

## Brazilian Consumer Protection Agency fines three companies for abusive advertising directed at children

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Brazilian Consumer Protection Agency (DPDC, in the Portuguese acronym), an agency under the Brazilian Department of Justice, published this month its decisions on three cases regarding children advertising. Campaigns from McDonald's, Editora Globo Condé Nast and Couro Fino Comércio de Artefatos de Couro Ltda. were considered abusive advertising and the companies were heavily fined.

To determinate the fines, the DPDC considered the extension of the violations as well as the economic size of the companies. The largest fine was imposed to McDonald's (R\$6 million reais, approximately U\$2 million) for promoting performances of its Ronald McDonald's character in São Paulo schools. DPDC considered that the performances were in fact a strategy to stimulate children to consume McDonald's products, which would violate the principles established by the Federal Constitution, the Brazilian Consumer Protection Code and the Children Protection Act.

McDonald's has refuted DPDC's findings defending that the performances did not promote any of its products, but rather addressed cultural and educational themes.

Editora Globo Condé Nast and Couro Fino were fined, respectively, in R\$2.1 million reais (approximately U\$600,000) and R\$225.000 reais (approximately U\$65,000) for advertising materials that allegedly promoted the sexualization of children. According to DPDC, Vogue Kids editorial entitled "Sombra e Água Fresca" (2014) featured children striking sensual poses commonly done by adult models, while Couro Fino's advertising, children were shown in women's clothing items in sensual poses.

The companies may still appeal DPDC's administrative decision but these decisions indicate a stronger regulatory trend related to children advertising. The cases against Editora Globo and Couro Fino were initiated by the DPDC while the one filed against McDonald's was initiated after representation filed by Instituto Alana, a consumer advocacy organization dedicated to children's related issues.

Kasznar Leonardos' Marketing Law team is highly specialized in advertising and marketing issues and is available to support your commercial and marketing campaigns. For further information, please contact our Marketing Law Partner, Fernanda Magalhães ([fernanda.magalhaes@kasznarleonardos.com](mailto:fernanda.magalhaes@kasznarleonardos.com)).