

Advertising to Children and Gender Stereotypes in Brazil

Reflecting a Broader “Macho” Culture

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Brazil is a society structured by patriarchy (Teles, 1993, Zapater, Venturini, Godinho, 2013), sexism (Goncalves & Lapa, 2008, Tiburi, 2014), classism and racism (Carneiro, 2017, 2012, Diniz, 2015). In this article, we investigate how advertising to children reflects these values, focusing on learned gender social roles. We argue that advertising to children in Brazil stimulates very limited social roles for boys and girls, reinforcing traditional stereotypes about men and women, affecting negatively children’s social and personal development. We use a feminist approach, combined with studies of consumerism in contemporary societies, to analyze two cases of advertising contested by Alana Institute, a non-profit organization that discusses regulation on advertising to children in Brazil. The cases chosen reflect the gender difference in advertising directed to boys and girls and signal that marketing to children reflect broader gender stereotypes of Brazilian society.

Over the last 10 years, debates about regulating advertising to children have gained importance in Brazil (Fontenelle, 2016), although not always taking a gender perspective into consideration. Brazilian law protects children’s fundamental rights, and consumer law presents a specific regulation on both subjects: discriminatory advertising and advertising to children. Debates about consumer law interpretation on the latter have become widespread since the 2000s and are now a part of the national agenda (Fontenelle, 2016) with 14 bill proposals being discussed in Congress, many class action being decided by Brazilian courts, and fines being imposed by the governmental bodies responsible for enforcing Brazilian consumer law¹.

If the debate about advertising to children is new in Brazil, the convergence of gender and advertising to children is even more recent. Feminist groups have been discussing sexist advertising (Gasparetto, 2014) but, when it comes to advertising to children, discussions are broader and not always sensitive to the eventual gendered effects of commercial messages. In a society permeated by sexism and structured by patriarchal values,

Gonçalves, Tamara Amoroso, Nunes de Siqueira, Mariana Hanssen Bellei and Vella, Letícia Ueda (2017). Advertising to Children and Gender Stereotypes in Brazil. Reflecting a Broader “Macho” Culture p. 85-94 in Dafna Lemish & Maya Götz (eds.) *Beyond the Stereotypes? Images of Boys and Girls, and their Consequences*. Göteborg: Nordicom.

these tend to be reflected by mass media, with advertisements normalizing particular social constructions (Almeida, 2002). This happens on commercial messages directed both to adults and children, but children do not understand or perceive advertising the same way adults do. They are experiencing a particular process of biological and psychological development that prevents them from filtering advertising messages the same way adults do. Therefore, advertising to children ends up playing an important role in the socialization process (Levin & Kilbourne, 2009), reinforcing and reifying traditional gender social stereotypes, such as fragility for girls and aggressiveness for boys. These are very limited notions of femininity and masculinity and organize, from early on, a universe dichotomized by gender stereotypes.

Our research investigates how discussions about sexist advertising to children have been presented to Brazilian courts, motivated by advocacy and litigation actions developed by the Alana Institute, a leading organization in the field of protecting children against commercial messages (Fontenelle, 2016). The analysis will be guided by a feminist approach, and we hope to contribute to this international debate by bringing insights from a Latin-American feminist perspective.

Complex intersections: Advertising to children and gender stereotypes in Brazil

Historically and worldwide, advertising has played a central role in consumer societies (Lipovetsky, 2007). This is not different in Brazil, where investments in advertising are substantial, reaching R\$ 121 billion (G1, 2015) in 2014 (around U\$400 billion).

More than just contributing to an increase in sales, advertising has been profoundly changing the cultural environment and affecting identity building through branding processes from a very early age (Klein, 2000). In Brazil, children are intensively exposed to TV: an average of 5h35 daily (IBOPE, 2015). Around 77 per cent of children and teenagers (9 to 17 years old) use the internet regularly, both at home and via mobile phones. Teens in Brazil are also heavy users of social media platforms, and eight out of ten have their own online profile, and six out of ten access social media every day (KIDS, 2014). As a result, along with nuclear families and schools, media has an increasing role in children's socialization process, one that cannot be underestimated: children are born in a highly marketized world, growing up in a heavily technological environment, permeated by marketing interests (Mayo & Naim, 2009).

Not surprisingly, the children's market is the leader in licensed products in Brazil (Mercado, 2016a) (Mercado, 2016b), growing around 14 per cent a year (G1, 2013). Consequently, children are a sensitive target for marketing strategies, since they account for both a present and a future market (Schor, 2009, Linn, 2006).

Considering that children's identity building is highly affected by what they see and experience, children extensively exposed to media are also affected by commercial mes-

sages in a more intense way (Kasser, 2002; Masquetti, 2008). Transnational companies are increasingly present in intimate relationships through advertising (Klein, 2000), affecting children's cultural values more than elementary school (Steinberg & Kincheloe, 2011) and taking part in the diffusion of materialistic values, gender stereotypes and social distinctions (Kasser, 2002, p. 9).

This process is not gender neutral, and has at least two aspects: the commercial aspect, focused on the gender segmentation of products; and a symbolic aspect, related to the diffusion of gender stereotypes through advertising. Both reinforce and reflect social and cultural perceptions about gender as if they were natural.

Gender segmentation of products is not a child-exclusive process, and is aggravated by the age compression phenomena (Orbach, 2009). This segmentation creates products that are not interchangeable, increasing consumption. Likewise, instead of having an all-family product, there are particular products marked by a supposed gender division, which represents an increase in consumption, especially if gender and age are combined. Beyond the relevant economic impact, this process helps shape a social construct of what is acceptable and proper for boys and girls, and men and women. It is important to stress that these divisions are not based on the qualities of the product or its suitability regarding eventual biological differences, but mostly reflect and reinforce social and historical constructions of gender identities.

The emergence of theories that challenge "natural" female or male behaviour is part of a bigger political project led by feminist groups, aiming to expose that such perceptions are social constructions (Gonçalves, 2013, Ann, 2008, Hesse-Biber, 2015, Vosko, 2002) culturally and historically localized (Cossman & Fudge 2002, Goncalves, 2013). In capitalist societies, gender inequality is related to the construction of social roles for men and women regarding aspects related to human reproduction and production of goods (Silva, 2000, Vosko, 2002). From the 1950s on, a very specific conception of men as breadwinners and women as housekeepers was shaped (Fraser, 2013), along with the development of consumer society in North America. This process had the help of advertising, showing an aspirational model of a mother that stays at home and a father that provides for the household (Sweet, 2014, Fraser, 2013, p. 35). Therefore, the world of consumption is highly feminized (de Almeida, 2007), with messages focusing on how to improve domestic work or personal appearance. This tendency is reflected in advertising to children.

Regulations on advertising to Children in Brazil

The Brazilian Constitution ensures economic freedom as a major principle ruling economic regulation. However, article 170, iv, of the Constitution² imposes a limit on this freedom: consumer rights, which are considered a fundamental right and defined by a federal law³, known as the Consumer Code (Consumer Code, 1980) (Tepedino, 2006).

If advertising is to be considered an expression of economic activity, it should respect consumer rights as established by the Consumer Code⁴.

The Consumer Code offers an encompassing regulation on consumer relations in Brazil, including advertising. Articles 36 and 37 are the most relevant for the proposed discussion, and are located within a section that establishes a broad and principle-oriented framework for advertising. Because it provides a more principle-oriented regulation, there is room for multiple interpretations about what is legal or illegal regarding advertising. Besides general principles (veracity and identification of advertising messages as such), article 37 sets two boundaries regarding illegal advertising: false or misleading advertising (§1), and abusive advertising (§2):

Art. 37. Any misleading or abusive advertising campaigns are prohibited.

§ 2. *An advertisement of any discriminatory nature or that incites violence, explores fear or superstition or takes advantage of a child's lack of judgment or experience, (...)*

While the first paragraph about misleading advertising can be considered as more objective, when it comes to the second one, the definition allows the accommodation of the interpreter's values about what can be considered *discriminatory* or *having the ability to promote violence*. It is also not clear what "*takes advantage of a child's lack of judgment or experience*" means.

We argue that an advertisement that is explicitly directed to children and that promotes stereotyped gender representations could be considered as violating twice the Consumer Code under article 37, §2º. Brazil ratified the UN Convention on the Rights of the Child and together with the Brazilian Constitution and Law 8.069/90 (Child and Adolescent Statute), they constitute a comprehensive protection for children's human rights, including regarding media influence⁵. The Child and Adolescent Statute is a federal law that provides comprehensive regulation on children's and teenager's rights, specifying the general provisions of Constitutional article 227. The Statute and the UN Convention are not explicit about advertising, but a combined reading of legal provisions in both fields favours the interpretation that advertising to children is forbidden according to Brazilian law (Gonçalves, 2014; Gonçalves, 2011). In addition, the National Council on Children's Rights⁶ recently passed a Resolution⁷ in which important boundaries were established on the subject.

Brazil also ratified human rights treaties that impose the obligation to fight sexism and gender discrimination – UN Convention on Elimination of all Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. Human Rights treaties have constitutional status in Brazil (Piovesan, 2013) and must be considered when interpreting consumer law regulations on advertising. Particularly regarding Law 11.340/06, known as the "Maria da Penha Law (CEJIL, 2011)", it establishes (article. 8) that the Brazilian State is responsible for actively promoting a non-stereotyped image of women within the media, as a way to prevent violence against women in the long term (SPM, 2006).

Two examples of sexist advertising to children in Brazil

To ground our argument, we will present advertisements that reveal market strategies of segmentation by gender that also exemplify the symbolic message that is being broadcasted, suggesting how boys and girls should look, act and choose their preferences. The ads described below were contested by the Alana Institute in Brazil, a Brazilian non-governmental organization responsible for the Children and Consumerism Project, which is focused in promoting discussions about advertising to children and its impact on Brazilian society (Fontenelle, 2016).

Between 2008 and 2012, *Mattel do Brasil Ltda.*, a company specialized in toys, promoted advertisements for two leading products: Barbie and Hot Wheels. They promoted the dolls “*Barbie Ultra Glam*” (Mattel, 2010a), “*Barbie IDesign Kit Estilista*” (Mattel, 2010b), “*Barbie Salão de Beleza*” and “*Barbie 1-2-3 Style*” (Mattel, 2010c) and cars from the “*Hot Wheels*” collection.

The commercials promoting Barbie products showed different girls and various Barbie dolls in settings with a prevalence of the color pink, claiming that “Fashion is Pink!” and making it explicit that wearing pink makes you a fashion star. They are focused on fashion, and stimulated girls to take care of their appearance by imposing specific beauty standards. The advertisements promoted the Barbie beauty salon, the designer kit and other Barbie products, which, together with the color pink, can make you a fashion designer. At the end, the kids are also encouraged to visit the company’s website, where they can connect to games that have the same aesthetics and themes, and promote the brand more broadly.

The Alana Institute considered that the ads promoted excessive concern about physical appearance, consumerism and children’s engagement with topics related to the adult world, and presented a claim against Mattel before the São Paulo’s Procon Foundation.⁸ In the claim, the Alana Institute argued that the ads were directed to children, something forbidden by the Consumer Code according to Alana’s point of view and explored gender stereotypes (Instituto Alana, 2010). In response, Procon/Sp imposed a R\$ 534,613.33 fine (approximately U\$ 160.000) on the company for disrespecting consumer law provisions under article 37, § 2º.

Dissatisfied with the decision, Mattel took the case to the courts. The São Paulo state court favoured the company, dismissing Mattel of the obligation to pay the fine. Adopting a typical neoliberal argument (Beck, 2007) the decision invoked the role of families and schools as primary caregivers and responsible for socializing children, stating that advertising does not play a role in the socialization process, and if it does, it is the parents’ responsibility to deal with it. As a consequence, the court concluded that there was no violation of children’s rights or consumer law in this case.

The marketing for the “*Hot Wheels*” products (Instituto Alana, 2012), was heavily promoted through the website <http://br.hotwheels.com>, which contains games, television commercials and pictures of the advertised toys. Hot Wheels’ website makes an evident

association between a hegemonic idea of masculinity and violence, violent conflict resolution and aggressiveness. Considering that this marketing campaign on the whole promoted consumerism, aggression and adoption of violent habits, the Alana Institute denounced the case to Londrina's Procon. This municipal Procon sent the case to the National Consumer Bureau (Senacon), which started an administrative proceeding after concluding that the campaign might violate consumer law. Senacon also recommended to all members of the National Consumer System (state and federal public prosecutor's offices; Procons; public defenders etc.) to investigate the matter. As a consequence, the Rio de Janeiro Prosecutor's Office also started an investigation on the case in March 2016.

Challenges in discussing gender and advertising to children in Brazil

A brief comparison between the two TV campaigns, launched by same toy company, makes explicit the gendered dimensions of advertising to children in Brazil by exploring market segmentation between products for "boys" and "girls" based on supposed gender "differences."

Gender asymmetries that characterize the construction of gender roles are linked both to symbolic (De Lauretis, 1987, p. 05) and social-economic inequality (Fraser, 2013, Vosko, 2002, Cossman & Fudge, 2002). Advertising has a fundamental social role in reproducing these asymmetries, reinforcing them through a semiotic apparatus (De Lauretis, 1987, p. 05). As a patriarchal society, the social representations of the feminine, domestic and family universes are convergent in Brazil. This association is clearly reconstructed and re-elaborated by the media, including advertising (Almeida, 2002).

In this process, the impoverishment of public spaces and the promotion of materialistic values as replacements for cultural values is remarkable (Klein, 2000, pp. 291-292, Nations, 2014): "Advertising often sells a great deal more than products. It sells values, images, and concepts of love and sexuality, romance, success, and perhaps most important, normalcy. To a great extent, it tells us who we are and who we should be." (Kilbourne, 2001, p. 74). If we live immersed in advertising messages (Linn, 2006), we are being affected by them.

When it comes to young girls, very limited perceptions about femininity seem to be in place. This negatively affects the development of feminine identities from early on (Levin & Kilbourne, 2009). With gender being relational, (Scott, 1990) this also impacts the building of boy's identities. These hegemonic gender representations, widespread by the media in multiple ways (cultural and commercial content) contributes not only to maintain but also to reproduce social inequalities, shaping an environment that prevents social change.

In this way, gender achievements are hidden and society remains static and culturally imprisoned by mythical standards that make everything seem natural. As a result, some

behaviours become naturally masculine (strength, decision, rationality, and freedom) and others become feminine (submission, indecision, fragility, dependency, and emotionality) (Silva, 2000).

Advertising to children reproduces such social stereotypes, but in a more pervasive way because children are in a peculiar stage of development and, therefore, more vulnerable to these influences. As De Lauretis showed us, “gender representation is its construction” (De Lauretis, 1987, p. 02). In this process, the reinforcement of gender stereotypes through advertising influences the future preferences of children (Linn, 2006) and consolidates stereotypical roles for boys and girls in their imagination, shaping preferences and behaviours, and also preventing children from engaging in more libertarian behaviours.

However evident, this gender difference in the ads was not reflected in specific discussions on this topic by the state court, Senacon and Rio de Janeiro Prosecutor’s Office. Accordingly, these authorities seem to work in a context of gender blindness, focusing the discussion on a broader issue: advertising to children, and consequently ignoring the specific gender dimension. Even though the cases resulted in some favorable decisions – In Hot Wheels’ case, Senacon generically stated that the campaign could violate consumer law and the Rio de Janeiro Prosecutor’s Office started an investigation based on the fact that the campaign incites violence.

In the Barbie case, São Paulo’s Procon Foundation only said that article 37, paragraph 2 of the Consumer Code was violated because the ads took advantage of a child’s lack of judgment or experience. Later, the São Paulo state court annulled the fine imposed by São Paulo’s Procon Foundation, stating that, “No discrimination of any nature or incitation to violence was verified” (Mattel v. Procon, 2014). Thus, the court reinforced the neoliberal discourse by placing responsibility primarily on families and individuals (parents). The frequent argument in Brazilian courts that this subject is exclusively a parent’s responsibility must be challenged, in particular because the Brazilian legal framework states otherwise: the Constitution determines that all social actors, including families, State, educators and the market, share the responsibility of ensuring children’s rights.

Although some cases resulted in fines imposed on the companies, none of the decisions explicitly acknowledged or discussed the reinforcement of gender stereotypes in the controversial campaigns: this subject was not among the reasons for considering the campaigns discriminatory and therefore illegal.

Analyzing these cases shows that a deeper gender discussion on advertising to children is urgent in Brazil. Likewise, more than just acknowledging the illegality of directing advertisement to children, it is important to discuss its gender dimensions as a way to promote freer and more emancipatory gender relations.

Notes

1. Article 105 of the Consumer Code determines who should be part of the National Consumer Defense System (SNDC): “federal, state, municipal, federal district agencies; as well as private consumer defense entities.”; Currently, the following institutions take part in the SNDC: the Department of Consumer Protection and Defense (Departamento de Proteção e Defesa do Consumidor - DPDC), the National Secretary of the Consumer (Secretaria Nacional do Consumidor, Senacon), state and municipal PROCONs (administrative bodies to protect consumer rights), state and federal public prosecutor offices, public legal defense offices, consumer police offices, Special Small Claims Courts, non-profit organizations, and, more recently, an approximation to the regulatory agencies has been made (Bessa, L. & Faiad de Moura, W. J., 2014, Kelsen, 1999).
2. article 5, XXXII, 1988, Brazilian Constitution.
3. law 8.078/90.
4. While Lucia Ancona Lopez, Leonardo Roscoe Bessa e Walter José Faiad de Moura defend that advertising is covered by the Constitutional protection of freedom of expression, João Lopes Guimarães Junior and Marcelo Gomes Sodré argue otherwise, understanding that consumer protection limit the freedom to advertise, particular when analyzing advertising addressed to children. See: Lucia Ancona Lopez de Magalhães Dias, *supra*; Leonardo Roscoe Bessa & Walter José Faiad de Moura, *supra*; Guimarães Junior, J. L. (2016). Sodré, M. G. (2016).
5. article 17 and 31, UN Convention and articles. 76, 146 and 245, Law 8.069/90
6. Brazil has national councils, formed by an egalitarian composition of government and civil society representatives. Usually, National Councils are thematic and guide public policies. The one for Children's rights is just one of them.
7. Resolution n. 163 of the National Council on Children's Rights, 2014.
8. PROCONs are administrative bodies that work to enforce consumer law on the administrative level. They can repress violations to the consumer code through different legal instruments. In Brazil consumer protection was pushed by governmental bodies even before legal consumer protections were established. Likewise, the first state office (PROCON) to promote consumer protection was created in 1976 by São Paulo state, before the approval of a unified law that would regulate consumer relations, which happened just in 1990. The example was followed by other states and from 1976 to 1985 almost all of them created similar institutions. Thus, consumer protection in Brazil started to be discussed and implemented before a specific consumer law was passed, largely pushed by PROCONs. In part, also, this is related to the economic context: the high inflation and economic crisis and an attempt to control prices and protect consumers from this situation. The Consumer Code, in 1990, incorporated PROCONs as members of the National Consumer System it established, together with other institutions, like the Specialized Public Prosecutor's Office, for example (Sodré, 2007).

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