# WHY ADVERTISING IS BAD FOR CHILDREN



### **Summary**

1.	Introduction	03
2.	How advertising harms the healthy development of a child	07
3.	Main consequences of commercial messages aimed at children	
	Changes in behavior     Eating desorders	
	Precocious erotization	
	• Family stress	
	Violence and delinquency	
	• Alcoholism	
4.	Brazilian legislation already prohibits advertising	
	aimed at children	49
	The Federal Constitution	50
	• Statute of the Child and Adolescent – Law n° 8.069/90	
	• The United Nations Convetion on the Rights of the Child	54
	• The Consumer Protection Code – Law n° 8.078/90	57
	• The Civil Code – Law n° 10.406/02	58
5.	The Regulation of advertising aimed at children	
	in other countries	63

Content also available on the internet : www.criancaeconsumo.org.br/publicacoes

# WHY ADVERTISING IS BAD FOR CHILDREN



# Introduction

With the expansion of communication, we are continually influenced by the diversity of messages and images that seduce us and intoxicate us through the most varied forms of media. Among them is advertising, with its strategic maneuvers, addressing to our emotions its seductive appeal of sale. Since we possess critical judgment, we have the possibility of selecting those that best correspond to our real needs. However, the same does not occur with children, who are more vulnerable to persuasive messages because they are still developing. It is known that until about 12 years of age they have not developed critical thinking and therefore, are more susceptible to the appeal of commercials. Even though, in accordance with legislation, children cannot perform acts of civil life such as buying a vehicle or signing a contract, they are approached directly by advertising as full consumers.

Far from the daily jokes and creative games, many children are each day becoming quieter in front of the television in a room, watching inappropriate programs or commanding, by the videogame remote control, some generally bloody battle. Or, while waiting for their parents to return from work, they more often imagine, as opposed to the warmth of a hug, something they could have bought them. That is, because they obey two masters in the same house: advertising which only tells them "yes" and their parents who, tired of frequently saying "no", give up to the pleading of children by giving them, in the form of objects, affective contact which is less and less valued.

In the eagerness of creating new consumers beforehand, advertising shortens childhood without weighing up the ominous consequences of the undeserved appropriation of genuine childhoods. Precocious erotization and its consequence of higher accounts of pregnancy in adolescents; violence derived from the desire for expensive products introduced to so many children who barely have food; childhood obesity, stimulated by the excessive offering of unhealthy products to children; depression and frustration derived from association of the concept of happiness to the act of consuming, are some of the consequences that weigh on the future of our children and burden public coffers.

Why then, in so many other countries, is advertising for children controlled; what is lacking in Brazilian legislation for the same rigor to be adopted here; which tactics are most utilized by advertising to entice children; what happens to a child that grows up without having heard "no" and what are the consequences of advertising aimed at the young public, are some of the subjects addressed in this small book. Its reason of being is to assist and increase the reflection and debate about precocious consumerism and to make the reader aware of the negative impact of advertising and marketing communication aimed at children on child development. A happy and calm childhood is the preface of a better world. We will create healthier and more critical adults. the better the childhood is respected and protected. and the concern we show today about the future of our planet will make more sense.



# How advertising harms the healthy development of a child



What characterizes the abusiveness of advertising aimed at children is mainly the fact that it takes advantage of the naiveté of children in order to sell products and services. Because of the fact that the majority of children believe what they see and hear, they also believe that the product or service advertised will actually provide the benefits and pleasures that advertising promises. Even though it is something absolutely unreal and impossible to be realized. An adult can understand that an advertised tennis brand will not make him/her as famous and rich as the sports star acting in the television commercial. A child, by its turn, will desire the product due to the belief that, for example, he/she will have a distinguished power upon eating the chocolate; or will enter an enchanted world if they bought the particular product. It is, therefore, an unequal game, in which who advertises to children knows what they are doing, while the children do not know exactly what they are buying.

dvertising turns the child into a sales promoter

# Law itself recognizes that a child does not have the ability to perform civil life actions

Brazilian Law does not permit a child to work, to buy a car or an apartment. However, it is at the children that commercial messages are directly aimed, approaching them as if a full consumer, before they have turned into fully formed citizens. The inconsequence ultimately leads the child to promote sales before the parents and guardians, taking advantage of their desire to see their children happy.

# As the saying goes, "selling to children is as easy as nailing a nail in soap"

Children are in a development phase and due to this they are not capable of understanding the persuasive character or ironic connotations hidden in advertising messages. When they are young they do not even know how to distinguish advertising from media content. Until about 8 years of age, they mix fantasy and reality. For example, when a commercial interruption occurs during their viewing of their favorite cartoon, a child of less than 4 years does not understand that the program finished and an interval commercial started. Even after a child is able to make such a distinction, it is only at approximately 12 years of age that they have the ability to understand the persuasive character of advertising. Many parents and guardians might not even realize this fact, but not only does marketing know this very well, but continually looks for ways to take advantage of the vulnerability of children to boost its sales.

Abusive messages influence parents to ruin childhood fantasies

If a little shoe that a child wears cannot turn him/her into a superstar, why would a sandal

mall children
can't even
distinguish
advertising from
media content



with the day of the da

with a celebrity name have this power? Because they are still in a development phase, children do not know how to question this, accepting as truth everything they see. Fantasizing is a natural resource of a child and necessary to develop childhood creativity, as well as being a way in which a child deals with his/her doubts and anguishes about the adult world. However,

and anguishes about the adult world. However, in order to protect their children from excessive consumption, parents are obligated to enlighten their children about the artifice of advertising, undoing their previous childhood fantasies. Nobody has the right to appropriate something as sensitive as a childhood fantasy, anticipating the child's entry into the adult world with the intent of making profit. All of the attractive products in the world together would not pay the price that children graciously give up in belief of what is promised to them.

To reach its objectives, advertising aimed at children utilizes 3 strategies:

Marketing strategy: it is the creation of a plan to attract the attention of a determined public about a product in order to sell it to as many people as possible. In the case of child marketing, the objective is to mobilize childhood fantasies, so that the child desires the product or service with such intensity to the point of persuading their parents that they need it in order to feel happy. The more money invested in the development and execution of marketing strategies, the greatest is

dvertising convinces children that they need products and services

the probability of also utilizing the most profound research tools. With these, marketing seeks to know the deep psychological particulars of children with the unique intention of persuading them.

**Creation strategy:** it is the creation of advertising pieces or activities – ads, films, promotions, gifts, competitions, packaging etc – within the delineated strategic marketing plan – that makes the child identify with the product or service advertised.

**Media strategy:** This is a choice of the most appropriate means of communication (magazine, newspaper, TV, internet, cinema etc.) so that the established objectives of the marketing strategy are attained. Following determination of the means to be utilized, a tactic is defined, that is, the choice of the specific vehicles wherein the commercials or advertising will be inserted. The programs or spaces chosen are generally those that contain a matter similar to the argument used to qualify a product or service, so that the child can identify with the advertised message, associating the product or service to something that he/she likes a lot or brings him/her happiness.

dvertising fabricates an empty concept of happiness

# While companies gain profit, children have to bear the losses

Marketing does not take into account the negative impact of commercial messages aimed at children, and even less so, the future risks of this convenient omission in





sales objectives. Among the worst consequences of this omission are those that rob children of the best years of their childhood, offering them in return a compulsion to consume the whole range of products and services in the anxiety of filling up the emptiness of their own values and emotional contact.

#### If advertising directed at children is already controlled in so many democratic countries, what is lacking in Brazil?

While in developed countries children's rights are respected, in Brazil they continue to be the preferred target for irresponsible marketing. England, United States, Germany, Norway, Ireland, Belgium, Austria, Canada, and Greece among others, all with democratic traditions, have clear legislation restricting advertising directed at children. One good example is the legislation in Sweden that prohibits any type of television advertising directed at children under 12 years of age, before 9.00pm. Not to mention that no advertising campaign, be it for any age, can utilize children or mascots to draw attention to the young population.

3

Main consequences of commercial messages directed at children



## **CHANGES IN BEHAVIOR**



# Advertising fabricates an empty concept of happiness

Child marketing and, particularly, advertising directed at children, have developed in an inconsequent way and, unfortunately, without the proper control of society. They advanced little by little, and uncontested, both have gained such strength that today it is difficult to mark out their limits. Child marketing is not concerned with disastrous consequences that bad habits cause in the future. With its eyes firmly fixed on profits it contributes to the creation of an unsustainable world. In it, the concept of happiness is linked to the habit of consumption for consumption's sake and quick disposal, since the object does not offer complete satisfaction.

he affective relationships come to be mediated by the consumption relationships

# Advertising convinces a child that it is more important to have than to be

The constant bombardment to children, of the adult voice of advertising dictates at every moment how one should be, what one should have and who one should look like to be socially accepted. In this way, little by little, children begin to define themselves by what they have and no longer by who they are, immersing themselves in compulsive consumerism. This creates a void inside, that a child attempts to fill with products and services, generally superfluous. It is in this way that emotional relations become measured

by consumer relations. It is normal that children tend to reveal just what is hoped of them so as to avoid rejection and loneliness. The more they pursue the use of this mechanism, the more difficult it will be to deprive themselves of the "masks" they have created to deal with conflict. The fact that they rapidly adapt to the concepts, brands and fads imposed by advertising stems from this fear. Child marketing knows and researches this fragility a lot specifically so as to profit from it.

# To sell millions of equal products, advertising levels the children's way to be

Advertising makes it look like all highly-successful people have the same things and act in the same way, as if that were healthy. On the contrary, the starting point for the construction of the true human richness is diversity. Ascertaining that people are different is to ascertain that they were conceived and treated as unique and incomparable individuals. Nevertheless, children, adolescents and adults in the commercials and ads seem to have been mass produced. The majority has multifunctioning cell phones, brand tennis shoes, a fashionable food product or toy and they are always happy. That is how advertising sells millions of equal products to millions of kids, interfering in the exercise of creativity, massifying will and, with that, contributing to the shortening of childhood.

rue human richness is in diversity

# Ready-to-play toys and ideas inhibit creativity

Playing is essential for children because it is through it that children learn about themselves and about the world that surrounds them. It is a chance for them to explore the world in a ludic way. By playing, they develop the imagination, language, social skills, elaborate feelings and create meanings for what they do not understand, building their knowledge about the world. Electric trains, talking dolls, walking robots... toys should not play alone. The bombardment of commercials marked by special effects inhibit a child's creativity, robbing them of the motivation to create a tov that better attends to their desires, that allows an interaction with their environment. The imaginary bond of a child with a toy is necessary in the building of affection. A toy is a child's first form of attachment, and it is through it that children exercise their future emotional relationships. Today it is common to discard toys, which contributes to the construction of weak and increasingly brief relationships in the future.

ith the
attachment
to the toy, the
children build
their affectivity

# Certain commercial messages contribute to the dehumanization and individualism

The other abusive aspect of advertising directed at children is its distortion of fundamental life values. An example of this is



the commercial where a boy flatters the adults with whom he relates, from his grandfather to the building doorman, only to get candy. One of the characteristics of being a child is the sincerity and the absence of ill will. However, a message like that completely disregards the fact that, by not having formed critical judgment, a child depends on a good example to form his/her character. Furthermore, to teach a child to deal with their frustrations in not being able to have everything they want contributes to the formation of a balanced and healthy adult. This constitutes the basis of a more friendly and just society.

#### Certain ads put a child's safety at risk

Unfortunately, there are a lot of stories about children that have got into accidents trying to imitate a super hero, or some extraordinary power demonstrated by actors or magicians in plays produced with special effects in ads. That is due to the natural ability of a child – and necessary – to fantasize. By mixing fantasy and reality, a child believes in what he/she is told. So much so that the caution "Do not try this at home" is used more and more frequently. Nevertheless, it is known that by some natural psychic mechanism in all people, it is common for a child to suppress the word "no" in a message, preserving the rest: "Do this at home". There is no shortage of advertising that contain this type of risk to children. One example is the television commercial where a puppy, by the strength acquired from eating a particular type of

hild depends on a good example to form his/her character dog food, makes a boy take a 360 degrees turn in a swing. Another example is a car commercial where the car is driven by a baby in diapers. By the inconsequence these commercials demonstrate, such messages do not appear to have been created and adopted by companies that state they are responsible.

hild believes in what he/ she is told, transforming a child into a toy in the hands of advertising e

# In the eagerness of selling, marketing confuses the child's perception

In marketing it is important to create arguments that convince people – including children – to acquire a product. If what they want is to sell industrialized and fattening children's food, they use all their skills to motivate the child to eat it. In order to escape the accusation that they are selling unhealthy food, they are accustomed to add a statement of the type: "Do physical exercise". It is an attempt to attribute the obesity problem to simply a lack of exercise. On the other hand, when they seek to sell a situation of status, of success or simply a diet sweetener, they exalt thinness as the path to acceptance in society. This type of message transforms a child into a toy in the hands of advertising. The need to deal with these contradictory messages threatens the psychological health of a child, as it forces him/her to internalize two opposing concepts as equally correct.



# EATING DISORDERS AND OBESITY



# Excessive consumption of unhealthy food is the main cause of the epidemic of child obesity

Obesity in this country has already affected people of all socioeconomic backgrounds, 43% of the population being overweight, 30% of Brazilian children having excess weight and 15% of people between 6 and 17 years of age being considered obese. Today, 35% of the world's child population have problems with obesity. There is no doubt that one of the factors that greatly contributes to the increase in child obesity is advertising, which develops all the time more dazzling ideas to keep children captive of the consumerist appeals. The advertising endeavor is of a size that, at present in Brazil, 50% of the advertising aimed at children relates to food, and of those 80% are unhealthy products, high in sugar, salt and fats. Nobody advertises broccoli, spinach, carrots or manioc, for example. In addition to being an invitation to children with a series of illusory perceptions, promising to make them happier, more intelligent, more beautiful or successful, advertising keeps them prisoner of messages, aggravating the risks of child obesity.

orldwide 35% of the child population has obesity problems

# Bulimia and anorexia are other connected problems

It can be said that the search for an excessively thin body is nothing but the flipside of the coin of obesity. Advertising that helps children put on

weight is the same that contributes to disqualify and belittle overweight people. Children do everything possible to be loved and accepted. to the point of not eating. Due to this, many children submit themselves to true physical punishment in order to lose weight, certain that in that way they will be accepted. Thus, refusing to eat evolves into anorexia. Or in the case of bulimia, food is eaten then expelled in sequence. The bombardment of advertising is ambiguous: as much incentive to eat in excess as condemnation. of those who are not thin and svelte, exalting

these characteristics on the characters in the ads This confuses children, because childhood and adolescence are phases of personality formation and therefore of many questions. In this period of life, children and adolescents follow a standard of behavior shown by their peers or by those groups

to which they seek to be part of. Contradictory messages in advertising

contribute to the imbalance of a child's metabolism and emotional structure

At times inducing children to ingest unlimited high-calorie products, and at times presenting thinness as a standard of health, the consumption harassment implants in children a feeling of continuous dissatisfaction.

Without the ability to understand the perverse entanglement in which they are involved, and

hildren will do anything to be loved and accepted

due to the development stage in which they find themselves, a child perceives the attractive offers of food as an immediate anxiety release. More and more often, he/she eats in search of fulfillment of the emptiness resulting from a lack of genuine emotional contact. In these conditions, children cannot apply themselves to their studies or relate well with their peers with a tendency to isolate themselves. The trap of compulsive consumerism is therefore formed. Meanwhile, child marketing boasts having formed a permanent consumer, even though to arrive at such promotes values and habits that are harmful to the child's formation.

xcessive
offering of food
stimulates the
compulsion to

# Promotional appeals induce children to eat in exchange for reward

Because of promotional gifts, children want a particular lunch or candy because it is accompanied by some prize and not because eating is something they need in order to survive. Food high in flavor and poor in nutrients are clear common examples of illogical consumerism without limits. In order to make use of time and space in the message to persuade one to buy, advertisements assume an imperious tone equivalent to saying: "Don't think, just eat and enjoy yourself".

# Eating time should not be confused with play time

There are so many offers of prizes connected with food that some packaging boxes resemble presents. This makes children eat, not because they are hungry or require food, but to fulfill the desire of somebody who "rewards" them for performing such "sacrifice". With this conditioning, children tend to associate food with the gratifying idea that some reward comes with it, leaving aside the interest in food for the toy. Moreover: that is besides being convinced to fulfill the desire of another which, many times, is a fun figure of some famous character called a child's "buddy". In the messages, these characters seem to be more of a friend because they are playing with food and because they are constantly in agreement with them. This is harmful to a child's education and confuses his/her affective and nourishing values.

#### Obesity and its consequences

According to the American Dietetic Association, the exposure of children to food commercials for just 30 seconds is enough to influence their food choices. As food rich in flavor but poor in nutrients does not supply a body's necessities, children become malnutritioned. As a result of this, a child feels hungrier and ends up eating too

ome packages even resemble gifts much. Overweight and generally the victim of their friends, – often even of their own families – he/she tends to withdraw from relationships, seeking satisfaction in more reclusive, individual and inactive activities. By this point children form an ideal advertising aim for the fast-food industry, that feeds their solitude with all the range of industrialized products, the famous "junk". This forms a literal vicious circle of child obesity and a favorable scenario for many cases of depression.

ust 35 seconds are enough for a food brand to influence a child

# Food memory should be formed in childhood

The more fat cells children acquire in childhood, the more difficult it will be for them to reach their ideal adult weight. Limits and eating habits are easily instilled in childhood, while children are building their food memories. For example: if we do not like soy milk, it is because our memory only contains cow milk. The problem is that today, this memory is constructed much more by commercial images than by the habit of experimenting varied nutritious foods. Advertising does not have any interest in teaching children to appreciate natural and healthy food.



## **PRECOCIOUS EROTIZATION**



#### Childhood should be preserved

A childhood that is preserved and cared for is the basis for a healthy adult life. While playing, children learn to exercise their creativity, their innate talents, and form their personalities in a pleasant and ludic way. Entering prematurely into the adult world with a body and mind still in formation, a child, or even a pre-adolescent, does not have the physical and psychological structure to defend his/her rights, control his/ her impulses, demand respect and even less so, identify within themselves a genuine desire to have sexual relations. Therefore, by inducing children to desire what they do not even know they could desire, and by adopting distorted and artificial values, advertising interferes with childhood, contributing to changes in the course of natural childhood development.

dvertising shortens childhood

# Precocious erotization compromises child development and the adult they will become

Child sexual exploitation, teen pregnancy, violence, sexual commercialism and the loss of self-esteem are some of the negative effects that high investment in advertising that explores childhood eroticism can cause.

Consequently, what can frequently be ascertained is that inside females who are apparently adults, fragile children are hiding, posing as experienced and being exposed to risks of all sorts. The same instability occurs with adult males. Far from being able to assume responsibilities, they base their conduct on the insensibility learned from erotic sites, soaps, in violent video games, in films and sitcoms, in live shows and in emotional isolation which such types of media content can cause.

# Children should receive help in controlling their sexual impulses

According to the psychoanalytic theory, the majority of children up to the age of six years enter into a phase known as latency, that corresponds to the period between childhood and adolescence. Occurring at the right time, this phase conceals temporarily a desire that a child as yet is not apt to understand and administer, due to the immaturity of their physical and mental structure. It is in this period that a child channels the production of sexual energy to their socialization and learning process. It is also a time of opportunity to reach genital maturity and for the construction of psychological barriers that will later help to contain and administer

ertain ads stimulate the sexual precociousness sexual instinct. Nevertheless, this phase of latency is like a light sleep from which a child can be prematurely roused in the event he/she is exposed to messages inappropriate for his/her age. It is for this reason that stimuli of an erotic nature prior to the establishment of this process can be responsible for many disturbances.

dult dolls dictate a ready model for children

#### Interfering with childhood is a violation

Before the advent of dolls, which are representations of women with adult bodies, the dolls with which children played were their "babies". It was with these that children used to imitate their mothers, understanding their own feelings and preparing themselves in an imaginative and ludic manner, so as to one day become women and mothers. In other words, the games were of mothering of babies. But now, the standard doll is a sensual woman, with an extremely thin body, successful in all things, that even comes with a husband. Beyond dictating a ready model for children, this motivates the abandonment of the creative and imaginative world in which they live, to enter, as soon as possible, the insatiable world of consumerism. From one moment to the next, the little one jumps from diapers to the sensual clothing of a famous dancer





or to the high heels of a top model brand, turning into a bizarre spectacle in front of her own family that, without realizing the danger, influences the child to expose his/her sensuality.

# Entrance into the adult world should and needs to happen in a child's own time

The majority of children seek means of guaranteeing their physical and emotional survival. Therefore, they do everything possible to please those on which they depend. This is due to a natural dependency that a child has on adults examples. It is called the phase of moral and intellectual heteronomy. Thus, on the majority of occasions, the applause of adults to premature behavior demonstrates their desire to see children. as adults earlier. Advertising does exactly that by offering to children products, services or ideas incompatible with their age. Such carrying forward of the adult phase devalues childhood as well as convinces children that their physical attributes and sensual composure can assist them to obtain what they want.

antasizing
is important
for child
development

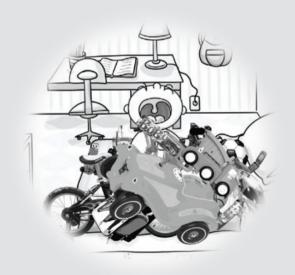
Why would a girl of four or five years of age need lipstick or even high heels, something that is certainly contrary to not only childhood but her own developing anatomy? There is no reason to jump such an important stage in life, given that childhood only occurs once.

nticipating adulthood devalues the pleasure of being a child





## **FAMILY STRESS**



# Saying "no" is part of the education of a child

By conveyance of messages in which parents and quardians demonstrate their love for children through the purchase of goods, advertising distorts the values of society and competes with parents, in an unethical way, for the education of children. Always more permissive, advertising motivates a child to beg for products, putting parents or guardians in a troublesome situation whereby they have to say "no" numerous times. This difficulty is further increased for parents that were also bombarded by advertising since childhood, with so many concepts sold as modern. Fearing to be considered insensitive. parents are intimidated by imposing limits on their children. In contrast to what advertising conveys, saying "no" communicates to a child a notion of reality, direction and protection. With this, he/ she learns how to deal with frustrations, control impulses, and avoid social rejection by eventual appropriate behavior.

Consumer temptation robs parents of the necessary time with their children

The scurrying in search of the acquisition of goods of all types announced frantically by advertising pushes parents or guardians away from time with their children. Due to a lack of time, parents end up leaving children abandoned in the presence of stimulating commercials.

dvertising is always more permissive

In this way children tend to consume compulsively, confusing the pleasures of living with the idea of consumption. In this vicious circle, parents end up feeding the source of their own exhaustion, being more and more absent at work, without time off, for the sake of supplying the desires that their children assimilate as necessity. Keeping in mind that a Brazilian child watches 4 hours and 54 minutes of television media per day, the main conveyer of advertising, the consumer temptation takes from parents precious time to be by their children's sides. In order to continuously deal with so many generally unnecessary expenses, parents more often than not, end up being relegated as mere money prospectors.

# Dubious or deceiving messages shake the confidence that a child needs to have in adults

Naturally dependant on the direction provided by adults, children tend to imitate their attitudes. Children see media as an approved instrument of information for the family, present in almost every home, and consider the messages received through it correct. In this way, all that is demonstrated by advertising ends up having a value of something necessary or healthy, to a child. Bearing in mind that on average, a third of what is conveyed through the media is advertising, this allows children to receive guidance contradictory to the adult world. The extent that merchandising communication

razilian children spend nearly 5 hours a day in front of the TV compromises healthy childhood development can therefore be assessed.

With the false idea that families are always perfect, advertising generates disharmony in family relationships

In advertising, mainly in those directed at children, everything happens in a fun, perfectly harmonized atmosphere, with a happy ending in every situation. Furthermore, the family context, wherein the majority of messages appear, is generally idealized and artificial. This disassociation with reality tends to cause children to feel contempt for parents and guardians due to their inability to supply all the items proposed by the messages that stimulate rampant consumption. By natural necessity of self-affirmation, children often quarrel with their parents, demanding from them brand products that are invariably expensive. All this is done in order to be accepted into peer groups, since nowadays objects function as a form of social

n advertising directed at children, 80% are of unhealthy food

By establishing unattainable objectives, advertising contributes to the generation of apathy and depression

entry.

Often, the search and non-realization of proposed ideals can contribute to an individual entering into a state of apathy or



even depression. Induced by the logic of the consumption society taken to extreme levels, people believe that they will only be happy if they succeed in purchasing a particular object. For children and adolescents, the risk of this false truth is even higher: in the event that they do not succeed in obtaining such objects and services, they can become depressed. Moreover: even if they obtain what they wanted, they continue to be unhappy. Becoming depressed, they tend to search for substitutes for dissatisfaction, distancing themselves from emotional family contact and letting themselves be absorbed by promises of happiness instantly conveyed by the media. That's why advertising becomes even more unscrupulous when it succeeds in reaching out to children in less favorable socio-economic backgrounds, exacerbating inequality.

## With distorted messages, advertising has immense participation in the education of children

Women selling beer through sexual insinuation and by displaying their physical attributes; passive parents being reprimanded by their young children; adults with belittled authority due to a mere lack of experience with a new piece of electronic equipment or moral inferiority in operating an antique car model; grandparents explored as target of jokes or children devoted in school labeled as nerds; Homosexuals utilized as

ven if they get what they ask for, children are still unhappy ridiculous spectacles; boys who circumvent rules and laws considered intelligent and clever; people with more buying power being considered more competent and successful; permissive parents representing the modern ideal. These distorted messages, among so many others, are part of a never-ending list of distorted values put forward by advertising. Encouraging passivity, conformity and egotism, advertising weakens democratic values and competes with parents and schools in the formation of childhood

hildren's influence over the family's purchases can reach 80%

### One of the strategies of marketing is to motivate children to nag parents

Since children depend on adult example to construct their own identities, the greater part of messages contain testimonies of children and famous adults. Also because of the fact that children love toys, they are generally linked to industrialized food or sandwiches in snack bars And even when messages are directed at adults, they usually use visual appeal to draw children's attention. The focus is to reach out to them, so that they become sales promoters before their parents and guardians. Without the ability to resist the pressure of advertising, they end up inducing their parents to drown in financing and superfluous expenses, contributing for the increase in indebtedness and default, compromising the harmony of the family. Today, because of these maneuvers, children

participate in 80% of the decision process in family purchases.

When advertisers go "all-out" to sell, advertising weakens the authority of parents and guardians

In the creation of selling arguments, every artifice is valid, including exposing the indispensable respect between spouses to the ridicule. It is worthy to be mentioned here the example of an ad in which a child, ashamed by the fact that his/her father did not purchase a product - of mere status – asks his/her mother if he/she can tell his/her friends that his real father is a stork His mother responds: "For me...". As if that weren't enough, to be put in this position of complicity and confidence with a mother, in this type of message, compromises the construction of identity and moral limits of children. Children need the authority between the parents to be in tune so as to feel safe, recognizing their place in the family hierarchy and consequently, in future relations. In this case, the behavior of the mother plotting with the child (criticizing her husband's competence) puts the child in the position of an adult, being especially disdainful and sarcastic in relation to a family figure so fundamental to the child's healthy upbringing. This confusion between roles can create within a child alternate feelings of arrogance, conceit and concurrent distress.

ertain messages compromise the building of the child's personality

#### Advertising invades the privacy of the home

Remembering the old fatherly advice "do not speak to strangers", advertising disrupts this model and addresses the child directly, when actually, it is up to the parents to tell their young children about what is or isn't healthy for them. Nobody can, for example, take advantage of an open door to a house, go in, pass by parents or guardians and go directly to the child in order to tell him/ her what is best for him/her, regardless of whether the advice is good. In the case of advertising, this invasion is by way of an attempt to sell products and services. It is treated as an explicit invasion for profit, taking advantage of the vulnerability of a child in relation to such messages. For this reason, all child advertising should be directed at parents or quardians of the child as if to say: "We have created this product for your child and we would like to show you its attributes, accessible price, etc", which, as a matter of fact, is already happening in other countries.

he ads must be directed only to parents and quardians

Advertising maneuvers belittle the competency of parents to educate their children

Advertising messages directed at children attempt to instill in them what they should like, have, enjoy, usufruct or how they should behave. Therefore, advertising insinuates that parents may be a dispensable part of a child's life.



An example of this maneuver was recently demonstrated in a commercial showing two vehicles, one being equipped with a DVD player and the other without. In order to sell the product, the message showed, in the car without the DVD player, the parents desperate for not knowing how to deal with the conflicts between their children. The car equipped with a DVD player, by its turn, had an atmosphere of total calm. As well as depriving of merit the competence of parents in educating their children, the message suggests that a child's quiet behavior in front of a DVD screen - and isolated among themselves - is an example of behavior to be followed. This ignores the importance of a natural relationship between family members, which includes parents as intermediaries in the resolution of typical sibling conflicts, that are normal in that phase of a child's life.

### Advertising attempts to blame parents for damage that it itself causes children

The objective of the work of marketing aimed at children is to discover new ways to persuade children to desire advertised products. However, when questioned, marketing attempts to transfer the responsibility of protecting children from exposure to advertisements, solely to parents. This is unjust because the bombardment of advertising is very strong, and increases the difficulties of

t is hard for parents to compete with so much harassment from advertisement parents and guardians, themselves alone, in administering so much commercial harassment. For this reason, parents end up feeling guilty for introducing children to so many desires masked as needs. It is difficult for parents to compete with so many celebrities that advertise for children, with the flashy design of snack-bars and with enticing stories in cartoons. Children are tempted to own a part of the cheer they see. Taking advantage of this, the industry increasingly invests in the licensing of characters in television and cinema for the purpose of toys and food. In Brazil alone, in 2006, the advertising investment in the child product category was R\$209.7 million.

he industry invests more and more in the licensing of characters





# VIOLENCE AND DELINQUENCY



#### Advertising favors delinquency by tempting those who cannot buy

Children and adolescents are in a phase of constructing their identities, which is why the acceptance in their own groups is very important to them. Advertising takes advantage of this by instilling in them the necessity to have brand products in order to feel socially included. Motivating a child to desire a product that is not attainable is the same as saying: "Here are the incredible tennis shoes that you cannot have". This recurrent impossibility of having advertised products will multiply the intolerance of a child to being denied. Thus, upset by frustration, the child might decide to obtain the desired product by force. In this case, the decision to steal is a "twisted chance" that the individual gives him/ herself so as to hear the imagined "Yes, you have the right, take what you want". Even though it involves a gun pointed at an involuntary giver.

nducing the child to desire what is out of reach is inhuman

### In order to continually sell more, advertising transforms wants into needs

In order to adequately develop, every child needs love, care, education, healthy food, safety and creative stimulus. They are needs and not just desires. In fact, no child needs brand objects of industrialized food or electronic toys to feel happy. Nevertheless, advertising messages try

to emotionally involve not only children, but all people, instilling in them the sensation that they really need the particular product advertised. If inducing an adult to feel self-demeaned for not having the car of the year is a violation, doing the same with a child is much more serious. If a child does not have the means to understand, for example, why his/her parents do not give him/her a desired advertised product, inducing him/her to desire it is a cruel and insensitive act.

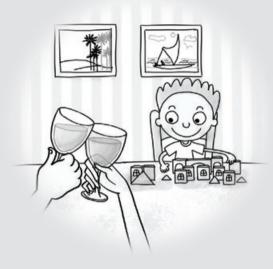
The most practiced crime by adolescents is aggravated robbery, that is, the wish to acquire for themselves the "value" they see in others

"I believe this to be the biggest injustice. You do not have money, you are nothing." This is one of the phrases that appear in the research by Fundação Casa, former Febem, about crimes committed by adolescents removed to that institution until 2006. The belief that they will be socially accepted if they were to obtain the same objects as other more fortunate citizens is much stronger among those adolescents. The final ascertainment of the research revealed that, among all crimes, the highest incidences were of aggravated robbery, or 53.35%, while crimes against life oscillated in the range of 10%. Therefore, beyond the justifications given by them

for the breaches committed, the predominating type of crime in the research confirmed that the reason for robbery is the firm belief that, above all, people are as valuable as the objects they can purchase. It is this concept that is most heard in commercial messages aimed especially at the young, seeking to convince them that they will be happier, more admired and more successful if they possess the products advertised.

heft is also a search for social inclusion





#### **ALCOHOLISM**



### Beer advertising also affects children and stimulates aggressive behavior

As damaging as the advertisement of children's products, messages that stimulate the consumption of any type of alcoholic beverage, including beer, bring about serious damage to children. By being communicated in media that reaches out to children, they result in motivating them to consume the said drinks from very early on. The number of problems associated with alcohol in Brazil reveals the devastating potential of this addiction, mainly in connection with the young.

As well as alcohol related violence and alcohol intoxication, the statistics relating to automobile accidents reveal inebriated motorists as the main motive. This is because the young are influenced to drinking at an increasingly earlier age – it is worth remembering that beer is the drink most consumed in this country.

he young are starting alcohol consumption earlier and earlier

### The alcoholic power of beer is evident, and its effects, devastating

The fact that the Law does not consider beer as an alcoholic drink, even though it obviously is, aggravates the problem even further.

It is worth remembering that, for example, advertising of smoking on TV





was prohibited in 2000 exactly for the reason that it functioned as an incentive, particularly to young people and non-smokers, to consume cigarettes. That being the case, it is cynical not to prohibit the advertising of beer and ice drinks, since the alcohol present in those drinks also has devastating effects. As well as physical harm in a much shorter time span, it alters behavior and brings about actions made unwittingly. In advertising, beer is always associated with an atmosphere of humor, glorious moments, sexuality, happiness or sports celebrations. The contradiction is that by associating beer with these personal realizations, advertising robs the consumer, as well as children

that receive these messages, of precisely the

possibility of constructing them.

4

Brazilian Law already prohibits advertising directed at children



### In accordance with legislation, child advertising is already prohibited

In Brazil, by systematic interpretation of the Federal Constitution, the Statute of the Child and Adolescent (ECA) and the Consumer Protection Code (CDC), it can be said that all and any advertising directed at children is already prohibited. Note below, in a more detailed form, how the prohibition of advertising directed at children is contemplated by law:

#### **Federal Constitution**

"Article 227. It is the duty of the family, the society and the State to ensure children and adolescents, with absolute priority, the right to life, health, nourishment, education, leisure, professional training, culture, dignity, respect, freedom, family and community life, as well as to guard them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression. (...)"

Children and adolescents, as subjects of rights, have all the fundamental human rights assured. Such guarantees add themselves to others, specifically created to ensure their healthy development, such as the guarantee to live with a family and protection against any form of negligence, exploitation etc. It is this framework of judicial protection of children and adolescents that gives it the name "complete protection".

However, besides such clauses, the strategies of marketing directed at children, frontally offend the constitutional principle of not exploiting children. This is because, to place a child as a target within an advertising message,

contributes to violation of the right to freedom, guaranteed to all people. As demonstrated, children, by their ongoing mental and emotional development, often are not capable of orientating and determining for themselves in the face of advertising. Being easily induced, their right to choose becomes limited. The exploitation of children by the media and by the advertising market favors precocious erotization, delinquency, childhood obesity, the materialism and abrasion of family relationships.

"Article 7, part XXXIII - prohibition of night, dangerous or unhealthy work for minors under eighteen years of age, and of any work for minors under sixteen years of age, except as an apprentice, from the age of fourteen years."

Another aspect that deserves attention is the utilization of children in advertising messages that offend constitutional regulations that prohibit child workers. In truth, although it appears to be something glamorous (even harmless), the participation of children in advertising work constitutes child labor, and should be combated.

Before this, the healthy development of children, constitutionally guaranteed by complete protection, becomes threatened, possibly resulting in a series of violations of rights to a life of dignity, to health, healthy nourishment, respect, freedom and to family living.

The complete text of the Constitution can be obtained at:

http://www.planalto.gov.br/ccivil\_03/Constituicao/Constitui%C3%A7ao.htm





### Statute of the Child and Adolescent – Law no. 8,069/90

**"Art. 4**. It is the duty of the family, community, society in general and the Public Authority to ensure, with absolute priority, effective implementation of the rights to life, health, nutrition, education, sports, leisure, professional training, culture, dignity, respect, freedom and family and community living.

Sole paragraph. The guarantee of priority is understood to be:

- a) primacy in receiving protection and aid in any circumstances;
- b) precedence in receiving public services and those of public relevance;
- c) preference in the formulation and execution of public social policies;
- d) privileged allocation of public resources in areas related to the protection of infancy and youth."
- "Art. 5. No child or adolescent will be subject to any form of negligence, discrimination, exploitation, violence, cruelty and oppression, and any violation of their fundamental rights, by act or omission, will be punished according to the terms of the law."
- "Art. 6. When interpreting this Law, one should take into account its social purposes, the requirements of the common good, individual and collective rights and duties, and the peculiar condition of children and adolescents as persons in development."
- "Art. 7. The child and adolescent have the right to protection of life and health, through effective implementation of public social policies that permit healthy and harmonious birth and development in dignified conditions of existence."
- "Art. 17. The right to respect consists of the inviolability of the physical, psychic and moral integrity of the child and

adolescent, encompassing the preservation of image, identity, autonomy, values, ideas and beliefs, of personal spaces and objects."

- "Art. 18. It is the duty of everyone to watch over the dignity of the child and adolescent, preserving them from any inhuman, violent, terrorizing, vexing or embarrassing treatment."
- "Art. 53. The child and adolescent have the right to education, with the objective of their full development as a person, preparation for the exercise of citizenship and qualification for work (...)."
- "**Art. 76.** Radio and television stations may only exhibit educational, artistic, cultural and informative programs at the time recommended for the juvenile population (...)"

The Statute of the Child and Adolescent (FCA) is the legislation that regulates the implementation of the complete protection constitutionally established in article 227 of the Federal Constitution. Thus, it establishes concrete measures to guarantee the rights of children and adolescents. It makes the family, community, society and the State nominally responsible for the well-being and healthy development of childhood and youth. While article 4 indicates preservation of freedom, article 17 guarantees the autonomy of children and adolescents. Child marketing ignores these fundamental rights and invades childhood space, disrupting their preservation and integrity. Due to not being able to critically orientate themselves in the face of publicity, a child has the right to freedom and self-determination violated. The difficulty in the exercise of these fundamental rights greatly threatens the dignified existence of these people, who will have their development compromised.





The combination of articles numbered 4, 18 and 76 leads to the conclusion that the responsibility for the violation of the rights of a child by the actions of child marketing is everyone's. Consequently, any action that contributes to the perpetration of such violations is rejected. It is an example of the attitude that violates the rights and human dignity of children, taking advantage of their credulity and naiveté, to expose them to advertising especially directed at them. Actions like this directly violate the statutory and constitutional provisions, significantly pertaining to the fundamental rights of children.

The complete text of the Statute of the Child and Adolescent can be obtained at: <a href="http://www.planalto.gov.br/ccivil/LEIS/L8069.htm">http://www.planalto.gov.br/ccivil/LEIS/L8069.htm</a>

#### The UN Convention on the Rights of a Child

- "Art. 1°. For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."
- " $\operatorname{Art.}$  6°. 1. Party States recognize that every child has the inherent right to life.
- 2. Party States shall ensure to the maximum extent possible the survival and development of the child."
- "Art. 13. 1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of

frontiers, either orally, in writing or in printed matter, in the form of art, or through any other media of the child's choice.

- 2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
- a) For respect of the rights or reputations of others; or
- b) For the protection of national security, of public order or of public health and morals."
- "Art. 17 Party States recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, Party States shall:
- a) encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- b encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- c) encourage the production and dissemination of children's books:
- d) encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- e) encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18."
- "Art. 28 1. Party States recognize the right of the child to education, and so that he/she can exercise this right progressively and with equal opportunities..."





- "Art. 29 1. Party States agree that the education of the child shall be directed to:
- a) the development of the child's personality, aptitudes and mental and physical abilities to their fullest potential;
- b) imbue the child with respect for human rights and fundamental freedoms, as well as the principles established in the Charter of the United Nations.
- "Art. 31 1.Party States recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

The UN Convention on the Rights of the Child was enacted into Brazilian law in 1990. It is an important international treaty that reinforces the provisions of the Constitutional text as much it does the ECA, wherein it refers to the guarantee of the rights of children and adolescents.

The UN Convention on the Rights of the Child also adopts the paradigm of the doctrine of "complete protection" and indicates the assurance of all fundamental rights of children and adolescents so that they may have a healthy and happy development. The document affirms the promise that the Brazilian State, before the international community, guarantees the rights of its children and youth. The Convention is a very important document in the international arena and was internationally well received.

The Convention defines early in its first article that a child is "every human being below the age of eighteen

years". It also institutes rights to life, dignity, freedom, integrity, etc. It is interesting to note that the text of the Convention explicitly makes reference to media content that should be directed towards the healthy development of a child

It is worth remembering that the Convention integrates the order of the national judiciary, its compliance and requirements pertaining to national and international tribunals.

The complete text of the Convention can be obtained at:

http://www2.camara.gov.br/legislacao/legin.html/textos/visualizarTexto.html?ideNorma=342735&seqTexto=1&PalavrasDestaque=

The Consumer Protection Code – Law No. 8,078/90

"Art. 36.Advertising shall be directed in such form that the consumer can easily and immediately identify it as such."

"Art. 37. All deceiving or abusive advertising is prohibited. (...) Paragraph 2. Advertising that is abusive, among others, advertising that is discriminative in any nature, that incites violence, exploits fear or superstition, takes advantage of deficiencies in the judgment and experience of a child, disrespects environmental values, or that has the capacity to induce a consumer to behave in a way that is prejudicial or dangerous to health or safety (...)"





#### The Civil Code – Law No. 10,406/02

"Art. 3°. Those absolutely incapable of personally exercising actions of civil life:

I – minors under 16 vears: (...)"

Article 36 of the Consumer Protection Code (CDC) determines that any advertising should be readily and clearly identified by its receiver. Considering that a child most often is unable to identify advertising, we can infer that all and any advertising that is directed at him/her, is not permitted by the paternal legislation and therefore should be repressed.

It is also worth observing that article 37 of the same legal Code reinforces the prohibition of advertising directed at children, advertising that is abusive (and therefore prohibited) and all advertising that takes advantage of the deficiencies in judgment and inexperience of a child.

Article 3 of the Civil Code, by its turn, expresses that minors of less than 16 years of age are not capable of practicing civil acts of life. This means that such people cannot be involved in transactions (whatever they may be: to buy or sell, lease, etc.). The law makes this determination, because it understands that children and adolescents of less than 16 years of age do not have the means to negotiate or participate in contracts or to make decisions which involve great emotional or financial compromise.

Therefore, by the combination of the clauses of the Consumer Protection Code and the Civil Code herein

mentioned, it is evident that, in reality, nobody can sell a product, a concept of happiness or an ideal to be fulfilled, to somebody that does not have the autonomy to make purchases, work or make civil decisions. By the same token, an offer of food cannot be made to somebody who is not of an age to deliberate about what is or is not good for him/her, and one cannot eroticize someone who is not of an age to be responsible for onus and promises for their own sexual relations

With this, it is noticeable that any advertising conveyed in Brazil, directed at children, is occurring out of pure illegality, negligence and ignorance.

The complete text of the Consumer Defense Code can be obtained at: http://www.planalto.gov.br/ccivil/leis/L8078.htm

The complete text of the Civil Code can be obtained at: http://www.planalto.gov.br/CCIVIL/leis/2002/L10406.htm





#### Looked at closely, no advertising for children is legal

Indeed, the prohibition of advertising directed at children is already, and has long been, prescribed by law. However, it is not objectively expressed in one unique legal provision. As a result of this, marketing professionals, advertisers and advertising agents seize arguments such as the hindering of creativity and freedom of expression so as not to lose this great "chunk" of the market. This type of argument is fragile and allows in practice the law not to be followed, and children to continue to be bombarded by advertising. Regulating the activities of advertising has nothing to do with censorship.

#### REGULATION DOES NOT MEAN CENSORSHIP

All types of commercial activities, including the disclosure of products and services made by way of campaigns and advertised publications, must be regulated by specific laws such as the Civil Code and the Consumer Protection Code. These rules must be respected and followed by all citizens, be they producers, sellers or consumers, following precepts stated in "Title VII – The Economic and Financial Order" of the Brazilian Federal Constitution of 1988.

Censorship was banned in Brazil by force of a constitutional norm in an entrenched clause, that is, a law that remains immutable in the democratic state of law, independently of transitory governments that succeed it. The same is established by Federal Constitution of 1988 in "Title II Rights and Fundamental Guarantees", article no. 5, part IX: "The expression of intellectual, artistic, scientific activities, and of communication, is free, independent of censorship or license." With relation to the banishment of censorship in the country, the completion and ratification of our Constitution in Title VIII of the Social Order, Chapter V OF SOCIAL COMMUNICATION Article 220, second paragraph: "All and any censorship of natural politics, ideology or artistic, is forbidden".

#### In Summary:

- Censorship is prohibited in Brazil. Ensured by prevailing 1988 Constitution of the Federal Republic of Brazil.
- Advertising and commercial activities, not looking to inform, but only to sell.

It is for this reason that it should be regulated according to the constitutional precepts stated in the Title of the Economic and Financial Order of the Federal Constitution, in the Civil Code and the Consumer Protection Code.

Regulation of advertising is not related to censorship. Any affirmation of a contrary nature is inappropriate confusion and a desperate argument from someone who does not want to be submitted to Brazilian law, which is responsible for ensuring that justice, liberty, equality and fraternity prevail in our Democratic State of Law.

5

The regulation of advertising directed at children, in other countries



Advertising directed at children of less than 12 years, is prohibited on TV before 9pm.

Any type of commercial, aimed at the child or adult population, that is shown during, immediately before or after children's programs, is prohibited.

The use of people or characters in commercials on TV, is prohibited, mainly if they play an important role in children's programs.



Advertising of food high in fat, salt and sugar, during a TV program with a public audience of less than 16 years of age, at any time of the day or night, on any channel or broadcaster, is prohibited.

So as not to confuse a child, the use on TV images of quick takes and different angles are prohibited.

The use of special effects that insinuate that a product can do more than it realistically can, is prohibited.

Advertising for children that offers products or services by telephone, post, internet or cell phone, is prohibited.

Any transmission before 9pm, of an advertising commercial presented by personalities or characters (including dolls, puppets and marionettes) that appears regularly in TV programs presenting or endorsing products or services of particular child interest, is prohibited.



Advertising for children in Flemish regions is prohibited.

Any type of advertising 5 minutes before or after a children's program, is prohibited.



Advertising is limited to 10 minutes and 30 seconds per hour on weekends.

Advertising is limited to 12 minutes per hour on weekdays.

The exhibition of commercial programs is prohibited.

The advertising of sites with proposed commercials, on TV programs aimed at minors of less than 12 years, is prohibited.

Testimonial merchandizing is prohibited.

The entailment of child characters to sell products in intervals of amusement with the same characters is prohibited.

Proposed law: The prohibition of advertising of food of low nutritional value in schools.



Children's programs cannot be interrupted by advertising.

Advertising must not use children to present the special advantages and characteristics of a product that is not appropriate to their natural interest and manifestation. Advertising or commercials cannot influence a program's editing or content; they must be grouped in blocks and inserted into the intervals of transmissions.



Advertising of products and services aimed at child minors of less than 12 years is prohibited. Advertising is prohibited during children's programs.

Advertising cannot occupy more than 15% of the daily duration of a program.



Advertising of products not aimed at children is prohibited during children's programs. People or characters known by children cannot be used to endorse or personally promote products, prizes or services.

Public television does not display any advertising during children's programs, before or after.

The display of the same product within less than half an hour is prohibited.

No TV station can transmit more than 4 minutes of commercial advertising per each half hour of a children's program, or more than 8 minutes per each 1 hour when programs are of a longer duration.

In the province of Quebec, the advertising of products aimed at children less than 13 years of age is prohibited in any media.



Any advertising during children's programs is prohibited.



Advertising 5 minutes before or after the duration of children's programs is prohibited.



TV announcements cannot interrupt children's programs with advertising aimed at children less than 12 years old.



Any type of advertising is prohibited in schools.



Any type of advertising is prohibited in schools.



Any type of advertising is prohibited in schools.



Advertising of any product or service during cartoons is prohibited.



Advertising of toys between 7am and 10pm is prohibited.

Currently being studied: that the prohibition extend to other products.

Source: Research of foreign legislation – Professor Edgar Rebouças and Projeto Crianca e Consumo

Preparation: Projeto Criança e Consumo Illustration: Rita Figueiredo Graphic Project: Eliana Borges Revision: Patricia Calazans Cooperation: Waldemar Setzer 3rd Edition - 2009



