- f. employ children and teenagers as models to make a direct appeal, recommendation or suggestion of use or consumption, provided however that their participation shall be admitted in the demonstrations pertaining to a service or product;
- g. use a journalistic format in order to prevent the advertisement to be confounded with news;
- h. announce that the product destined to consumption by children and teenagers contains peculiar characteristics, which, in fact, are found in all similar products;
- i. use situations of psychological pressure or violence that may cause fear.

II - Whenever the products are designed for consumption by children and teenagers, the advertisements shall:

- a. try to contribute to the positive development of the relations between children and parents, students and teachers and other relationships that may involve the target public;
- b. respect the dignity, ingenuousness, credulity, inexperience and loyalty feeling of the target public;
- c. give special attention to the psychological characteristics of the target public, assuming that it has a reduced discerning capacity;
- d. endeavor diligence to prevent eventual psychological distortions of the advertising models and target public;
- e. abstain from stimulating socially condemnable behavior;

### **First Paragraph**

Children and teenagers shall not appear in any ads that promote consumption of any products and services incompatible with their condition, such as fire weapons, alcoholic beverages, cigarettes, fireworks and lotteries as well as any other ads equally affected by a legal restriction.

### **Second Paragraph**

The media planning of ads of products dealt with in item II shall take into account that children and teenagers have their attention especially raised to ads. Accordingly, such ads shall reflect technically and ethically recommendable restrictions and a more restrictive construction of all provisions of this Code shall be adopted.

*Note: This Section has adopted the parameters defined in Article 2 of the Child and Youth Statute (Brazilian Law no. 8.069/90): “For the purposes of this law child is a person who is up to twelve years old and adolescent is the person who is between twelve and eighteen years old.”*

## **Section 12 – Copyright and Plagiarism**

### **Article 38**

All advertising activities shall respect any copyrights involved therein including those of interpreters and reproduction.

### **Article 39**

The advertisement shall not use background music, clips or parts of songs of national or foreign authors without due respect for the relevant copyrights, except in the case of songs that are or have become of public domain, according to the specific legislation, with observance of recording rights.

### **Article 40**

The disrespectful use of folkloric music, popular themes and songs that are integral part of the cultural inheritance.

### **Article 41**

This Code protects creativity and originality and disapproves any advertisement based on plagiarism or imitation, except in the cases where imitation is duly evidenced as an intentional and clear creation artifice.

### **Article 42**

No advertisement shall create an intentional confusion with any previous advertisement.

### **Article 43**

No advertisement shall violate the marks, appeals, concepts and rights of third parties, even those used out of the Country and duly related to or associated with another advertiser.

### **Sole Paragraph**

This Code disapproves any advertisement that makes use of the official symbol and name of the Brazilian Advertising Self-Regulation Council – CONAR, except as to advertisements of the entity itself.

### **Chapter III**

#### **Special Categories of Advertisements**

##### **Article 44**

Due to their economic or social importance, volume, public or society repercussion, certain categories of advertisements shall be subject to special care and specific rules, further to the general rules set forth in this Code. Such specific rules are included below as "Exhibits" to this Code and some resulted from the valuable cooperation of Class Associations that were promptly identified with the spirit of this Code. The following are the special categories of advertisements:

Exhibit A - Alcoholic Beverages

Exhibit B - Education, Courses, Teaching

Exhibit C - Employment and Opportunities

Exhibit D - Real Property: Sale and Lease

Exhibit E - Investments, Loans and Securities Market

Exhibit F - Stores and Retail Sales

Exhibit G - Medical Doctors, Dentists, Veterinarians, Midwives, Masseurs, Nurses, Hospital Services, Paramedicals, Parahospitals, Prosthetic Products and Treatments

Exhibit H - Food, soft drinks, juices and similar beverages

Exhibit I - OTC Pharmaceutical Products

Exhibit J - Tobacco Products

Exhibit K - Smoking inhibitors

Exhibit L - Independent Workers

Exhibit M - Mail Orders and Direct Mailing

Exhibit N - Tourism, Trips, Tours, Hotels

Exhibit O - Automotive Vehicles

Exhibit P - Beers and Wines

Exhibit Q - Testimonials, Certifications, Endorsements

Exhibit R – Crop Protection Products

Exhibit S - Firearms

Exhibit T - Ices and Similar Beverages

### **Sole Paragraph**

Since this Code intends to be an ongoing dynamic and updated instrument, such special categories may be extended by insertion of new Exhibits.

## **Chapter IV**

### **Liability**

#### **Article 45**

All advertisers, agencies and media shall be liable for compliance with the rules established in this Code, except as to specific circumstances involving the media, which will be analyzed below in this Article.

- a. the advertiser shall undertake full liability for its advertising;
- b. the agency shall endeavor maximum care in the preparation of the advertisement, so as to enable the client-advertiser to comply with its responsibility, being jointly liable for compliance with the provisions hereof;
- c. this Code recommends to the media that as a preventive measure it shall establish a system to control receipt of advertisements.

The Medium may:

- c.1. refuse an advertisement, regardless of decision of the Brazilian Advertising Self-Regulation Council – CONAR, whenever it understands that the advertisement content clearly violates the principles of this Code; in such hypothesis, the medium shall communicate its decision to the Superior Committee of CONAR which, as the case may be, may determine the filing of an ethical process;
- c.2. refuse an advertisement that violates its editorial, journalistic or programming policy;
- c.3. refuse an advertisement without identification of sponsor, except in the case of a campaign as provided in the Sole Paragraph of Article 9 hereof (teaser);
- c.4. refuse the advertisement of any controversy or accusation without the express authorization of a known source that assumes authorship thereof.

d) the advertisement receipt control set forth in item "c" above shall adopt more precaution as regards the advertisement being submitted without mediation of the Agency, since due to bad faith or ignorance of the advertiser the advertisement may violate the principles hereof.

e) the liability of the medium shall be the same of the advertiser, whenever broadcast of the advertisement violates the terms of the recommendation officially made by the Brazilian Advertising Self-Regulation Council – CONAR.

#### **Article 46**

The directors of any company, entity or institution that participates in the planning, creation, execution and broadcast of an advertisement are liable for compliance with the provisions hereof to the extent of their respective decision-making power.

#### **Article 47**

Liability for compliance with the provisions hereof comprises the advertisement in its total content and format, including testimonials and endorsements or visual presentations that have origin in other sources. The fact that the content or format originate, in whole or in part, from other sources, does not exempt the party from compliance herewith.

#### **Article 48**

In the defense relating to a misleading advertisement the party can not allege that the advertiser or someone acting on the advertiser's behalf subsequently supplied to the consumer the correct information. However, *a priori*, the advertiser is deemed to have good faith and credit.

#### **Article 49**

No advertiser, agency, publisher, owner or agent of an advertising medium can promote the broadcast of any advertisement that has been disapproved by the Brazilian Advertising Self-Regulation Code – CONAR, which is the body created for enforceability of this Code.

### **Chapter V**

#### **Violations and Penalties**

#### **Article 50**

The violators of the rules established in this Code and in its Exhibits shall be subject to the following penalties:

- a) warning;
- b) recommendation to modify or correct the advertisement;



- c) recommendation to the media to suspend the broadcasting of the advertisement;
- d) disclosure to the media of CONAR's position as regards the advertiser, the agency and the medium for non-compliance with the steps and measures determined by the entity.

### **First Paragraph**

It shall be incumbent upon CONAR's Ethical Committee to analyze and judge the violations to the provisions of this Code and its Exhibits and to the CONAR's Superior Committee to comply and require compliance with the decision of the Ethical Council in a regular process.

### **Second Paragraph**

It shall be exclusively incumbent upon CONAR's Superior Committee to amend the provisions of this Code as well as to amend, delete and add exhibits hereto.

## **EXHIBITS**

### **Special Categories of Advertisements**

#### **Exhibit A**

#### **Alcoholic Beverages**

EXHIBIT "A"

### **ALCOHOLIC BEVERAGES**

For purposes of advertising ethics, alcoholic beverage is the beverage classified as such according to the official rules and regulations to which its licensing is subject. However, this Code establishes a distinction between three categories of alcoholic beverages: those usually taken during meals, and thus called meal beverages (like Beers, Wines, object of Exhibit "P"); other alcoholic beverages, either fermented, distilled, rectified or obtained by mixture (usually served in doses, the advertising of which is regulated in Exhibit "A"); and the category of ices, coolers, alcohol pops, ready to drink, malternatives and similar, in which the alcoholic beverage is presented in a mixture with water, juice or soft drink, dealt with in Exhibit "T" and in Exhibit "A", whenever applicable.

The ethical rules below supplement the general recommendations of this Code and, obviously, do not exclude compliance with the requirements contained in the specific legislation.

The advertising dealt with in this Exhibit:

**1. General Rule:** Since alcoholic beverage is a product for restricted consumption and improper for certain publics and situations, the advertising shall be structured in a socially responsible manner, without deviating from its major purpose of promoting the brand and its features, provided that the any imperative consumption appeal and the exaggerated offer of units of the product in any advertisement, either by text or image, directly or indirectly, including the slogan shall be prohibited.

**2. Principle of Protection to Children and Adolescents:** The advertising shall not have children and adolescents as target public. In view of such principle, the Advertisers and Agencies shall adopt special caution in the preparation of their marketing strategies and in the structuring of their advertising messages. Accordingly:

a. children and adolescents shall not appear, in any manner, in the advertisements; any person appearing in the ad shall be and look older than 25.

b. the ads shall be exclusively addressed to adult public, and no indulgence as regards such principle shall be accepted. Accordingly, the content of the ads shall make clear that the product is improper for consumption by minors. The ads shall not contain any language, expressions, graphic and audiovisual resources recognizedly inherent to the infantile and juvenile's universe, such as "humanized" animals, characters or animations that may call the attention or curiosity of minors and contribute for them to adopt moral values or habits incompatible with their minority condition;

c. media planning shall consider such principle and, therefore, shall reflect the proper technical and ethical restrictions and caution. Accordingly, the ad may only be inserted in programming, publication or web site especially intended to persons of age. In case of any eventual difficulty to evaluate the prevailing public, a programming that better serves the purpose of protecting children and adolescents shall be adopted;

d. websites of most products that fit into the category dealt with herein shall contain a provision for selective access, so as to prevent navigation by minors.

**3. Responsible consumption principle:** The advertising shall not induce, in any manner, to exaggerated or irresponsible consumption. Therefore, in view of such principle:

a. any eventual appeal to sensuality shall not constitute the main content of the message; advertising models shall never be treated as sexual object;

b. there shall appear no scene, illustration, audio or video that presents or suggests ingestion of the product;

c. there shall be no use of images, language or arguments that suggest that consumption of the product is an indication of maturity or that contributes to higher personal courage, professional or social success or provides more seduction power to consumers;

d. whenever there is the support of the image of a famous person, the same provisions of item 2 "a", "b", "c" and "d" of Exhibit "Q" – Testimony, Certifications and Endorsements – shall be applicable;

e. no arguments shall be used or situations shall be presented that may make consumption of the product to look like a challenge or despise those who do not drink; no image or text that may disdain consumption moderation shall ever be used;

f. the ad shall not give the impression that the product is being recommended or suggested by virtue of its effect on the senses;

g. specific references to reduction of the alcoholic content of a product are acceptable, provided that there are no implications or conclusions concerning safety or quantity that may be consumed by virtue of such reduction;

h. no positive association between product consumption and driving vehicles shall be made;

i. consumption in improper, illegal, dangerous or socially condemnable situations shall not be encouraged;

j. no association of the product with performance of any professional activity shall be made;

k. no association of the product with situations that suggest aggressiveness, use of weapons and changes of emotional equilibrium shall be made; and

l. no use of uniforms of Olympic sports shall be made as support to promote a brand.

**5. Broadcasting schedule:** The hours for broadcasting any ads in Radio and TV, including Pay TV, are subject to the following rules:

a. regular programming: ads, spots, video inserts, rocket lines, characterization of sponsorship, vignettes and messages of other nature, including merchandising or indirect advertising, virtual advertising and calls for the respective programs shall only be broadcast from 9:30 p.m. to 6:00 a.m. (local time);

b. sponsored broadcasting of events that are not part of regular or routine programming: the respective calls and sponsorship characterization shall be restricted to identify the brand and/or manufacturer, slogan or promotional phrase, without recommendation of product consumption. Calls in such configuration are admitted anytime.

**5. Warning Clause:** All ads, whatever the broadcasting means may be, shall contain a "warning" to be adopted by means of specific resolution of the Superior Council of CONAR, which shall reflect the social responsibility of advertising and the consideration of Advertisers, Advertising Agencies and Communication means to the public, in general. In view of such commitments and the need to give them full effectiveness, the resolution shall take into account the peculiarities of each means of communication and shall indicate, concerning each one, words, format, time and space for broadcasting the warning. Integrated to the ad, the "warning clause" shall not invade the editorial content of the media; the warning shall be ostensive and expressed in a legible and distinguishable manner. Also:

- a. in Radio, the warning shall be inserted as the end of the commercial message;
- b. in TV, including Pay TV and Cinemas, the warning shall be inserted in audio and video as the end of the commercial message. The same rule shall be applicable to ads broadcast in theaters, cinemas and similar;
- c. in Newspapers, Magazines and other printed means, in outdoors and advertising panels, and in the ads made through Internet, the warning shall be written in the manner to be adopted in the resolution;
- d. in videos broadcast through Internet and telephony, the warning shall follow the same restrictions adopted for TV;
- e. in packages and labels it shall be reiterated that sale and consumption of the product are indicated for persons older than 18 only.

**6. Outdoor advertising and similar:** Since they reach all ages without technical possibility of segmentation, the commercials broadcast in outdoors, indoors, places of heavy circulation, screens and electronic panels, back and front lights, building panels, busdoors, in collective transportation vehicles, vehicles used for distribution of the product; pieces of urban furniture and similar, etc, whatever the communication means and the support used may be, shall be restricted to exhibition of the product, brand and/or slogan, without consumption appeal, provided that the warning is included.

**7. Exceptions:** The following ads, provided that they have no product consumption appeal, are released from the mandatory insertion of the warning clause:

- a. static advertisement in stadium, samba stadium (sambódromos), gymnasium and other sports arenas, when only the product, brand and slogan are identified;
- b. the mere expression of brand, slogan or exhibition of the product that uses competition means as support;
- c. calls of sponsored programs in radio and TV, including pay TV, including characterizations of sponsorship of such shows;
- d. rocket lines, vignettes and similar.

**8. Commerce:** Whenever the advertisement broadcast by the wholesaler, importer, distributor, retailer, bar, restaurant and similar mentions any product subject to the provisions of this Exhibit, it will be subject to the rules established herein, especially those contained in item 5 hereof.

**9. Theater advertising:** In cinemas, theaters and show rooms the ads shall take into account the provision of item 2, “c” hereinabove.

**10. Sales point:** The advertising in sales points shall be addressed to adult public, containing a warning that the product is destined only to adults. Any ads inserted in the service equipment, meaning tables, chairs, refrigerators, lighted panels, etc. are released from including the warning clause, provided that they do not contain consumption appeal.

**11. Responsible consumption:** This Code encourages the carrying out of advertising campaigns and initiatives intended to reinforce the prohibition of sale and offer of alcoholic beverages to minors and the safe driving of vehicles.

**12. Construction:** in view of the nature of the product, CONAR, the Advertisers, Advertising Agencies, Producers of advertising films and the communication media shall adopt a more restrictive construction for the rules established in this Exhibit.

Approved by the Superior Council of CONAR on 02.18.08  
Resolution that regulates the formatting of the “warning clauses”.

**Superior Council of CONAR**  
**Resolution no. 01/08, Ref Exhibit “A”**  
**It supplements Exhibit “A” – Alcoholic Beverages of the**  
**Brazilian Advertising Self-Regulation Code, of 02/18/2008**

The Superior Council of CONAR has decided;

1. The “warning clause” provided in item 5 of “Exhibit A” shall contain one of the following sentences:

- “DRINK WITH CAUTION”
- “SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGE ARE PROHIBITED TO MINORS”
- “THIS PRODUCT IS DESTINED FOR ADULTS”
- “AVOID EXCESSIVE ALCOHOL CONSUMPTION”
- “DO NOT EXAGGERATE CONSUMPTION”
- “THE LESS YOU DRINK MORE FUN YOU HAVE”
- “IF YOU DRIVE, DON’T DRINK”
- “TO SERVE ALCOHOLIC BEVERAGE TO MINORS THAN 18 IS A CRIME”

Note: The sentences above do not exclude others that may meet the purpose and are able to reflect social responsibility of advertising.

**1.1. Radio** – any of such messages shall be broadcast during a time fraction sufficient for their slow and understandable locution.

**1.2. TV, including Pay TV and Cinema** - whatever the support used for the ad may be, such warning shall be broadcast in audio and video during a time fraction corresponding, at least, to one tenth of the duration of the advertising message. The following format will be used: single screen with blue background and block white letters so as to permit perfect legibility and visibility, remaining immovable in the video

or screen. The screen shall comply with the RTV filming template, in the standard size of 36.5 cm x 27 cm (thirty-six and a half centimeters x twenty-seven centimeters); the characters shall be 48 Univers font, medium variation, uppercase. Locution shall be only of the selected sentence.

Note: Other alternative formats may be considered, provided that they meet the purpose of orienting the public and are in conformity with item 2 of this Resolution.

**1.3 Newspaper** - a white background rectangle will be inserted, framed by an internal line, with black 65 bold Univers font, uppercase, in the following dimensions:

<b>Standard Size Newspaper (*)</b>	
<b>Advertisement</b>	<b>“Warning clause”</b>
1 page	Font size: 36
½ page	Font size: 24
¼ page	Font size: 12

<b>Tabloid Size Newspaper (*)</b>	
<b>Advertisement</b>	<b>“Warning clause”</b>
1 page	Font size: 24
½ page	Font size: 15
¼ page	Font size: 12

Note: Other alternative formats may be considered, provided that they meet the purpose of orienting the public and are in conformity with item 2 of this Resolution.

*(\*) Any sizes not specified herein will be calculated proportionally, based on the definition for ¼ of page.*

**1.4. Magazine** - a white background rectangle will be inserted, framed by an internal line, with black 65 bold Univers font, uppercase, in the following dimensions:

<b>Advertisement (*)</b>	<b>“Warning clause”</b>
Double page / Single page	Font size: 18
½ page	Font size: 12
¼ page	Font size: 6

Note: Other alternative formats may be considered, provided that they meet the purpose of orienting the public and are in conformity with item 2 of this Resolution.

*(\*) Any sizes not specified herein will be calculated proportionally, based on the definition for ¼ of page.*

**1.5. Outdoor media and similar** – whatever the supports used for the advertisement may be, a white background rectangle will be inserted, framed by an internal line, with black 65 bold Univers font, uppercase, in the following dimensions:

<b>Advertisement (*)</b>	<b>“Warning clause”</b>
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0 to 250 cm <sup>2</sup>	Font size: 16
251 to 500 cm <sup>2</sup>	Font size: 20
501 to 1000 cm <sup>2</sup>	Font size: 24
1001 to 1500 cm <sup>2</sup>	Font size: 26
1501 to 2000 cm <sup>2</sup>	Font size: 30
2001 to 3000 cm <sup>2</sup>	Font size: 36
3001 to 4000 cm <sup>2</sup>	Font size: 40
4001 to 5000 cm <sup>2</sup>	Font size: 48

Note: Other alternative formats may be considered, provided that they meet the purpose of orienting the public and are in conformity with item 2 of this Resolution.

*(\*) Any sizes not specified herein will be calculated in proportion based on the definition for 500 cm<sup>2</sup>.*

**1.6. Internet** – the warning shall integrate the advertisement, whatever the adopted manner may be.

**1.7. Posters, banners and panels of sales points** - further to the “warning clause” of moderation, mentioned in item 5 of Exhibit “A”, the following sentence shall also be included, in a legible manner, in colors that contrast with the background of the ad: “SALE AND CONSUMPTION PROHIBITED TO MINORS OF 18”.

Note: Provision contained in Article 81, II, of the Children and Adolescents Act.

**2.** In the construction of the recommendations provided in Exhibit “A” and in this Resolution, either for purposes of creation, production and broadcasting of the ad or in the judgment of an ethical offense due to non-compliance, there shall be taken into account:

- a. the content of the ad;
- b. the communication means being used;
- c. the intent to permit perfect communication of the “warning clauses” and to facilitate their understanding by the public;

**3.** Any legal advertisement, institutional campaigns and the formats expressly specified in item 7 of Exhibit “A” are released from exhibiting the “Warning clause”.

This resolution enters into force on this date, and compliance herewith shall be enforced as from April 10, 2008.

## **Exhibit B**

**Education, Courses, Teaching** Further to complying with the general rules of this Code, the advertising referred to in this Exhibit shall comply with the following recommendations:

1. The advertisement shall not state or induce the public to believe that an institution or course is official, recognized, authorized, approved or has a legal defined situation, unless the advertiser is able to submit evidence to such effect.
2. Not all institutions and courses are required to obtain operation license or inspection by the education authorities. Accordingly, it is recommended that the advertisers that have their situation legally defined make the identification of the course easily available, informing the name of school or course and relevant authorization or recognition act in the advertisement.
3. The legislation in force establishes some requirements to be complied with by the institution or course as regards issuance of valid diplomas or certificates that may assure to their holders the possibility to continue the studies. In this manner, the advertisement can not insinuate, suggest or state that the promised diploma or certificate may have a broader value than it effectively has. In the same manner, it shall be made clear in the advertisement whether the course requires attendance or whether the student has to take an evaluation test in order for the course to be valid.
4. The advertisement can not state or induce the consumer to believe that enrollment in the course will provide the consumer a job, unless the advertiser clearly assumes full liability to such effect in the same advertisement.
5. No advertisement can promise exaggerated benefits as to the degree to be obtained, such as a promise of a "PhD" degree when in fact the course is an undergraduate course.
6. No promise of guaranteed success or promotion in the professional career of the student can be made, unless the fact can be evidenced.
7. No untrue allegations on the level of the course can be admitted, as by the use of the words "graduation level" to designate continuing education courses.
8. The advertisement of a course that requires attendance by the student shall specify its duration.
9. The advertisement that makes any mention to price shall clearly indicate the total value to be paid by the student.
10. The use of witnesses and publication of lists of students approved in tests and admission tests to college shall be subject to evidence, in accordance with the provisions of this Code applicable to "Testimonials"(Chapter II, Section 5, Article 29, Ninth Paragraph).
11. The advertisement of an instruction or preparation course for a profession or subject that may lead to professional or technical exams can not offer unreal jobs or salary opportunities, unless the advertiser expressly assumes full responsibility therefor in the same advertisement.
12. The advertisement of an instruction or preparation course for public tests or admission tests to college can not promise approval of the candidate in the tests or exams.
13. The advertisement of a course by mail or distance course, further to the recommendation contained in the other items of this Exhibit, shall conform to the following:



- a. it shall make clear that the course is given by mail or at distance and shall not in any manner try to make confusion with a course that requires attendance;
- b. the printed advertisement shall disclose the name of the advertiser (or name of the institution) and full address, which may not be restricted to a post office box number. Whenever there is a coupon or similar the full address shall also be included in the advertisement.

## **EXHIBIT C**

### **Jobs and Opportunities**

The advertisement referring to jobs and opportunities generally published by the daily press in the form of classified ads shall comply with the general rules of this Code, special attention being given to the following specific aspects:

1. The advertisement can not mislead the consumer with exaggerated allegations concerning the nature of the service, salary level and conditions of the work environment.
2. The advertisement can not contain false description and title of the position being offered (for instance, the advertisement can not indicate the title of "public relations" for an actual position of salesperson).
3. The advertisement can not contain any restriction concerning sex, age, marital status, citizenship, race, color or religion.
4. The advertisement can not use titles of duly recognized professions to hide the actual work condition.

## **Exhibit D**

### **Real Property: Sale and Lease**

Further to complying with the general provisions of this Code, the advertising of real property, including sale and lease, shall observe the rules of this Exhibit.

These specific rules are only applicable to large size advertisements, especially concerning new incorporations, and not to small-sized reminders or classified advertisement or advertisement by radio or television.

1. There can be no malicious and intentional confusion between down payment and first installment, misleading the consumer as regards actual value of the real estate and its own conditions to acquire same.

### **Sole Paragraph**

Down payment is the initial value that the purchaser pays to the seller at the time it makes the reservation of the real estate. First installment is the value that the purchaser pays to the seller up to the date of signature of the deed of commitment of sale and purchase.

2. There can be no malicious and intentional confusion between **savings** installment and **financing** installment.

### **Sole Paragraph**

Savings is the payment in monthly installments made with the buyer's own funds up to signature of the occupation permit of the real estate; after the savings installments come the installments corresponding to repayment of the financing after the permit is granted.

3. When price is mentioned in the advertisement, same must be the specific price of the real estate being advertised and refer to the total value thereof. When the real estate is addressed to a low or average purchasing power public, all acquisition expenses to be paid by the buyer shall also be indicated.
4. When the advertisement is for lease of a real estate it shall clearly specify whether there is any burden of any nature to lessee arising from the lease transaction.
5. The advertisement of new real properties shall include the name of the seller or real estate agency, and it is recommended to also include the name of the constructor, incorporator and financing agent.
6. When the advertisement includes the value of the real estate it shall specify total price, savings, intermediary installments, number of installments, always indicating the respective value thereof.
7. The advertisement shall also specify the common area, making a distinction between common area and useful area, avoiding expressions such as "actual construction area", which is not sufficiently clear.
8. When the advertisement mentions the material to be used in the construction it shall specify the nature, type, and, if possible, the brand thereof.
9. When the advertisement indicates the place where the real estate is located such indication shall be made according to the official designation

### **Sole Paragraph**

For purposes of this Code, official designation shall mean:

- a. in the case of rural real estate, the State, Municipality, County and District;
  - b. in the case of urban real estate, the neighborhood and district
1. In the case of financing by the "BNH System" the advertisement shall clearly indicate the monthly income required for the buyer to acquire the real estate.
  2. Advertisement of allotments shall provide the distance in kilometers from the center of the nearest city, measurement of the lot, payment conditions, including value of down payment, intermediary installments and installments.
  3. Advertisement of apartments, suites and floors for offices shall clearly identify the actual price and the unit being offered whenever there are different prices.

### **Sole Paragraph**

The above provisions are applicable to allotments that have clear indication of the value of the lot depending on its localization.

4. When the advertiser is an autonomous company or broker it shall compulsorily include in the advertisement the respective registration number (CRECI, etc.)

5. The advertisement shall specify the conditions of the property or construction and deadline for delivery.
6. Photographs and illustrations eventually included in the advertisements shall faithfully reproduce the real estate and the place where it is located and shall not induce the consumer to error

## **Exhibit E**

### **Investments, Loans and Securities Market**

All advertisements of investments, loans and securities market shall comply with the following specific provisions further to the general rules of this Code:

#### **1. Right of Information**

The advertisement shall respect the right of information of investors, shareholders, individual and institutional investors, third parties dealing with securities, public institutions and international bodies – with strict observance of the need to offer them all clarification necessary to a sensible and conscious decision – as provided in the legislation on the matter (Law no. 4728/65 and Law no. 6404/76).

#### **2. Confidentiality**

Notwithstanding the above provision, the advertisement shall maintain in confidentiality the financial transaction, taking care so that the privacy of the investor is not disclosed.

#### **3. Projection or Estimate of Results**

When the advertisement has a projection or estimate of future results (income, profitability, valuation or any other) in the form of index or percentage, the advertisement shall

- a. identify the basis of the projection or estimate;
- b. explain whether applicable taxes were considered, whether there was use of profits generated in the period being analyzed, whether there was deduction of tax incentives and, especially, whether the projection or estimate was made based on past results, the repetition of which in the future may be uncertain or unlikely.

#### **1. Comparative Advertising**

The advertisement shall observe the same bases and comparison conditions concerning term, guarantee, liquidity, redemption and criteria for calculation of profitability or other benefits generated by the advertised products or services.

#### **2. Investor Education and Orientation**

Taking into account the need of a continuous improvement of the financial and securities market through improvement of information and education level of investors, the advertisement shall:

- a. valorize the informative and educational content of the message;
- b. avoid assertions that may give mistaken information or create confusion among investors.

### **1. Specific Regulations**

In accordance with and notwithstanding the provisions of this Code the companies that are part of the National Financial System may comply with the rules applicable to advertising issued by their institutional representation bodies if and when specific campaigns recommend common procedure and uniformity in the communication process to the benefit of a better orientation and information of investors.

## **Exhibit F**

### **Stores and Retail Sales**

In the retail sales advertising

1. Offer of products for credit sale, further to the price at sight, shall indicate the number of payments, value of down payment and installments and total value of the financing.
2. When price reduction is mentioned, the advertisement shall specify both values, the former and current values. This rule shall not be applicable when the reduction is made in relative rather than absolute figures (percentage).
3. The advertisement shall expressly indicate, as the case may be:
  1. That the offer refers to discontinued products or to products with no manufacturer's warranty;
  2. That the offer refers to products that are not brand new, such as, for instance, sales, outlets, etc.
  3. That the product requires specialized technical installation that causes a substantial burden to the acquisition
4. In the case of hard goods originally under manufacturer's warranty and that are being offered without such warranty, this circumstance shall be clearly stated in the advertisement.
5. No advertisement of credit sales shall contain exaggerated allegations on easiness for obtaining the credit.

## **Exhibit G**

Medical Doctors, Dentists, Veterinarians, Midwives, Masseurs, Nurses, Hospital Services, Paramedicals, Parahospitals, Prosthetic Products and Treatments

1. The advertisement dealt with herein shall not promote:

- a) the cure of diseases that have no proper treatment according to proven scientific knowledge;
  - b) methods of treatment and diagnosis still not scientifically approved;
  - c) specialization still not approved by the respective professional career;
  - d) offer of diagnosis and/or treatment at distance;
  - e) prosthetic products that require tests and diagnoses of specialized doctors.
2. The advertisement of the professionals referred to in this Chapter shall not promote:
- a) the exercise of more than two specializations;
  - b) activities that are prohibited by the respective professional ethics codes.
3. The advertisement of hospital and similar services shall compulsorily mention the medical management in charge thereof
4. The advertisement of clinical and surgical treatments (such as weight loss, plastic surgery) shall be governed by the following principles:
- a) first, the advertisement shall be in accordance with the rules of the professional and governmental bodies applicable to the matter;
  - b) the advertisement shall mention the medical management in charge;
  - c) the advertisement shall contain a clear and adequate description of the type of treatment or diet;
  - d) the advertisement shall not contain testimonials given by laymen;
  - e) the advertisement shall not contain promise of cure or reward to those who have no success after the use of treatment or diet.

## **Exhibit H**

### **Food, soft drinks, juices and similar beverages**

The purpose of this Exhibit is to regulate the commercial advertising of food, soft drinks, juices, chocolate beverages, non-carbonated beverages and similar non-alcoholic beverages, so classified by the public administration bodies notwithstanding compliance with the requirements of the specific legislation.

1. General Provisions - Further to being in compliance with the general requirements of this Code, the advertisements of products subject to this Exhibit shall:
- a. be compatible with the terms of the relevant official licensing. The ads shall have a terminology consistent with the official licensing, either to designate qualities such as

“diet”, “light”, “it does not contain sugar”, “it does not contain gluten”, or to describe any other distinctive characteristics that may guide consumer choices;

b. avoid any association with pharmaceutical-medical products;

c. valorize and stimulate, whenever possible, the practice of physical exercises and similar activities;

d. abstain from stimulating or encouraging excessive consumption or presenting situations that may stimulate exaggerated consumption or be in conflict with this recommendation;

e. refrain from despising the importance of a healthy, varied and balanced nourishment;

f. refrain from presenting any product as replacement of the basic meals (breakfast, lunch and dinner) unless such indication is based on a responsible medical or nutritional opinion, recognized by the competent authorities;

g. restrict the technical assertions relating to benefits to health and nutrition to those compatible with the official licensing and supported by a responsible medical or nutritional opinion. In such event, such assertions shall be made in language accessible to the average consumer;

h. correctly present the characteristics of taste, size, content/weight, nutritional and health benefits;

i. avoid the exploitation of eventual benefits derived from consumption of product, such as conquer of popularity, better status or social or sexual success, better academic or sports performance, among others;

j. not demerit the role of parents, educators, authorities and health professionals concerning the correct orientation about healthy nutritional habits and other health care;

k. when using characters of the children’s world or presenters of programs directed to such target public, do so only showing the distinction between the advertising message and the editorial or programming content;

l. refrain from using children with much low or high weight according to the commonly accepted biometric standards, avoiding that the children and others may be reached in their dignity.

2. When the product is designed to children, the advertisement shall not have any imperative stimulation of acquisition of consumption, especially if presented by a family, school, medical, sport, cultural or public authority, or of institutional nature that promote healthy nutrition habits.

3. The advertisement that refers to functional properties of a product subject to this Exhibit shall be based on factual, technical or scientific data and be in conformity with the relevant official licensing.

4. The advertising of non-alcoholic beverages shall abstain from causing confusion concerning:

- a. quality, nature and type of product;
- b. caloric value of the product;
- c. its nature (natural or artificial) as well as the presence of additives, as the case may be.

5. The advertisement of products subject to this Exhibit shall have a more restrictive construction when:

- a. there is affirmation that the product is a “natural product”;
- b. the product is designed for consumption by children.

## **Exhibit I**

### **OTC Pharmaceutical Products**

Advertising of products dealt with in this Exhibit shall observe the specific rules set forth hereinbelow, which are a supplement to the general rules of this Code. For purposes hereof OTC or over-the-counter pharmaceutical products are those that may be sold without prescription by medical doctors or dentist surgeons, as permitted by law.

1. The package, label and advertisement of OTC pharmaceutical products shall be in compliance with all applicable laws:
  - a) package means all wrapping, recipient or any manner of removable or non-removable conditioning destined to cover, pack, bottle, protect or preserve, specifically or not, the products dealt with in this Exhibit;
  - b) label means any identification by words or illustrations that may be included in the package.
2. The advertisement of OTC drugs shall:
  - a) not contain any assertion as to the action of the product other than based on clinic or scientific evidence;
  - b) not be made so as to suggest healing or prevention of any disease that requires medical supervised treatment;
  - c) not be made in a manner such as to result in different use of the therapeutic action contained in the report submitted to competent Health Authority;

- d) not offer any award, participation in contests or similar methods so as to induce the consumer to unnecessary use of medication;
  - e) avoid any inference associated with the excessive use of the product;
  - f) not be made so as to induce the use of products by children without parents guidance, to whom the message shall be exclusively addressed;
  - g) not stimulate the consumer to make physical, gastronomical or alcohol excess;
  - h) not show any character in dependence on the continuous use of medication as a simple solution to emotional problem or humor condition;
  - i) not induce the consumer to error concerning content, size of package, appearance, use, speed of relief or therapeutic action of the product and its classification (similar/generic);
  - j) be careful and true as to the use of the written or spoken word as well as to visual effects. The choice of words shall not only be in conformity with the definition contained in updated dictionaries but shall also take into account the meaning generally understood by the public;
  - k) not contain affirmations or dramatizations that may induce the reader or spectator to fear or distress that he/she has or may have, without treatment, any serious disease;
  - l) emphasize the use and action of the product in question. Offensive comparisons with competitors will not be permitted. Any comparison shall only be permitted when it may be easily perceived by the consumer or based on scientifically verifiable evidence. No scientific terminology with irrelevant data or statistics of doubtful or restricted validity shall be used so as to suggest a scientific basis that the product being advertised does not have;
  - m) not contain, under any circumstances, any offer to reimburse paid money or any other benefit of any nature for purchase of a medication due to a possible ineffectiveness.
  - n) The advertising of dietetic product shall be subject to the provisions of this Exhibit and, as applicable, to the provisions of Exhibits G and H. It shall not include or mention indications or expressions, even when subjective, of any therapeutic action.
3. Any reference to studies, either scientific or consumption studies, shall always be based on research or survey honestly conducted and correctly interpreted.
  4. Any testimonial or certification or the mere reference to professionals, teaching institutions or research institutes and health establishments shall be supported by the proper documentation, required at any time.
  5. The drug advertising shall not offer the possibility of obtaining diagnosis at distance.



6. The advertisement of popular drugs that contains offense to the medical profession or to the value of medical care or treatment is prohibited.
7. Whenever the product is offered for sale by telephone or electronic address, it shall specify the name and physical address of the advertiser in order to make inspection and complaints easier.

## **Exhibit J**

### **Tobacco Products**

The advertisement of tobacco products shall observe the following rules:

1. It shall not suggest that the products have relaxing or stimulating properties, reduce fatigue, tension or produce any similar effect.
2. It shall not associate the product with ideas or images more successful in terms of people sexuality, making insinuation of increase of virility or femininity of smokers.
3. It shall not suggest or promote exaggerated or irresponsible consumption, induce to well fare or health, or to consumption in illegal or dangerous places.
4. It shall not associate the use of the product with practice of Olympic sports or use Olympic sports clothing to promote its marks.

4.1 It shall only identify the trademark or the slogan of the product, with no recommendation of consumption thereof in the categories of: static advertisement in stadiums, advertisement used in competition vehicles as support or installed in other public meeting places.

5. It shall make no appeal specifically addressed to children below 18; and any person who appears in an advertisement subject to these rules, either or not smoking, shall look and be older than 25.
6. It shall not use imperative forms that may directly induce to consumption.
7. Media planning shall be careful concerning the target public. The advertisement shall not be inserted in any publication, program or website basically addressed to minors. The sales outlet materials shall reflect similar care.
8. In radio and TV, including Pay TV, the following special requirements shall be complied with:
  - a) the advertising shall be broadcast from 10:00 pm and 6:00 am (local time), except as to special sponsored events, the schedule determination of which does not depend on control of the medium or advertiser;
  - b) the calls and characterization of sponsoring of tobacco products for events foreign to the regular programming of radio and TV stations, including pay TV, may be made with observance of the provision of item "a" above.
  - c) the indirect contracted advertising, also called merchandising shall not be admitted at any time.

9. Any advertising messages shall only be broadcast in commercial sessions of movie theaters, theaters and rooms after 10:00 pm and for shows recommended for older than 18.
10. Fixed external advertising equipment shall be placed at least 200 meters of distance from the main entrance of first and second level highschool.
11. Advertising by mail or telemarketing may only be made for smokers older than 18, who may have expressed the intention to receive the correspondence.
12. Institutional and legal advertising and classified ads of tobacco by-products producers shall not necessarily insert the advice, as permitted by law, provided that such ads do not aim at promotion of product marks destined to consumers.
13. Since Internet access is permitted to all ages, such advertising shall be created with special care, deserving restrictive construction of all applicable rules.

## **Exhibit K**

### **Smoking Inhibitors**

No advertisement of any product that intends to inhibit the smoking habit may be accepted, unless the advertiser makes clear that the product only offers assistance and that the success of its use shall depend on the will power of whoever may use the product.

## **Exhibit L**

### **Independent Workers**

The advertisement of independent workers with profession duly defined and regulated by law shall contain the name of the advertiser, its professional degree, specialization, address and number of registration or enrollment with the proper Association or Council.

## **Exhibit M**

### **Mail Orders and Direct Mailing**

Mail sales are a very special type of advertising that exclude the intermediary (mainly the salesperson) who would provide the consumer the chance to see and in some cases try the product on before the sale. In mail sales the decision to acquire the product is generally taken by consumers who are far away from the great urban centers and is taken only based on the information supplied by the seller in the advertisement, leaflet or literature sent by the mail (direct mailing). For such reasons:

1. The first obligation of any advertisement of a mail sale is to supply precise and clear information on the product being offered, since it will be exclusively based on such data that the consumer will take its decision to buy without even seeing the advertised product.
2. Further to the information mentioned above and to information relating to virtuality of the product being offered – the advertisement shall contain an

objective description of the product, its price, payment conditions, term of delivery, conditions of product perishing (if any), return conditions (if any), warranty and service support and post-sale maintenance.

3. The name and full address of the advertiser shall be included in the advertisement. When the advertisement has a coupon, the address shall not be indicated in the coupon only but shall also be mentioned in the advertisement.
4. The name of the advertiser shall be emphasized in the address and in such address the advertiser shall have conditions to answer consultations made by consumers and to show the advertised product, even through models or samples.

## **Exhibit N**

### **Tourism, Trips, Tours, Hotels**

Further to complying with the general provisions of this Code, the advertisement of Tourism, Trips, Tours and Hotels shall:

Be conceived in such a manner so as to avoid disappointment of the consumer. Therefore, in the special case of Tours, the advertising material – advertisement, leaflet or literature – shall supply precise data concerning the following items:

- a. the name of the company or organization in charge of the Tour;
- b. the transportation means, name of the carrier, type or class of airplane, information on the ship or other transportation means;
- c. destination and itinerary;
- d. exact duration of the Tour and duration of stay in each place;
- e. type and quality of the hotel rooms and meals eventually included in the package/price;
- f. any included benefits, such as rides, etc;
- g. total price of the Tour – at least minimum and maximum limits – and precise indication of what it includes (transportation to and from airports and hotels, bell men, tips, etc.);
- h. cancellation conditions.

## **Exhibit O**

### **Automotive Vehicles**

In the advertisement of cars, trucks, buses and tractors:

1. Disclosure of performance information that corresponds to atypical conditions of use for the great majority of consumers shall not be permitted, unless such fact is clearly specified.
2. Suggestions of use of the vehicle that may endanger the personal safety of the driver and third parties, such as forbidden pass over in highways, excessive speed, non-utilization of safety accessories, non-compliance with signals, disrespect to pedestrians and to the general traffic rules in general shall not be permitted.

3. Any advertisement that may induce the user to disrespect, when driving an automotive vehicle, the silence and hygiene rules of public ways, such as respect to natural and ecological resources when travelling shall not be permitted.
4. No advertisement shall induce to error concerning the specific characteristics of the vehicle, such as consumption, speed, performance, comfort and safety.

## **Exhibit P**

### **Beers and Wines**

For purposes of advertising ethics, alcoholic beverage is the beverage classified as such according to the official rules and regulations to which its licensing is subject. However, this Code establishes a distinction between three categories of alcoholic beverages: those usually taken during meals, and thus called meal beverages meal beverages (like Beers, Wines, object of Exhibit “P”); other alcoholic beverages, either fermented, distilled, rectified or obtained by mixture (usually served in doses, the advertising of which is regulated in Exhibit “A”); and the category of ices, coolers, alcohol pops, ready to drink, malternatives and similar, in which the alcoholic beverage is presented in a mixture with water, juice or soft drink, dealt with in Exhibit “T” and in Exhibit “A”, when applicable.

The ethical rules below supplement the general recommendations of this Code and, obviously, do not exclude compliance with the requirements contained in the specific legislation.

The advertising dealt with in this Exhibit:

**1. General Rule:** Since alcoholic beverage is a product for restricted consumption and improper for certain publics and situations, the advertising shall be structured in a socially responsible manner, without deviating from its major purpose of promoting the brand and its features, provided that the any imperative consumption appeal and the exaggerated offer of units of the product in any advertisement, either by text or image, directly or indirectly, including the slogan shall be prohibited.

**2. Principle of Protection to Children and Adolescents:** The advertising shall not have children and adolescents as target public. In view of such principle, the Advertisers and Agencies shall adopt special caution in the preparation of their marketing strategies and in the structuring of their advertising messages. Accordingly:

**a.** children and adolescents shall not appear, in any manner, in the advertisements; any person appearing in the ad shall be and look older than 25.

**b.** the ads shall be exclusively addressed to adult public, and no indulgence as regards such principle shall be accepted. Accordingly, the content of the ads shall make clear that the product is improper for consumption by minors. The ads shall not contain any language, expressions, graphic and audiovisual resources recognizedly inherent to the infantile and juvenile’s universe, such as “humanized” animals, characters or animations that may call the attention or curiosity of minors and contribute for them to adopt moral values or habits incompatible with their minority condition;

c. media planning shall consider such principle and, therefore, shall reflect the proper technical and ethical restrictions and caution. Accordingly, the ad may only be inserted in programming, publication or web site especially intended to persons of age. In case of any eventual difficulty to evaluate the prevailing public, a programming that better serves the purpose of protecting children and adolescents shall be adopted;

d. websites of most products that fit into the category dealt with herein shall contain a provision for selective access, so as to prevent navigation by minors.

**3. Responsible consumption principle:** The advertising shall not induce, in any manner, to exaggerated or irresponsible consumption. Therefore, in view of such principle:

a. any eventual appeal to sensuality shall not constitute the main content of the message; advertising models shall never be treated as sexual object;

b. there shall appear no scene, illustration, audio or video that presents or suggests ingestion of the product;

c. there shall be no use of images, language or arguments that suggest that consumption of the product is an indication of maturity or that contributes to higher personal courage, professional or social success or provides more seduction power to consumers;

d. whenever there is the support of the image of a famous person, the same provisions of item 2 “a”, “b”, “c” and “d” of Exhibit “Q” – Testimony, Certifications and Endorsements – shall be applicable;

e. no arguments shall be used or situations shall be presented that may make consumption of the product to look like a challenge or despise those who do not drink; no image or text that may disdain consumption moderation shall ever be used;

f. the ad shall not give the impression that the product is being recommended or suggested by virtue of its effect on the senses;

g. specific references to reduction of the alcoholic content of a product are acceptable, provided that there are no implications or conclusions concerning safety or quantity that may be consumed by virtue of such reduction;

h. no positive association between product consumption and driving vehicles shall be made;

i. consumption in improper, illegal, dangerous or socially condemnable situations shall not be encouraged;

j. no association of the product with performance of any professional activity shall be made;

k. no association of the product with situations that suggest aggressiveness, use of weapons and changes of emotional equilibrium shall be made; and

1. no use of uniforms of Olympic sports shall be made as support to promote a brand.

**4. Warning Clause:** All ads, whatever the broadcasting means may be, shall contain a “warning” to be adopted by means of specific resolution of the Superior Council of CONAR, which shall reflect the social responsibility of advertising and the consideration of Advertisers, Advertising Agencies and Communication means to the public, in general. In view of such commitments and the need to give them full effectiveness, the resolution shall take into account the peculiarities of each means of communication and shall indicate, concerning each one, words, format, time and space for broadcasting the warning. Integrated to the ad, the “warning clause” shall not invade the editorial content of the media; the warning shall be ostensive and expressed in a legible and distinguishable manner. Also:

a. in Radio, the warning shall be inserted as the end of the commercial message;

b. in TV, including Pay TV and Cinemas, the warning shall be inserted in audio and video as the end of the commercial message. The same rule shall be applicable to ads broadcast in theaters, cinemas and similar;

c. in Newspapers, Magazines and other printed means, in outdoors and advertising panels, and in the ads made through Internet, the warning shall be written in the manner to be adopted in the resolution;

d. in videos broadcast through Internet and telephony, the warning shall follow the same restrictions adopted for TV;

e. in packages and labels it shall be reiterated that sale and consumption of the product are indicated for persons older than 18 only.

**5. Outdoor advertising and similar:** Since they reach all ages without technical possibility of segmentation, the commercials broadcast in outdoors, indoors, places of heavy circulation, screens and electronic panels, back and front lights, building panels, busdoors, in collective transportation vehicles, vehicles used for distribution of the product; pieces of urban furniture and similar, etc, whatever the communication means and the support used may be, shall be restricted to exhibition of the product, brand and/or slogan, without consumption appeal, provided that the warning is included.

**6. Exceptions:** The following ads, provided that they have no product consumption appeal, are released from the mandatory insertion of the warning clause:

a. static advertisement in stadium, samba stadium (sambódromos), gymnasium and other sports arenas, when only the product, brand and slogan are identified;

b. the mere expression of brand, slogan or exhibition of the product that uses competition means as support;

c. calls of sponsored programs in radio and TV, including pay TV, including characterizations of sponsorship of such shows;

d. rocket lines, vignettes and similar.

**7. Commerce:** Whenever the advertisement broadcast by the wholesaler, importer, distributor, retailer, bar, restaurant and similar mentions any product subject to the provisions of this Exhibit, it will be subject to the rules established herein, especially those contained in item 4 hereof.

**8. Theater advertising:** In cinemas, theaters and show rooms the ads shall take into account the provision of item 2, “c” hereinabove.

**9. No-alcohol Beer:** the advertising of “non-alcohol beer” shall compulsorily emphasize such characteristic and shall be subject to the rules of this Exhibit, as applicable. It shall be released from compulsory insertion of the “warning clause”, provided that it does not refer to a brand, slogan or promotional phrase of a product subject to this Exhibit or to Exhibits “A” and “T”.

**10. Sales point:** The advertising in sales points shall be addressed to adult public, containing a warning that the product is destined only to adults. Any ads inserted in the service equipment, meaning tables, chairs, refrigerators, lighted panels, etc. shall not contain consumption appeal and, for such reason, are released from including the “warning clause”.

**11. Responsible consumption:** This Code encourages the carrying out of advertising campaigns and initiatives intended to reinforce the prohibition of sale and offer of alcoholic beverages to minors and the safe driving of vehicles.

**12. Construction:** in view of the nature of the product, CONAR, the Advertisers, Advertising Agencies, Producers of advertising films and the communication media shall adopt a more restrictive construction for the rules established in this Exhibit.

Approved by the Superior Council of CONAR on 02.18.08  
Resolution that regulates the formatting of the “warning clauses”.

**Superior Council of CONAR**  
**Resolution no. 02/08, Ref Exhibit “P”**  
**It supplements Exhibit “P” – Beers and Wines of the**  
**Brazilian Advertising Self-Regulation Code, of 02/18/2008**

The Superior Council of CONAR has decided;

1. The “warning clause” provided in item 4 of “Exhibit P” shall contain one of the following sentences:

- **“DRINK WITH CAUTION”**
- **“BEER IS AN ALCOHOLIC BEVERAGE. SALE AND CONSUMPTION ARE PROHIBITED TO MINORS”**
- **“THIS PRODUCT IS DESTINED FOR ADULTS”**

- **“AVOID EXCESSIVE ALCOHOL CONSUMPTION”**
- **“DO NOT EXAGGERATE CONSUMPTION”**
- **“THE LESS YOU DRINK MORE FUN YOU HAVE”**
- **“IF YOU DRIVE, DON’T DRINK”**
- **“TO SERVE ALCOHOLIC BEVERAGE TO MINORS THAN 18 IS A CRIME”**

Note: The sentences above do not exclude others that may meet the purpose and are able to reflect social responsibility of advertising.

**1.1. Radio** – any of such messages shall be broadcast during a time fraction sufficient for their slow and understandable locution.

**1.2. TV, including Pay TV and Cinema** - whatever the support used for the ad may be, such warning shall be broadcast in audio and video during a time fraction corresponding, at least, to one tenth of the duration of the advertising message. The following format will be used: single screen with blue background and block white letters so as to permit perfect legibility and visibility, remaining immovable in the video or screen. The screen shall comply with the RTV filming template, in the standard size of 36.5 cm x 27 cm (thirty-six and a half centimeters x twenty-seven centimeters); the characters shall be 48 Univers font, medium variation, uppercase. Locution shall be only of the selected sentence.

Note: Other alternative formats may be considered, provided that they meet the purpose of orienting the public and are in conformity with item 2 of this Resolution.

**1.3 Newspaper** - a white background rectangle will be inserted, framed by an internal line, with black 65 bold Univers font, uppercase, in the following dimensions:

**Standard Size Newspaper (\*)**

<b>Advertisement</b>	<b>“Warning clause”</b>
1 page	Font size: 36
½ page	Font size: 24
¼ page	Font size: 12

**Tabloid Size Newspaper (\*)**

<b>Advertisement</b>	<b>“Warning clause”</b>
1 page	Font size: 24
½ page	Font size: 15
¼ page	Font size: 12

Note: Other alternative formats may be considered, provided that they meet the purpose of orienting the public and are in conformity with item 2 of this Resolution.

(\*) Any sizes not specified herein will be calculated proportionally, based on the definition for ¼ of page.



**1.4. Magazine** - a white background rectangle will be inserted, framed by an internal line, with black 65 bold Univers font, uppercase, in the following dimensions:

<b>Advertisement (*)</b>	<b>“Warning clause”</b>
Double page / Single page	Font size: 18
½ page	Font size: 12
¼ page	Font size: 6

Note: Other alternative formats may be considered, provided that they meet the purpose of orienting the public and are in conformity with item 2 of this Resolution.

*(\*) Any sizes not specified herein will be calculated proportionally, based on the definition for ¼ of page.*

**1.5. Outdoor media and similar** – whatever the supports used for the advertisement may be, a white background rectangle will be inserted, framed by an internal line, with black 65 bold Univers font, uppercase, in the following dimensions:

<b>Advertisement (*)</b>	<b>“Warning clause”</b>
0 to 250 cm <sup>2</sup>	Font size: 16
251 to 500 cm <sup>2</sup>	Font size: 20
501 to 1000 cm <sup>2</sup>	Font size: 24
1001 to 1500 cm <sup>2</sup>	Font size: 26
1501 to 2000 cm <sup>2</sup>	Font size: 30
2001 to 3000 cm <sup>2</sup>	Font size: 36
3001 to 4000 cm <sup>2</sup>	Font size: 40
4001 to 5000 cm <sup>2</sup>	Font size: 48

Note: Other alternative formats may be considered, provided that they meet the purpose of orienting the public and are in conformity with item 2 of this Resolution.

*(\*) Any sizes not specified herein will be calculated in proportion based on the definition for 500 cm<sup>2</sup>.*

**1.6. Internet** – the warning shall integrate the advertisement, whatever the adopted manner may be.

**1.7. Posters, banners and panels of sales points** - further to the “warning clause” of moderation, mentioned in item 4 of Exhibit “P”, the following sentence shall also be included, in a legible manner, in colors that contrast with the background of the ad: “SALE AND CONSUMPTION PROHIBITED TO MINORS OF 18”.

Note: Provision contained in Article 81, II, of the Children and Adolescents Act.

**2.** In the construction of the recommendations provided in Exhibit “P” and in this Resolution, either for purposes of creation, production and broadcasting of the ad or in the judgment of an ethical offense due to non-compliance, there shall be taken into account:

- a. the content of the ad;
- b. the communication means being used;
- c. the intent to permit perfect communication of the “warning clauses” and to facilitate their understanding by the public;

3. Any legal advertisement, institutional campaigns and the formats expressly specified in item 6 of Exhibit “P” are released from exhibiting the “Warning clause”.

This resolution enters into force on this date, and compliance herewith shall be enforced as from April 10, 2008.

## **Exhibit Q**

### **Testimonials, Certifications, Endorsements**

Testimonial is the deposition, endorsement or certification where an individual or legal entity other than the advertiser gives an opinion or reports its own experience or observance relating to a product. According to this definition, the testimonial may be classified as:

1. Testimonial of specialist/expert is the one given by a deponent who dominates specific knowledge or has a professional formation or experience beyond the average person.
2. Testimonial of a famous person is the one given by a person whose image, voice or any other peculiarity makes his/her easily recognized by the public.
3. Testimonial of a common person or consumer is the one given by who has no special or technical knowledge concerning the advertised product.
4. Certification or endorsement is the one issued by a legal entity reflecting its official opinion.

Since any type of testimonial is capable of giving more credibility to the advertisement, this Exhibit makes the following special recommendations, further to those already included in this Code (Article 27, Ninth Paragraph):

1. Testimonial of Specialist/Expert
  1. The advertisement shall always indicate the name of the deponent and his/her professional or technical qualification.
  2. The advertised product shall maintain strict relation to the expertise of the deponent.
  3. The advertisement based on a single testimonial of an expert or specialist shall not give the impression that it reflects the opinion of the professional category, the entity or association to which he/she may belong.
  4. The testimonial given by a professional shall be limited by the legal and ethical rules applicable to the relevant category.
2. Testimonial of a Famous Person
  1. The advertisement containing the testimonial of a famous person shall, more than any other, strictly observe the recommendations of this Code.

2. The advertisement supported by testimonial of a famous person shall not be made in a manner so as to inhibit the critical sense of the consumer as regards the product.
  3. The advertisement that attributes success or fame of the person giving the testimonial to the use of the product shall not be accepted, unless such fact may be object of substantiation.
  4. The advertiser using the testimonial of a famous person shall be conscious of its responsibility towards the public, under penalty of being deemed as not having used good faith.
3. Testimonial of a Common Person or consumer
    1. Whenever the consumer is identified, his first and last name must be true.
    2. Professional models, employees of the advertiser or advertising agency can not pretend to be common consumers.
    3. The testimonial of a consumer shall be restricted to the personal experience with the product and can not involve issues of technical or scientific nature which are not compatible with his/her professional qualification.
  4. Certification or Endorsement
    1. The certification or endorsement issued by a legal entity shall reflect its official opinion on the matter.
    2. The recommendations of this Exhibit, especially those applicable to testimonial of specialists/experts shall also be applicable to certification or endorsement.
  5. Rules Related to Procurement and Validity of Testimonials
    1. All advertisers or agencies shall prove/demonstrate the truthfulness of the testimonial, whenever so requested.
    2. The testimonial obtained through the use of a hidden camera can only be broadcast with the previous express consent of the witness or persons in charge thereof. Such consent may be obtained through payment of a compensation.
- 6 . Rules Related to Disclosure of Testimonials and Certifications
    1. The advertiser or agency shall obtain a written authorization of the person giving the testimonial prior to broadcasting. The Media may require such authorization.
    2. Competitors shall not use the testimonial of the same individual or legal entity whenever it may cause confusion to the consumer.

## **Exhibit R**

### **Crop Protection Products**

The advertisement of crop protection products shall comply with the specific recommendations below and with the general rules of this Code, especially the rules contained in Section 10 – Pollution and Ecology.

1. The advertisement of a crop protection product:
  1. shall not be broadcast when the product is not regularly registered with the competent body of the Federal Public Service.
  2. shall not disregard the public it intends to reach, always with observance of proper use of the product.
  3. shall not contain a message exceeding the terms of the registration. It shall not fail to state or minimize – either by text, image or suggestion – the toxicity of the product and its action on the environment. It shall always indicate the specific warning and care determined by the competent authority.
  4. shall not contain expressions such as "harmless" "non-toxic", "innocuous" or similar expression, unless it may be object of substantiation.
  5. shall not depict persons applying the product, unless technically recommended clothes and equipment properly protect them.
  6. shall not, under any circumstance, use a minor model or a model that looks like a minor.
  7. shall necessarily contain the indication "consult with an agronomist" whenever the product is subject to prescription, under the terms of the federal legislation.
  8. shall not associate the product – either with text, image or suggestion – to any other product destined to food or health, except as to the institutional proposals.
2. Since the crop protection products are classified as production items, their advertising shall, whenever possible:
  1. be instructive and didactic, avoiding treatment of consumption product.
  2. Stimulate the good use of soil and defense of environment.
3. Since in our country the communication of advertisers with farmers is usually made through contact with agronomists, sellers, representatives of cooperatives, etc, it is recommended that all advertisement directly distributed to the user (leaflets, literature, calendars, manuals, etc.) be in compliance with the principles set forth in this Exhibit.
4. The recommendations of this Code and this Exhibit shall be observed with the same strictness as regards products destined to small plantations, vegetable gardens, orchards and urban plantations.
5. As the message is destined to the farmer, it is recommended that the advertisement be clear, precise and responsible. Such responsibility is reinforced by the assurance that the improper use of the product affects not only the person that uses it, but it may also affect the environment and even the economy of the country.

## **Exhibit S**

### **Firearms**

The advertising of firearms for civil use shall observe, in addition to the principles of this Code, the following special recommendations:

1. The advertisement shall make clear that acquisition of the product shall depend on registration granted by the competent authority:
  - a. such requirement shall not be presented as a mere formality;
  - b. the advertisement shall not promote easiness of registration.
2. The advertisement shall not be emotional. Therefore:
  - a. it shall not show dramatic situations and shall not make use of news that induce the consumer to the conviction that the product is the only defense within his/her reach;
  - b. it shall not cause popular fear;
  - c. it shall not present the owner of a firearm in a situation of superiority as regards danger or persons;
  - d. it shall not depict children or minors;
  - e. it shall not use testimonial, except from educators, technicians, specialized authorities, sportsmen and hunters, to instruct and educate the consumer;
  - f. it shall not offer facilities or awards for acquisition of the product.
3. The advertisement shall also:
  - a. be restricted to presentation of the model, characteristics and price;
  - b. evidence that use of the product requires training and emotional equilibrium;
  - c. emphasize the risk for the community of maintaining the product in an unsafe place.
4. The advertisement shall not be broadcast in a publication addressed to children and young public.
5. The advertisement shall only be broadcast by television between 11 pm and 6 am.

## **EXHIBIT "T"**

### **ICES AND SIMILAR BEVERAGES**

For purposes of advertising ethics, alcoholic beverage is the beverage classified as such according to the official rules and regulations to which its licensing is subject. However, this Code establishes a distinction between three categories of alcoholic beverages: those usually taken during meals, and thus called meal beverages meal beverages (like Beers, Wines, object of Exhibit "P"); other alcoholic beverages, either fermented, distilled, rectified or obtained by mixture (usually served in doses, the advertising of which is regulated in Exhibit "A"); and the category of ices, coolers, alcohol pops, ready to drink, malternatives and similar, in which the alcoholic beverage is presented in a mixture with water, juice or soft drink, dealt with in Exhibit "T" and in Exhibit "A", when applicable.

The ethical rules below supplement the general recommendations of this Code and, obviously, do not exclude compliance with the requirements contained in the specific legislation.

The advertising dealt with in this Exhibit:

**1. General Rule:** Since alcoholic beverage is a product for restricted consumption and improper for certain publics and situations, the advertising shall be structured in a socially responsible manner, without deviating from its major purpose of promoting the brand and its features, provided that the any imperative consumption appeal and the exaggerated offer of units of the product in any advertisement, either by text or image, directly or indirectly, including the slogan shall be prohibited.

**2. Principle of Protection to Children and Adolescents:** The advertising shall not have children and adolescents as target public. In view of such principle, the Advertisers and Agencies shall adopt special caution in the preparation of their marketing strategies and in the structuring of their advertising messages. Accordingly:

**a.** children and adolescents shall not appear, in any manner, in the advertisements; any person appearing in the ad shall be and look older than 25.

**b.** the ads shall be exclusively addressed to adult public, and no indulgence as regards such principle shall be accepted. Accordingly, the content of the ads shall make clear that the product is improper for consumption by minors. The ads shall not contain any language, expressions, graphic and audiovisual resources recognizedly inherent to the infantile and juvenile's universe, such as "humanized" animals, characters or animations that may call the attention or curiosity of minors and contribute for them to adopt moral values or habits incompatible with their minority condition;

**c.** media planning shall consider such principle and, therefore, shall reflect the proper technical and ethical restrictions and caution. Accordingly, the ad may only be inserted in programming, publication or web site especially intended to persons of age. In case of any eventual difficulty to evaluate the prevailing public, a programming that better serves the purpose of protecting children and adolescents shall be adopted;

**d.** websites of most products that fit into the category dealt with herein shall contain a provision for selective access, so as to prevent navigation by minors.

**3. Responsible consumption principle:** The advertising shall not induce, in any manner, to exaggerated or irresponsible consumption. Therefore, in view of such principle:

**a.** any eventual appeal to sensuality shall not constitute the main content of the message; advertising models shall never be treated as sexual object;

**b.** there shall appear no scene, illustration, audio or video that presents or suggests ingestion of the product;

**c.** there shall be no use of images, language or arguments that suggest that consumption of the product is an indication of maturity or that contributes to higher personal courage, professional or social success or provides more seduction power to consumers;

**d.** whenever there is the support of the image of a famous person, the same provisions of item 2 “a”, “b”, “c” and “d” of Exhibit “Q” – Testimony, Certifications and Endorsements – shall be applicable;

**e.** no arguments shall be used or situations shall be presented that may make consumption of the product to look like a challenge or despise those who do not drink; no image or text that may disdain consumption moderation shall ever be used;

**f.** the ad shall not give the impression that the product is being recommended or suggested by virtue of its effect on the senses;

**g.** specific references to reduction of the alcoholic content of a product are acceptable, provided that there are no implications or conclusions concerning safety or quantity that may be consumed by virtue of such reduction;

**h.** no positive association between product consumption and driving vehicles shall be made;

**i.** consumption in improper, illegal, dangerous or socially condemnable situations shall not be encouraged;

**j.** no association of the product with performance of any professional activity shall be made;

**k.** no association of the product with situations that suggest aggressiveness, use of weapons and changes of emotional equilibrium shall be made; and

**l.** no use of uniforms of Olympic sports shall be made as support to promote a brand.

**4. Warning Clause:** All ads, whatever the broadcasting means may be, shall contain a “warning” to be adopted by means of specific resolution of the Superior Council of CONAR, which shall reflect the social responsibility of advertising and the consideration of Advertisers, Advertising Agencies and Communication means to the public, in general. In view of such commitments and the need to give them full effectiveness, the resolution shall take into account the peculiarities of each means of communication and shall indicate, concerning each one, words, format, time and space for broadcasting the warning. Integrated to the ad, the “warning clause” shall not invade the editorial content of the media; the warning shall be ostensive and expressed in a legible and distinguishable manner. Also:

**a.** in Radio, the warning shall be inserted as the end of the commercial message;

**b.** in TV, including Pay TV and Cinemas, the warning shall be inserted in audio and video as the end of the commercial message. The same rule shall be applicable to ads broadcast in theaters, cinemas and similar;

**c.** in Newspapers, Magazines and other printed means, in outdoors and advertising panels, and in the ads made through Internet, the warning shall be written in the manner to be adopted in the resolution;

**d.** in videos broadcast through Internet and telephony, the warning shall follow the same restrictions adopted for TV;

**e.** in packages and labels it shall be reiterated that sale and consumption of the product are indicated for persons older than 18 only.

**5. Outdoor advertising and similar:** Since they reach all ages without technical possibility of segmentation, the commercials broadcast in outdoors, indoors, places of heavy circulation, screens and electronic panels, back and front lights, building panels, busdoors, in collective transportation vehicles, vehicles used for distribution of the product; pieces of urban furniture and similar, etc, whatever the communication means and the support used may be, shall be restricted to exhibition of the product, brand and/or slogan, without consumption appeal, provided that the warning is included.

**6. Exceptions:** The following ads, provided that they have no product consumption appeal, are released from the mandatory insertion of the warning clause:

**a.** static advertisement in stadium, samba stadium (sambódromos), gymnasium and other sports arenas, when only the product, brand and slogan are identified;

**b.** the mere expression of brand, slogan or exhibition of the product that uses competition means as support;

**c.** calls of sponsored programs in radio and TV, including pay TV, including characterizations of sponsorship of such shows;

**d.** rocket lines, vignettes and similar.

**7. Commerce:** Whenever the advertisement broadcast by the wholesaler, importer, distributor, retailer, bar, restaurant and similar mentions any product subject to the provisions of this Exhibit, it will be subject to the rules established herein, especially those contained in item 4 hereof.

**8. Theater advertising:** In cinemas, theaters and show rooms the ads shall take into account the provision of item 2, “c” hereinabove.

**9. Sales point:** The advertising in sales points shall be addressed to adult public, containing a warning that the product is destined only to adults. Any ads inserted in the service equipment, meaning tables, chairs, refrigerators, lighted panels, etc. shall not contain consumption appeal and, for such reason, are released from including the “warning clause”.

**10. Responsible consumption:** This Code encourages the carrying out of advertising campaigns and initiatives intended to reinforce the prohibition of sale and offer of alcoholic beverages to minors and the safe driving of vehicles.

**11. Applicability:** the rules of this Exhibit “T” are not applicable to any advertising of products that adopt a brand or slogan or advertising signs and expressions or campaigns,



characters or communication elements associated to alcoholic beverages, which advertisement is governed by the provisions of Exhibit “A”. In such cases there shall prevail the restrictions and recommendations contained in Exhibit “A”.

**12. Construction:** in view of the nature of the product, CONAR, the Advertisers, Advertising Agencies, Producers of advertising films and the communication media shall adopt a more restrictive construction for the rules established in this Exhibit.

Approved by the Superior Council of CONAR on 02.18.08  
Resolution that regulates the formatting of the “warning clauses”.

**Superior Council of CONAR**  
**Resolution no. 03/08, Ref Exhibit “T”**  
**It supplements Exhibit “T” – Ices and Similar Beverages of the**  
**Brazilian Advertising Self-Regulation Code, of 02/18/2008**

The Superior Council of CONAR has decided;

1. The “warning clause” provided in item 4 of “Exhibit P” shall contain one of the following sentences:

- **“DRINK WITH CAUTION”**
- **“SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGE ARE PROHIBITED TO MINORS”**
- **“THIS PRODUCT IS DESTINED FOR ADULTS”**
- **“AVOID EXCESSIVE ALCOHOL CONSUMPTION”**
- **“DO NOT EXAGGERATE CONSUMPTION”**
- **“THE LESS YOU DRINK MORE FUN YOU HAVE”**
- **“IF YOU DRIVE, DON’T DRINK”**
- **“TO SERVE ALCOHOLIC BEVERAGE TO MINORS THAN 18 IS A CRIME”**

Note: The sentences above do not exclude others that may meet the purpose and are able to reflect social responsibility of advertising.

**1.1. Radio** – any of such messages shall be broadcast during a time fraction sufficient for their slow and understandable locution.

**1.2. TV, including Pay TV and Cinema** - whatever the support used for the ad may be, such warning shall be broadcast in audio and video during a time fraction corresponding, at least, to one tenth of the duration of the advertising message.

The following format will be used: single screen with blue background and block white letters so as to permit perfect legibility and visibility, remaining immovable in the video or screen. The screen shall comply with the RTV filming template, in the standard size of 36.5 cm x 27 cm (thirty-six and a half centimeters x twenty-seven centimeters); the characters shall be 48 Univers font, medium variation, uppercase. Locution shall be only of the selected sentence.

Note: Other alternative formats may be considered, provided that they meet the purpose of orienting the public and are in conformity with item 2 of this Resolution.

**1.3 Newspaper** - a white background rectangle will be inserted, framed by an internal line, with black 65 bold Univers font, uppercase, in the following dimensions:

<b>Standard Size Newspaper (*)</b>	
<b>Advertisement</b>	<b>“Warning clause”</b>
1 page	Font size: 36
½ page	Font size: 24
¼ page	Font size: 12

<b>Tabloid Size Newspaper (*)</b>	
<b>Advertisement</b>	<b>“Warning clause”</b>
1 page	Font size: 24
½ page	Font size: 15
¼ page	Font size: 12

Note: Other alternative formats may be considered, provided that they meet the purpose of orienting the public and are in conformity with item 2 of this Resolution.

*(\*) Any sizes not specified herein will be calculated proportionally, based on the definition for ¼ of page.*

**1.4. Magazine** - a white background rectangle will be inserted, framed by an internal line, with black 65 bold Univers font, uppercase, in the following dimensions:

<b>Advertisement (*)</b>	<b>“Warning clause”</b>
Double page / Single page	Font size: 18
½ page	Font size: 12
¼ page	Font size: 6

Note: Other alternative formats may be considered, provided that they meet the purpose of orienting the public and are in conformity with item 2 of this Resolution.

*(\*) Any sizes not specified herein will be calculated proportionally, based on the definition for ¼ of page.*

**1.5. Outdoor media and similar** – whatever the supports used for the advertisement may be, a white background rectangle will be inserted, framed by an internal line, with black 65 bold Univers font, uppercase, in the following dimensions:

<b>Advertisement (*)</b>	<b>“Warning clause”</b>
0 to 250 cm <sup>2</sup>	Font size: 16
251 to 500 cm <sup>2</sup>	Font size: 20

501 to 1000 cm <sup>2</sup>	Font size: 24
1001 to 1500 cm <sup>2</sup>	Font size: 26
1501 to 2000 cm <sup>2</sup>	Font size: 30
2001 to 3000 cm <sup>2</sup>	Font size: 36
3001 to 4000 cm <sup>2</sup>	Font size: 40
4001 to 5000 cm <sup>2</sup>	Font size: 48

Note: Other alternative formats may be considered, provided that they meet the purpose of orienting the public and are in conformity with item 2 of this Resolution.

*(\*) Any sizes not specified herein will be calculated in proportion based on the definition for 500 cm<sup>2</sup>.*

**1.6. Internet** – the warning shall integrate the advertisement, whatever the adopted manner may be.

**1.7. Posters, banners and panels of sales points** - further to the “warning clause” of moderation, mentioned in item 4 of Exhibit “T”, the following sentence shall also be included, in a legible manner, in colors that contrast with the background of the ad: “SALE AND CONSUMPTION PROHIBITED TO MINORS OF 18”.

Note: Provision contained in Article 81, II, of the Children and Adolescents Act.

**2.** In the construction of the recommendations provided in Exhibit “T” and in this Resolution, either for purposes of creation, production and broadcasting of the ad or in the judgment of an ethical offense due to non-compliance, there shall be taken into account:

- a. the content of the ad;
- b. the communication means being used;
- c. the intent to permit perfect communication of the “warning clauses” and to facilitate their understanding by the public;

**3.** Any legal advertisement, institutional campaigns and the formats expressly specified in item 6 of Exhibit “T” are released from exhibiting the “Warning clause”.

This resolution enters into force on this date, and compliance herewith shall be enforced as from April 10, 2008.

## **CASE DECISIONS**

Ruling no. 1, of August 15, 1988

"THE ADVERTISEMENT OF A POPULAR PHARMACEUTICAL PRODUCT SUBJECT TO THE SANITARY LEGISLATION AND NOT REGISTERED WITH

THE COMPETENT BODY OF THE MINISTRY OF HEALTH MAY HAVE ITS BROADCASTING IMMEDIATELY SUSPENDED."

Grounds: Articles 1 and 50, item "c" of the Brazilian Advertising Self-Regulation Code and its Exhibit "I", item 1.

Ruling no. 2, of August 15, 1988.

"A PHARMACEUTICAL PRODUCT THAT IS CONSIDERED ETHICAL BY THE SANITARY AUTHORITY (THE ONE THAT CAN ONLY BE COMMERCIALIZED WITH MEDICAL PRESCRIPTION) SHALL NOT BE ADVERTISED IN A MASS COMMUNICATION MEDIUM AND ITS BROADCASTING MAY BE IMMEDIATELY SUSPENDED."

Grounds: Articles 1 and 50, item "c" of the Brazilian Advertising Self-Regulation Code.

Ruling no. 3, of August 15, 1998

"THE ADVERTISEMENT OF A PRODUCT OR SERVICE SUBJECT TO REGISTRATION OR LICENSE OF A FEDERAL, STATE OR LOCAL AUTHORITY SHALL HAVE ITS BROADCASTING SUSPENDED WHENEVER NON-COMPLIANCE WITH SUCH LEGAL REQUIREMENTS IS VERIFIED"

Grounds: Articles 1 and 50, item "c" of the Brazilian Advertising Self-Regulation Code.

Ruling no. 4, of June 7, 1990

"THE ADVERTISEMENT OF A FIREARM SHALL NOT BE EMOTIONAL: THERE SHALL BE NO SUGGESTION THAT THE REGISTRATION OF THE PRODUCT IS A FORMALITY THAT CAN BE EASILY OVERCOME BY THE SERVICES OFFERED BY THE ADVERTISER; IT SHALL MAKE NO PROMOTIONS; IT SHALL NOT PROMOTE PAYMENT EASINESS, PRICE REDUCTION, ETC. FURTHERMORE, THE ADVERTISEMENT SHALL NOT BE BROADCAST IN PUBLICATION ADDRESSED TO CHILDREN OR YOUNG PUBLIC OR BY TELEVISION, IN THE PERIOD FROM 11 PM TO 6 AM. ON THE OTHER HAND, THE ADVERTISEMENT SHALL EMPHASIZE THAT THE USE OF THE PRODUCT REQUIRES TRAINING AND EMOTIONAL EQUILIBRIUM AND SHALL RECOMMEND ITS MAINTENANCE IN SAFE PLACES, OUT OF REACH OF THIRD PARTIES."

Grounds: Articles 1, 3, 6 and 50, item "c" of the Brazilian Advertising Self-Regulation Code and its Exhibit "S", items 1,2,3,4.

Ruling no. 5, of February 11, 1993

"NO ADVERTISEMENT MAY USE THE OFFICIAL SYMBOL OR NAME OF CONAR, EXCEPT AS TO THE ADVERTISEMENT OF CONAR ITSELF, UNLESS IT INTENDS TO PRAISE ACTION OR DECISIONS OF THE COUNCIL"

Grounds: Articles 1, 5, 43 and 50, item "c" of the Brazilian Advertising Self-Regulation Code.

Ruling no. 6, of June 17, 1993

"FAILURE TO INDICATE THE MEDICAL MANAGEMENT OR THE MEDICAL IN CHARGE WITH THE NAME OF THE PROFESSIONAL AND RESPECTIVE REGISTRATION NUMBER OF THE PROFESSIONAL WITH THE REGIONAL MEDICAL COUNCIL AUTHORIZES THE GRANTING OF A PRELIMINARY INJUNCTION TO SUSPEND BROADCAST OF THE ADVERTISEMENT OF TREATMENT OR OTHER MEDICAL SERVICES, REGARDLESS OF ANY ASPECTS THAT MAY OR MUST BE SUBSEQUENTLY ANALYZED BY THE ETHICAL COMMITTEE."

Grounds: Articles 1 and 50, item "c" of the Brazilian Advertising Self-Regulation Code and its Exhibit "G", items 3 and 5, "a" and "b".

Abridgment of Law no. 7, of December 5, 2002

THE ADVERTISEMENT THAT PROMOTES THE SALE OF A PRODUCT IN INSTALLMENTS SHALL COMPULSORILY INCLUDE: 1) PRICE AT SIGHT; 2) NUMBER AND VALUE OF THE INSTALLMENTS; 3) APPLICABLE INTEREST RATE; 4) OTHER CHARGES TO BE EVENTUALLY BORNE BY THE CONSUMER; AND 5) TOTAL PRICE IN INSTALLMENTS."

Based on Articles 1, 27 and Third Paragraph, 50, item "C" of the CBARP and its EXHIBIT F.

## **Exhibit U - Sustainability Appeals**

Advertising role is not only to respect and distinguish but also to contribute to formation of social, ethic, responsible and solidary human values.

CONAR encourages all advertising that further to exercising its institutional or business role may also give orientation, develop and stimulate society aiming at a sustainable future.

### **GENERAL RULE**

(1) For the purposes of this Exhibit "Sustainability and Socio-environmental Responsible Advertising" shall mean the advertising that communicates responsible and sustainable practices of companies, their brands, products and services.

(2) For the purposes of this Exhibit, "Advertising for Sustainability and Socio-environmental Responsibility" shall mean the advertising that gives orientation and stimulates society, based on examples of responsible and sustainable practices of institutions, companies, their marks, products and services.

(3) For the purposes of this Exhibit, "Marketing Advertising related to Causes" shall

mean the advertising that communicates the legitimate association of institutions, companies and/or brands, products and services with social and environmental causes of public or private initiative and having the purpose of producing relevant and perceptive results possible of corroboration both to the Advertiser and to the socio-environmental cause being supported.

Further to complying with the general provisions of this Code the advertising subject to this Exhibit shall reflect the advertiser's responsibility to environment and sustainability and shall take into account the following principles:

### **1. CONCRETENESS**

Allegations of socio-environmental benefits shall correspond to actual practices adopted, avoiding vague concepts that give rise to misleading meanings that are broader than the conduct being claimed.

Advertising of sustainable and environmental conduct shall be preceded by effective implementation or formalization of such conduct by the company or institution. If advertising claims for future action it shall necessarily reveal such a condition of expectation of unrealized act at the time of broadcasting.

### **2. TRUTHFULNESS**

Any broadcast information and claims shall be true, verifiable and possible of being corroborated, stimulating availability of more detailed information about the practices being promoted by means of other sources and materials, such as websites, SACs (Customer Service) etc.

### **3. ACCURACY AND CLARITY**

Any broadcast information shall be accurate, precise and expressed in intelligible form, not giving rise to mistaken interpretation or false conclusions.

### **4. SOURCES AND EVIDENCE**

Those responsible for the advertising dealt with in this Exhibit shall be provided with supporting data and external sources to endorse, if not take responsibility, for every socio-environmental information that is communicated.

### **5. PERTINENCE**

It is advisable that the socio-environmental information has a logical relationship to the area where the company operates and/or with its brands, products and services in its business and market sector. Any appeals that promote mere compliance with legal and regulatory provisions to which the Advertiser is subject shall not be deemed pertinent appeals.

### **6. RELEVANCE**

The socio-environmental benefits shall be significant concerning the global impact that

the company, its brands, products and services have upon society and environment - in all its processes and cycles, from production and marketing, to use and disposal.

## **7. ABSOLUTE**

Since there is no full compensation that may eliminate the socio-environmental impact caused by companies, the advertising shall not communicate absolute promises or advantages of unbeatable superiority. The socio-environmental responsibility actions shall not be communicated as sufficient evidence of general sustainability of the company, its brands, products and services.

## **8. MARKETING RELATED TO CAUSES**

Advertising shall clearly explain causes and official entities or third sector involved in the partnership with companies, brands, products and services.

The advertisement may not refer to causes, movements, performance indicators or use the prestige and credibility of the institution unless authorized to do so.

Socio-environmental and sustainability actions object of advertising do not release the advertiser, agency and vehicle compliance with all ethical rules provide in this Code.