

## NOTE

This is the scope of the Brazilian Code of Advertising Self-Regulation, taken from the clauses shown below and contained in the code itself here:

<http://www.conar.org.br/>

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## 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.

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