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BRAZIL'S UTILIZATION OF SELF-REGULATION TO CONTROL THE ADVERTISING INDUSTRY

*Alexandra Gossett**

I. INTRODUCTION

NORMAN Vale, the Director-General of the International Advertising Association stated that, “[a]dvertising and a free and vibrant media are essential to any real democracy.”¹ Globally, advertising is not only a booming industry, but also one that requires some form of regulation. Discussion has increased regarding “advertising self-regulation as an alternative or complement to government regulation.”² Self-regulation refers to the control of a certain industry by the players of that industry themselves rather than by government or by market forces.³ It can be said that regulating advertising in order to keep it truthful, not misleading, and socially responsible among other standards is a complex task.⁴ This can be achieved through processes such as developing standards, making them widely known and accepted, advising advertisers, monitoring compliance, handling complaints, and penalizing noncompliance.⁵ Many advertising experts, scholars, and organizations are pushing advertising self-regulation as the preferential way to enable these processes.⁶

Brazil is internationally recognized for producing some of the world’s most creative advertising, and has one of the most comprehensive and fully functioning advertising self-regulation systems in the world.⁷ “Although self-regulation does not replace government and legislative regulation, it may be considered an ethical parameter which must be observed. . .,” and the Brazilian government, namely the courts, have rec-

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1. Jean J. Boddewyn, *Books Reviewed: Global Perspectives on Advertising Self-Regulation: Principles and Practices in Thirty-Eight Countries*, 17 *MID. J. INT’L L. & TRADE* 263, 263 (1993).
2. J. J. Boddewyn, *Advertising Self-Regulation: Private Government and Agent of Public Policy*, 4 *J. PUB. POL’Y & MARKETING* 129, 129 (1985).
3. *Id.* at 130.
4. Boddewyn, *supra* note 1, at 263-64.
5. *Id.*
6. *Id.* at 264.
7. William M. O’Barr, *Advertising in Brazil*, 9 *ADVERTISING & SOC’Y REV.* 1, ¶ 1 (2008), available at http://muse.jhu.edu/journals/advertising_and_society_review/v009/9.2.o-barr.html.

ognized it as a useful tool.⁸ The Brazilian Advertising Self-Regulation Code (the Code) has been solidly established for over thirty years in the developing Latin American country, and is a working example of how this type of regulation becomes the law to a specific industry.⁹ This is not meant to mislead or paint a picture that self-regulation has completely replaced statutory laws on advertising in Brazil, because that is not the case. Advertising is regulated on a federal basis as well, for example through the Consumer Protection Code.¹⁰ Although self-regulation proceedings only supplement legislation, all pertinent entities defer to this system, so that is what this article will focus on.

II. HISTORY

The first legal regulations on advertising in Brazil were enacted in the 1960's at a time where Brazil was under a dictatorship that established heavy censorship of advertising.¹¹ When the Brazilian government attempted to approve a bill requiring government approval of any advertisements before its dissemination in the media, the advertising community decided to take matters into their own hands.¹² In 1978, the 3rd Brazilian Advertising Congress was held, with participants including Brazilian advertising agencies, advertisers and members of the mass media.¹³ In that same year these participants were able to construct and unanimously approve the Brazilian Advertising Self-Regulation Code.¹⁴ But there was still a need for a vehicle to enforce the Code, so in 1980 a non-governmental organization was founded called Conselho de Autorregulamentação Publicitária (CONAR), or the "Brazilian Advertising Self-Regulating Council."¹⁵

A. CONAR

In Brazil, advertising is regulated by the federal government; reaching matters such as consumer protection, alcoholic beverages, and ciga-

8. Valdir Rocha & Paula D'Angelo Westenberger, *6th Annual GALA Global Meeting: Country Reports—Brazil, Regulation of High Pressure and Excess Incentive Promotions* ¶ 3 (May 2008), <http://www.veirano.com.br/veirano/Portals/0/Country%20Reports%20May%202008%20B.pdf>.

9. Valdir Rocha, Carolina Hungria & Denise Umekita, *Advertising in Brazil—the Success of Self-Regulation* 1 (2003), <http://www.gala-marketlaw.com/pdf/AdvertisingRegulation.pdf>.

10. See CÓDIGO DE PROTEÇÃO E DEFESA DO CONSUMIDOR [C.D.C.] arts. 30-31 (Brazil).

11. CONAR, *History* ¶ 1, www.conar.org (follow "Quem Somos" [About Us] and "Historia" [History] hyperlinks) (last visited Feb. 4, 2011).

12. Rocha et al., *supra* note 9, at 1.

13. CONAR, *supra* note 11, ¶ 6.

14. See generally CONSELHO DE AUTORREGULAMENTAÇÃO PUBLICITÁ 1978 [BRAZILIAN ADVERTISING SELF-REGULATION CODE] [hereinafter CODE].

15. CONAR, *supra* note 11, ¶ 7.

rettes.¹⁶ However, most television, radio, magazines, newspapers, advertising agencies and major corporations are also members of CONAR.¹⁷ CONAR is considered one of the most specialized entities in the country, and its mission is to “promote freedom of expression through advertising and the constitutional prerogatives regarding commercial advertising.”¹⁸ Despite the fact that it is a non-governmental entity, CONAR’s decisions are respected by the advertising industry.¹⁹ This is evidenced by the fact that the decisions are rarely challenged in courts of law, and even when they are, Brazilian courts typically uphold most of the rulings made by CONAR on the matter.²⁰

B. PURPOSE BEHIND THE BRAZILIAN ADVERTISING SELF-REGULATION CODE

The Code, born out of the 3rd Brazilian Advertising Congress in 1978, was a result of an extensive study conducted by a group of scholars who were known for researching ethics in advertising in Brazil and abroad.²¹ They aimed to find a healthy balance between two extremes, one being the total lack of regulation, and the other giving the government total control of the regulatory function.²²

Brazil’s concept of advertising self-regulation is based on four goals: 1) establishment of ethical rules for the advertising industry, 2) establishment of a system of dispute resolution procedures, 3) anticipation of controversies, and 4) assurance of prompt and effective solutions for the disputes.²³ The Code strives to regulate ethical rules regarding “all activities designed to stimulate consumption of products and services and promote institutions, concepts or ideas.”²⁴ Primarily, the provisions are used to curb misleading advertising, establishing that there should be nothing, either by implication, omission, exaggeration, or ambiguity, that leads the consumer into error regarding a product being advertised.²⁵ Self-regulation proves to be quite the success story in Brazil, at least as far as companies saving millions of dollars and valuable time by settling disputes outside of court.²⁶

16. Valdir Rocha, *Inquiry for Presentation/Materials for Annual Meeting of the International Trademark Association: Regulation of Advertising* 1 (Apr. 10, 2003), available at <http://www.valdirrocha.com.br/ingles/artigos.asp?tipo=06>.

17. *Id.*

18. CONAR, *Mission*, www.conar.org (follow “Quem Somos” [About Us] and “Missão” [Mission] hyperlinks) (last visited Feb. 4, 2011).

19. Rocha, *supra* note 16.

20. *Id.*

21. *See generally* CODE.

22. *Id.*

23. *Id.*

24. *Id.* § 2, art. 8.

25. *International Advertising Practices and Regulation*, 4-78 THE LAW OF ADVERTISING §78.01, [2] ¶ 2 (misleading advertising).

26. Rocha et al., *supra* note 9, at 12.

III. SELF-REGULATION IN GENERAL

As mentioned above, self-regulation puts the control of business functions and performance into the hands of the members of that business community.²⁷ More tangibly stated, the advertising industry functions in accordance with rules and guidelines that they themselves effectuate, as opposed to a pure form of regulation, which would prescribe that advertising behavior is mandated by government rules and enforced by punishments.²⁸ Strict regulation takes the position that public interest is best served through statutory controls, where self-regulation views industry members as the most qualified party to create regulating standards.²⁹

A. ADVANTAGES

There are a number of ways in which self-regulation is not only more efficient, but seems to make more sense from a policy standpoint. The most obvious advantage of self-regulation is that it is faster and cheaper since the review of complaints is in the hands of a non-governmental entity thus reducing the burden on the legal system. Furthermore, while the government lacks the ability to advise advertisers about grey areas in the law before they advertise, self-regulation entities can.³⁰ This promotes efficiency by warning advertising companies in advance so they may avoid regulatory missteps.

Industry knows better what the problems of that industry are and what their proper solutions should be.³¹ Self-regulation, as a compliment to statutory regulation, has the ability to reach places the law cannot by "going beyond the minimum prescribed by law."³² Additionally, "Self-regulation generates greater moral adhesion than the law because codes and guidelines are voluntarily developed. . ."³³ For example, if one's peers are relying on him to do something, he will feel more obligated and compelled to do it than he would be for some ambiguous entity. When comparing self-regulation of advertising to other industries, advertising has an advantage because the industry's medium is so visible to the public (i.e. print and broadcast media) thus making the standards more observable.³⁴

B. CRITICISMS

Obviously no system of regulation is perfect, whether facilitated by the government or some other entity, thus while self-regulation has its advantages and seems to work well for countries like Brazil, it is not without fault. One main concern is that the punishments imposed on violators of

27. Boddewyn, *supra* note 2, at 130.

28. *Id.*

29. *Id.*

30. *Id.* at 133.

31. *Id.* at 131.

32. *Id.*

33. *Id.*

34. See Boddewyn, *supra* note 1, at 264-65.

the Code only serve to protect new consumers from a certain unethical advertisement, but does nothing to compensate the consumers who were already taken advantage of.³⁵ Regulation scholars are also wary of the “free-rider,” or “industry member who refuses to adhere to established standards.”³⁶ But no matter what the control system, whether mandatory or voluntary, there will always be someone who deviates and refuses to conform.³⁷ Also, it is possible that a group of industry members could band together and push for a regulation that would greatly benefit themselves and hinder other members, possibly impairing business competition and innovation.³⁸

There is legitimate concern that an organization like CONAR will not have the sufficient funding, publicity, or promotion to be effective.³⁹ In comparison to governmental regulation, it is more difficult to make self-regulation standards widely known and accepted.⁴⁰ Everyone is expected to know government-made law, thus there is an intimidation factor that does not necessarily occur with voluntary guidelines.⁴¹ Fortunately, Brazil found a system that tames some of these problems, because CONAR is nationally recognized and respected.⁴²

IV. BRAZIL'S ADVERTISING SELF-REGULATION

Brazil's system of self-regulation is enumerated in the Code that is enforced by CONAR, and “ethical behavior standards set forth [therein] shall be observed by all professionals involved in advertising activities, including advertisers, advertising agencies, media, broadcasters, journalists and other communication professionals who participate in the advertising process.”⁴³ Some of the overall values the code wishes to instill in Brazil's advertising industry include a sense of social responsibility, fair commercial competition, and respect of national economic, educational, and cultural development.⁴⁴

A. THE CODE PRINCIPLES & RULES

The Brazilian Advertising Self-Regulation Code establishes specific principles that are to be observed, each of which have a detailed set of expectations.⁴⁵ These principals are broken down into the following categories: 1) respect; 2) decency; 3) honesty; 4) fear, superstition, violence; 5) true presentation; 6) advertising identification; 7) comparative adver-

35. *International Advertising Practices and Regulation*, *supra* note 25.

36. Boddewyn, *supra* note 1, at 264.

37. *Id.*

38. See Boddewyn, *supra* note 2, at 131.

39. *Id.* at 131-32.

40. *Id.* at 133.

41. *Id.*

42. See Rocha et al., *supra* note 9, at 2.

43. CODE § 3, art. 15.

44. Rocha et al., *supra* note 9, at 2.

45. See CODE, ch. 2.

tising; 8) safety and accidents; 9) protection of privacy; 10) pollution and ecology; 11) children and young public; 12) copyright and plagiarism.⁴⁶ When a dispute is brought against an entity, one of these principles may be the basis of such dispute decided by CONAR.⁴⁷ For example, the principle with the highest average number of disputes decided by CONAR is “true presentation” at thirty-nine percent followed by “honesty” at twenty percent.⁴⁸

The Code also sets out special advertising categories called “Exhibits” in addition to the enumerated principles.⁴⁹ These categories are distinguished in this manner due to their “economic or social importance, volume, [and] public or social repercussion[s].”⁵⁰ These categories are: 1) alcoholic beverages; 2) education, courses, teaching; 3) employment and opportunities; 4) real property: sale and lease; 5) investments, loans and stock market; 6) stores and retail; 7) medical doctors, dentists, veterinarians, nurses, hospital services, paramedics, prosthetic products and treatments; 8) food products; 9) over the counter pharmaceutical products; 10) tobacco products; 11) smoking inhibitors; 12) independent contractors; 13) mail orders and direct mailing; 14) tourism, travel, tours, hotels; 15) automotive vehicles; 16) wine and beer; 17) testimonials, certifications, endorsements; 18) crop protection products; 19) and firearms; 20) ices and similar beverages.⁵¹

B. THE CODE VIOLATIONS & PENALTIES

As far as liability is concerned, the Code expects that “all advertisers, agencies and media companies shall be liable for complying with the rules established” in it.⁵² This includes anyone who has “contributed to the production and dissemination of the advertisement;” they will be subject to liability as well.⁵³

CONAR has a Board of Ethics that is responsible for deciding the disputes that are brought to CONAR’s attention.⁵⁴ Consumers, authorities, companies and members of CONAR may make a complaint and request the filing of a procedure through CONAR, which would then be analyzed and ultimately decided by this board.⁵⁵ While most of the ethical disputes that are overseen by the ethics board are filed by CONAR in response to a consumer complaint, that is not the only way to file a proceeding.⁵⁶ Once a complaint is filed, the board must verify that it has legal grounds under the principles of the Code, and if it does, then the proceeding be-

46. *Id.*

47. *See* Rocha et al., *supra* note 9, at 5.

48. *Id.*

49. CODE, Exhibits.

50. *Id.* at ch. 3, art. 44.

51. *Id.* at Exhibits.

52. *See id.* at ch. 4.

53. Rocha et al., *supra* note 9, at 7.

54. CONAR, *supra* note 11, ¶ 11.

55. Rocha et al., *supra* note 9, at 7.

56. *See id.* at 8-9.

gins.⁵⁷ The board informs the defendant of the complaint, and gives them the opportunity to file a defense explanation.⁵⁸ After hearing all pertinent arguments, the Board of Ethics makes a decision, informs the parties, and, where needed, informs the media.⁵⁹ Like many court systems, there is an appellate option, wherein a party may appeal to CONAR's Superior Committee.⁶⁰

If the advertisement under review is found unethical, a variety of penalties may be imposed on the responsible party:⁶¹

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 [in] regards [to] the advertiser, the agency and the medium for non-compliance with the steps and measures determined by the entity.⁶²

V. CONAR DECISIONS

As mentioned above, when a potential violation is brought to CONAR's attention, it is reviewed in light of which specific principle it appears to violate.⁶³ Valdir Rocha, an expert authority on Brazil's advertising regulations and past regional president for the Americas of the Global Advertising Lawyers Alliance (GALA), synthesized the cases decided by CONAR below.⁶⁴

A. TRUE PRESENTATION

As the highest occurrence of complaints, the 'true presentation' principle deals with the expectation that an "advertisement shall contain a truthful presentation of the product being offered."⁶⁵ In the case of *CONAR v. Stafford-Miller and Grey Brasil*, which was motivated by a consumer complaint, a television commercial for Sensodyne toothpaste contained an actor wearing a white jacket in a laboratory while he promoted the product.⁶⁶ The complaint was that, pursuant to Exhibit "Q" (Testimonials, Certifications, Endorsements), the actor was made to look like a specialist although his name and qualifications are not mentioned

57. *Id.* at 9.

58. CONAR, *supra* note 11, ¶ 11.

59. Rocha et al., *supra* note 9, at 9.

60. *Id.* at 8.

61. *See* CODE, ch. 5.

62. *Id.* at ch. 5, art. 50.

63. *See* Rocha et al., *supra* note 9, at 5.

64. *See id.* at 11; Valdir Rocha, Global Advertising Lawyers Alliance–Brazil, http://www.gala-marketlaw.com/joomla4/index.php?option=com_content&view=article&id=6&Itemid=11 (last visited Feb. 5, 2011); *Biography*, Valdir Rocha Intellectual Property Website, <http://www.valdirrocha.com.br/ingles/biografia.asp> (last visited Feb. 5, 2011).

65. CODE § 5, art. 27.

66. Rocha et al., *supra* note 9, at 11.

in the advertisement.⁶⁷ The Code provision states that “since any type of testimonial is capable of giving more credibility to the advertisement. . .the advertisement shall always indicate the name of the [specialist/expert] and his/her professional or technical qualification.”⁶⁸ While Stafford-Miller claimed that they did not intend for the actor to portray a specialist, CONAR found that the advertisement was misleading and recommended its suspension.⁶⁹

B. HONESTY

The Code’s honesty principle asserts, “the advertisement shall not exploit the consumer’s credulity, lack of knowledge or inexperience.”⁷⁰ *CONAR v. Boehringer Ingelheim and Young & Rubican* was brought due to confusion a newspaper advertisement could produce regarding the proper administration of a medication.⁷¹ The ad promoted a children’s medication, but the picture was for the adult version.⁷² CONAR determined that this ad could have the effect of confusing the consumer and potentially leading to the administration of the adult medicine to a child, so they recommended the ad be changed and Boehringer Ingelheim complied.⁷³

C. RESPECT

Part of the respect provision requires that “no advertisement shall encourage or stimulate any type of offense or racial, social, political, religious or national discrimination.”⁷⁴ *CONAR v. Fiat and Leo Burnett* was brought by a consumer who was concerned that a television commercial for a FIAT automobile emitted a racist message.⁷⁵ The commercial portrayed a woman showing surprise when the “dark-skinned man” driving a luxury car turned out to be her husband instead of a chauffeur.⁷⁶ The Ethics Committee dismissed this complaint, opining that it was clear that the main purpose of the ad was to illustrate the changing perceptions of FIAT automobiles.⁷⁷

VI. RECENT ADVERTISING TRENDS IN BRAZIL

It is no surprise that the reach of advertising has expanded right along with the rapid increase in global technology. Just as we have seen in the United States, Brazil has growing concerns regarding the publicizing and

67. CODE, Ex. Q; Rocha et al., *supra* note 9, at 11.

68. CODE, Ex. Q.

69. Rocha et al., *supra* note 9, at 11.

70. CODE § 3, art. 23.

71. Rocha et al., *supra* note 9, at 11.

72. *Id.*

73. *Id.*

74. CODE § 1, art. 20.

75. Rocha et al., *supra* note 9, at 12.

76. *Id.*

77. *Id.*

advertising of socially damaging products. There are trends towards enhanced regulation of these products in Brazil, many of which the Code already distinguishes as exhibits.⁷⁸

A. ALCOHOL

Beginning in 2007, the Brazilian government implemented efforts to curb alcoholism and the negative social consequences associated with “irresponsible alcohol consumption.”⁷⁹ In February of 2008, in response to this movement, CONAR altered regulations of advertising alcoholic beverages in Resolution no. 01/08.⁸⁰ These new regulations are based in the main principle rule that advertisements are to be socially responsible.⁸¹

The following are some examples of regulations on the advertising of alcohol: the advertisements are only allowed to be broadcasted between 9:30 pm to 6:00 am; children and teenagers may not appear in them; any actor must be and look older than twenty-five; and there may not be images of ingestion of the alcoholic product; additionally, the regulations require that warning messages, such as “drink with caution,” be used in the ads.⁸² One alcohol advertisement, for which CONAR launched an investigation, is for a beer that features the notorious American socialite, Paris Hilton.⁸³ The Ethics Committee has been asked to determine whether this sexy promotion “encourages excessive alcohol consumption.”⁸⁴

B. ADVERTISING TO CHILDREN

Statistically across the globe, Brazilian children are among those who spend the most time watching television.⁸⁵ Further, in many Brazilian families, it is the children who dictate which programs are being watched in the household.⁸⁶ There are worldwide concerns over advertisements taking advantage of young impressionable minds.⁸⁷ So much so that Swe-

78. See CODE, Exhibits.

79. Mauricio Maleck Coutinho, *BRAZIL: Conar Has Launched New Rules Restricting the Advertising of Alcoholic Beverages in Brazil*, GLOBAL ADVERTISING LAWYERS ALLIANCE, http://www.gala-marketlaw.com/joomla4/index.php?option=com_content&view=article&id=91:brazil-conar-has-launched-new-rules-restricting-the-advertising-of-alcoholic-beverages-in-brazil&catid=85:americas&Itemid=86 (last visited Feb. 5, 2011).

80. CODE, Res. No. 01/08; Coutinho, *supra* note 79.

81. CODE § 1, art. 2; Coutinho, *supra* note 79.

82. CODE, Res. No. 01/08; Coutinho *supra* note 79.

83. David Hinckley, *Paris Hilton's Sexy New Ad for Devassa Beer Sparks Outrage in Brazil*, N.Y. DAILY NEWS, Feb. 26, 2010, available at http://www.nydailynews.com/entertainment/tv/2010/02/26/2010-02-26_paris_hiltons_sexy_new_ad_for_devassa_beer_sparks_outrage_in_brazil.html.

84. *Id.*

85. Pedro Carneiro, *BRAZIL: Advertising to Children in Brazil*, GLOBAL ADVERTISING LAWYERS ALLIANCE, http://www.gala-marketlaw.com/joomla4/index.php?option=com_content&view=article&id=96:brazil-advertising-to-children-in-brazil-&catid=85:americas&Itemid=86 (last visited Feb. 5, 2011).

86. *Id.*

87. See *id.*

den has banned advertising to children altogether.⁸⁸ One major concern is targeting unhealthy foods to children.⁸⁹

In August of 2009, many of Brazil's major food production companies, such as AmBev, Batavo, Bimbo, Danone, McDonald's, Nestle, and PepsiCo made a public commitment "related to food and beverage advertising to children."⁹⁰ The participating companies agreed to adopt a policy of strict adherence to CONAR's restrictions of food and beverage advertising to children found in the Code.⁹¹ Additional commitments that the companies agreed to include not advertising products that do not fulfill a certain nutritional criteria, restrictions on promotions in schools, and promoting healthy diets and exercise.⁹² Even other Brazilian agencies have joined the effort to curb advertising of detrimental foods to children.⁹³ For example, the National Agency of Sanitary Inspection (ANVISA) proposed a resolution focused on food advertising, and more specifically those aimed towards children, that will affect foods with high amounts of sugar, saturated fat, Trans fat, and sodium and low nutritional value.⁹⁴

Additionally, there are other concerns that CONAR has in relation to advertising to children and teenagers besides unhealthy foods.⁹⁵ In 2003, a complaint was filed with CONAR claiming that "Cheer Chips" was inappropriate for children due to a picture of beer on the packaging.⁹⁶ Although the illustration's purpose was to relate the chips to drinking beer at sporting events, CONAR requested the packaging be changed because they were also sold to children in school cafeterias.⁹⁷

VII. ADVERTISING SELF-REGULATION AROUND THE WORLD

While Brazil may be at the forefront, they are not alone in the promotion of advertising-self regulation systems. In January 2009, the International Chamber of Commerce (ICC) held a roundtable to discuss the future of self-regulation in the advertising industry given the down market.⁹⁸ The gathering was held in Washington, D.C. and in attendance

88. *Id.*

89. *See id.*

90. Press Release, Association of Brazilian Advertisers, Responsible Advertising—Public Commitment (Aug. 25, 2009), [http://www.wfanet.org/documents/3/Brazilian%20Pledge%20-%20Letter%20\(En\).pdf](http://www.wfanet.org/documents/3/Brazilian%20Pledge%20-%20Letter%20(En).pdf) (public commitment related to food and beverage advertising to children).

91. *Id.*

92. *Id.*

93. *See* Carneiro, *supra* note 85.

94. *Id.*

95. Valdir Rocha, *Advertising in Brazil—Comparative Advertising and Advertising to Children and Teenagers*, Valdir Rocha Intellectual Property Website, July 30, 2003, at 4-5, available at <http://www.valdirrocha.com.br/ingles/artigos.asp?tipo=06>.

96. *Id.* at 7.

97. *Id.*

98. *Self-Regulation and Advertising: Surviving the Global Challenges Ahead*, INT'L. CHAMBER OF COMMERCE (Wash., D.C.), Feb. 4, 2009, <http://www.iccwbo.org/policy/marketing/index.html?id=26964>.

were marketers and advertisers from around the world (including representatives from Brazil).⁹⁹ The Vice President and General Counsel for Procter & Gamble and former U.S. Federal Trade Commission Chairman, Deborah Platt Majoras, stressed the cost-effectiveness of self-regulation especially considering the congestion that already plagues governments.¹⁰⁰ Brazil served as a model when panelists showcased the strengths of Brazil's advertising self-regulation system and its resistance to a struggling economy.¹⁰¹

Further, the 2007 Global Advertising Summit in Toronto promoted commitment to advertising self-regulation.¹⁰² The Managing Director of the World Federation of Advertisers, Stephan Loerke, opined, "Effective advertising self-regulation plays a critical role in ensuring responsible marketing communications and consumer trust in many countries."¹⁰³ A primary focus of the summit involved reinforcing advertising self-regulation tools in growing markets such as Brazil, China, India, Mexico and Russia.¹⁰⁴ The participants of the summit seemed to come to an agreement that "consumers worldwide should be entitled to an easily accessible, free and responsive advertising complaints mechanism."¹⁰⁵

VIII. CONCLUSION

Brazil has succeeded in allowing industry members to create the laws that they in turn must follow. The self-regulation system that has maturely developed in the country has proven to be highly efficient and advantageous to generally all parties affected. While government regulation has not been completely replaced, at least in the advertising industry, government laws yield to the self-regulation practices. By having an extremely present leading body like CONAR, there is no doubt as to the credibility of their decisions. Over time, after establishing their rules and regulations as primary reference point for advertisers, CONAR has been able to lend its hand to other social problems such as alcohol abuse and obesity in children. Ultimately, Brazil can be viewed as a model for how a successful self-regulation system can positively influence industries all over the world.

99. *Id.*

100. *Id.*

101. Press Release, World Federation of Advertisers, Ad Industry Commits to Strengthening Global Advertising Self Regulation (Apr. 14, 2007), available at http://wfanet.org/press_releases.cfm?id=4.

102. *Id.*

103. *Id.*

104. *Id.*

105. *Id.*

Updates

