



BRAZIL	
High Court of Justice (TSJ)– 2017 Sadia v. PROCON/SP Advertising	
Issue	In July 2007, during the Pan American Games in Brazil, Sadia launched the "Sadia Mascots" advertising campaign, which consisted of encouraging consumers to collect five stamps of different colors from the packaging of the company's products, so along with R\$3.00, they could acquire the Sadia mascot. The mascot was a teddy bear made of plush, available in five different collectible versions. PROCON imposed a fine on Sadia because of directing food advertising to kids through a commercial hook, which is prohibited by the Constitution and the Consumer Protection Code. Sadia challenged this sanction, taking the case to the judiciary.
Industry position	<ul style="list-style-type: none"> ❖ The campaign was carried out within the scope of their commercial freedoms. ❖ All formulations of the company's products are made under the principle of maximum taste and quality for consumers' health. ❖ The company hires the best advertising agencies in Brazil, being governed by good taste, ethics, morality, and legality of all promotional pieces, and therefore sponsored the 2007 Pan American Games. ❖ The campaign seeks to motivate various sports types, such as athletics, basketball, or skating, through the different uniforms with which the mascot is available.
Decision	<p>In 2017 and by unanimous vote, the TSJ recognized the abusive nature of directing marketing communication towards children and found that the joint sale of products and gifts was illegal. Considering the precedent in the case of Bauducco, rewarding children and adolescents with collectible teddy bears turn out to be another specific example of companies taking advantage of the vulnerability of minors at the same time that they encourage the excessive consumption of processed products. Also:</p> <ul style="list-style-type: none"> • Unhealthy products participated in the campaign (margarine, ham, pizza, etc.), whose consumption is not recommended for children and adolescents. • Use of the imperative verb tense to promote the consumption of unhealthy products with high caloric content. • The rights of boys and girls always have absolute priority, even in consumer relations. • The decision reiterates the pronouncement in the Bauducco case, giving irrefutable bases to the child's best interests in the framework of consumer rights.

Decision: [link](#)