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Advertising on social media with digital influencers in Brazil

4 tips from the **National Advertising Self-regulation Council's (CONAR)** guidelines on hiring an **influencer**



01

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Keep in mind restrictions specific to your industry or type of business

Some examples:

- The Central Bank of Brazil has rules prohibiting digital influencers from taking certain positions when advertising financial institutions.
- Act 9294/1996 establishes that advertising must mention, both in verbal and written form when possible, the harmful effects of alcoholic beverages using phrases established by the Ministry of Health.



02

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Explicitly identify the post as advertising

This is also necessary when the compensation is not monetary but in the form of a gift to the influencer.

Hashtags and other text can be used to quickly indicate the message's nature. On Instagram, for example, you can put "partnership paid with @" above the post. In addition, in the post's caption, you can insert hashtags such as #advertising, #sponsored or #announcement.

Hashtags that are not as clear—such as #brandXYZ, #colab or #partner—should not be used. Also, although this legal update is in English, the hashtags must be in Portuguese.



03 ::::



Pay attention to the business principles of fair competition

- Do not publish a false statement to the detriment of the competitor in order to obtain an advantage.
- Do not use the tagline or logo of another brand or imitate it in order to create confusion between the products or businesses.
- Do not claim having earned a reward or distinction that you did not obtain.

In addition, all descriptions, allegations and comparisons contained in advertising related to facts or objective data must be substantiated, and advertisers are responsible for providing evidence when requested.



04 ::::



Structure the contract as clearly as possible

The contract must clearly provide for what the advertiser will offer and how the influencer will work. The contract must cover:

- Delivery, such as, for example, the number of posts and frequency or publication deadlines.
- Campaign briefing, that is, the message – what should and should not be said.
- Remuneration—amounts, conditions, and forms of payment, which may involve a total or partial exchange.
- Confidentiality conditions.
- A morality clause and related fines.
- Terminating the contract if the influencer puts the brand's reputation at risk.



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Tauil & Chequer Advogados in association with Mayer Brown

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