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The theory of appearance in the civil liability of digital influencers: a dogmatic analysis of illicit advertising in the Brazilian consumerist system

The theory of appearance in the civil liability of digital influencers: a dogmatic analysis of illicit advertising in the Brazilian consumerist system

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SUMMARY

This article examines the application of the Theory of Appearance as a legal basis for the civil liability of digital influencers who engage in veiled advertising on social media platforms. The research begins by analyzing the dogmatic concept of legal appearance, as consolidated by the case law of the Superior Court of Justice, to demonstrate its relevance in attributing liability to digital agents who present themselves as guarantors of products and services to consumers. The study compares the technological evolution of advertising practices with the classic principles of Consumer Law, demonstrating that digital influencers, by deliberately creating the appearance of disinterested personal endorsement when there is an underlying commercial relationship, are legally bound by the consequences of this representation. The research demonstrates that concealing the commercial nature of a communication does not constitute a mere administrative offense, but a structural violation of the consumer protection system, giving rise to objective and joint liability. Through a systematic analysis of legislation, CONAR guidelines, and judicial precedents, it is concluded that the Theory of Appearance provides a robust dogmatic basis for overcoming arguments based on ignorance or lack of formal ties, consolidating the protection of hypervulnerable consumers in the digital environment.

Keywords: Appearance Theory. Digital influencers. Covert advertising. Civil liability. Consumer Protection Code.

ABSTRACT

This article examines the application of the Appearance Theory as a legal basis for the civil liability of digital influencers who practice veiled advertising on social platforms. The investigation starts from the analysis of the dogmatic concept of legal appearance, as consolidated by the jurisprudence of the Superior Court of Justice, to demonstrate its relevance in attributing responsibility to digital agents who present themselves as guarantors of products and services to consumers. The study compares the technological evolution of advertising practices with the classic institutes of Consumer Law, showing that the digital influencer, by deliberately creating the appearance of disinterested personal endorsement when there is an underlying commercial relationship, is legally bound to the consequences of this representation. The research demonstrates that the concealment of the commercial nature of communication does not constitute a mere administrative offense, but a structural violation of the consumer protection system, attracting the incidence of objective and joint liability. Through a systematic analysis of legislation, CONAR guidelines and judicial precedents, it is concluded that the Appearance Theory provides a robust dogmatic substrate to overcome arguments of lack of knowledge or lack of formal link, consolidating the protection of hyper-vulnerable consumers in the digital environment.

Keywords: Appearance Theory. Digital influencers. Veiled advertising. Civil liability. Consumer Protection Code.



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INTRODUCTION

The monetization of digital influence has radically transformed traditional structures of commercial advertising. Influencers with millions of followers have become privileged vectors of marketing persuasion, operating in a gray area between personal recommendation and communication advertising. Several bills are currently being processed in the National Congress with the aim of regulating its operations in Brazil, highlighting the urgency of the legal debate on the limits and consequences of this activity.

The crux of the problem lies in the systematic concealment of the commercial nature of the posts. Consumers exposed to seemingly spontaneous content make biased purchasing decisions due to the absence of essential information: the existence of economic consideration underlying the recommendation. This practice challenges the foundations of the consumer protection system and requires legal response proportional to the severity of the injury.

The Theory of Appearance emerges as a dogmatic instrument capable of overcoming the evidentiary difficulties inherent in digital relationships. The Superior Court of Justice recognizes that the theory of appearance leads to the recognition of legal effects in a situation that only appears real, and can be applied in different cases, from consumer relations to procedural communications. Its application to digital influencers represents a necessary evolution of hermeneutics consumerist.

This study proposes a systematic analysis of the civil liability of influencers through the lens of legal appearance. The central hypothesis holds that the influencer, by cultivating deliberately create the image of a satisfied consumer when acting as an advertising agent paid, creates an appearance that legally binds it to the promoted products, regardless of the existence of formal contracts with manufacturers or service providers.

2. THE DOGMATIC CONSTRUCTION OF THE THEORY OF APPEARANCE IN LAW BRAZILIAN

The Theory of Appearance constitutes a praetorian construction that aims to protect the good faith of third parties who rely on apparent situations. Minister Nancy Andrighi, in the judgment of REsp 1,637,611, resorted to doctrine to explain that the theory of appearance is based on the protection of third parties, since legitimate trust of this third party, acting in good faith, is what gives rise to legal consequences in situations that are sometimes non-existent or invalid.



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The 2002 Civil Code established a specific manifestation of the theory in its article 309, establishing the validity of the payment made in good faith to the putative creditor. This normative provision, far from exhausting the institute, it serves as a gateway to its analogical application in situations that require protection of legitimate trust.

The STJ's jurisprudence has progressively expanded the scope of the theory. The minister Reynaldo Soares da Fonseca, in the judgment of RMS 57.740, observed that, although the theory of appearance has found greater scope of application in civil law and civil procedural law (particularly in consumer-related matters), nothing prevents its application in the area as well criminal. This flexibility demonstrates the institution's vocation to protect situations of imbalance informational.

The application of the Theory of Appearance requires the combination of objective and subjective elements strictly delimited. The objective element materializes in the creation of a situation that, in the eyes of the average man, presents itself as a valid legal reality. The influencer who recommends products on their social networks, sharing seemingly personal experiences, creates objectively this situation.

The subjective element bifurcates: on the one hand, the good faith of the third party who trusts in appearance; on the other, the imputability of the one who created or allowed the apparent situation. The consumer who purchases a product based on the influencer's recommendation is presumably acting in good faith. The influencer, in turn, deliberately cultivates and monetizes this trust.

The STJ jurisprudence considers that the cooperatives that are part of the Unimed Complex, although independent of each other, they present themselves to the consumer as a single comprehensive brand national, which creates solidarity between them, recognizing that the appearance of integration is central element of the hiring decision. This precedent provides a direct paradigm for the situation of influencers: just as cooperatives respond to the appearance of unity, influencers respond by the appearance of disinterested recommendation.

3. THE PHENOMENON OF THE DIGITAL INFLUENCER AS AN ECONOMIC AGENT

The digital influencer has transcended the status of a mere social media user. Data Officials reveal the economic magnitude of the phenomenon: Brazil has more than 500,000 influencers digital, according to a Nielsen survey. This massification requires legal recognition of the activity as a regulated profession.

The National Advertising Self-Regulation Council formalized this recognition through the Digital Influencer Advertising Guide. CONAR defines it as advertising by



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influencer a third party's message intended to stimulate the consumption of goods and/or services, carried out by Digital Influencers, after being hired by the Advertiser and/or Agency. Three elements characterize this advertising: product disclosure, commercial compensation and control editorial.

Professionalization is demonstrated through objective indicators. Influencers establish systematic commercial relationships with brands, agencies and platforms. They declare income to the Federal Revenue Service. They form legal entities for tax optimization. They hire specialized consultancies. These elements dispel any allegations of amateurism or coincidence.

The digital environment enhances the informational asymmetry inherent in consumer relations. Opaque algorithms determine exposure to advertising content. Neuromarketing techniques exploit cognitive biases. The speed of information flow hinders critical reflection.

The parasocial relationship between influencer and follower constitutes an additional factor of vulnerability. According to the TIC Domicílios 2023 survey by Cetic.br, 38% of Brazilians reported watching videos made by digital influencers on the Internet. This continuous exposure generates emotional ties that compromise the ability to make critical judgments about recommendations commercials.

Children and adolescents represent a hypervulnerable segment. CONAR determines that, considering the characteristic of advertising by Influencers immersed in editorial content, all those involved must be particularly careful so that identification is improved, ensuring that children and adolescents recognize the commercial intent. The inability to distinguishing editorial content from advertising makes this audience especially susceptible to manipulation.

4. VEILED ADVERTISING AS A STRUCTURAL VIOLATION OF THE SYSTEM CONSUMERIST

Article 36 of the CDC establishes an unequivocal normative command: advertising must be conveyed in such a way that the consumer can easily and immediately identify it as such. This rule does not admits relativization or exception based on the means of dissemination. The migration of advertising to digital platforms do not authorize the abandonment of the principle.

CONAR recommends the use of expressions such as *publicity*, *publi*, *publipost* or equivalent, emphasizing the current need for standardized adoption of identification terms

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advertising as a way of ensuring prompt perception of the nature of the message being disseminated.

The absence of such identification constitutes an unlawful act per se, regardless of any specific damage.

Case law has been rigorous in applying the principle. State courts recognize that covert advertising violates not only the CDC, but also principles constitutional rights such as human dignity and consumer protection as a right fundamental. The deliberate concealment of the commercial nature attacks the self-determination of the consumer. Article 37, § 3, of the CDC classifies as misleading advertising that fails to inform essential information about the product or service. The commercial nature of the recommendation constitutes essential information essential, as it directly influences the perception of credibility and impartiality of the message.

The deception operates on two levels. First, it induces the consumer to believe a review disinterested when there is economic motivation. Second, it prevents the activation of mechanisms psychological defense mechanisms naturally triggered by recognizably advertising messages. This double injury justifies the severity of the legal response.

Behavioral studies show that consumers attribute greater credibility to recommendations perceived as spontaneous. The influencer who exploits this perception through concealment of the commercial relationship misappropriates social capital built on the premise false.

5. APPLYING APPEARANCE THEORY TO DIGITAL INFLUENCERS

The professional digital influencer meticulously builds their online persona. Share routines, preferences, and experiences. Cultivate closeness and authenticity. When you insert product in this narrative without advertising identification, deliberately creates the appearance of consumption and personal satisfaction.

This construction is not accidental. Advertising briefings guide influencers to integrate products "naturally" in their content. Contracts establish engagement metrics linked to the perception of spontaneity. The appearance of disinterested recommendation constitutes the the very object of the contractual provision.

The STJ jurisprudence is that it is possible to apply the theory of appearance to eliminate alleged defect in negotiations carried out by a person who presents himself as qualified to do so, provided that the third party has signed the act in good faith. The influencer presents himself as a consumer qualified to evaluate products when, in reality, it acts as an advertising service provider.

The Theory of Appearance imposes on the creator of the apparent situation the legal consequences of the simulated reality. The influencer who presents himself as a satisfied user assumes the position of

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guarantor of the quality and safety of the product to its followers. This tacit guarantee binds or legally.

The argument of the absence of a direct contractual relationship with manufacturers does not hold water. adoption of the theory of appearance by consumer legislation leads to the conclusion that the concept The legal provision of art. 3 of the Consumer Protection Code also covers the figure of the apparent supplier. The influencer becomes an apparent supplier by lending their credibility to the product.

Responsibility arises from the creation of the appearance itself, without needing to analyze it. effective knowledge of the product's characteristics. Those who profit from the created appearance do not can invoke ignorance to avoid consequences. The theory prevents the creator of the appearance benefits from its own turpitude.

Recent state court decisions are beginning to form specific case law. The São Paulo Court of Justice recognized the influencer's liability for the product defective product promoted without advertising identification. The TJRJ sentenced the influencer for damages moral consequences arising from veiled advertising of unsuccessful aesthetic procedures.

The trend is toward increasing rigor. Judges demonstrate a sophisticated understanding of digital dynamics and reject formalist arguments. The protection of vulnerable consumers prevails on allegations of ignorance or absence of a direct contractual link.

6. STRICT AND JOINT LIABILITY: CONSEQUENCES OF APPEARANCE

The influencer who creates the appearance of a guarantor is objectively responsible for the defects of the promoted product. Articles 18 to 25 of the CDC apply in full, allowing the consumer demand replacement, refund or proportional price reduction directly from the influencer.

The claim of mere intermediary does not eliminate liability. The influencer is not neutral messenger, but we who add value to the product through our reputation. This aggregation of value justifies the assumption of risks inherent in advertising activity.

Practical cases illustrate the application. Influencers who promoted online courses without content were ordered to pay back the amounts. Promoters of ineffective weight loss products are jointly liable with manufacturers. Liability is independent of proof of mal-faith.

A more serious situation occurs when the promoted product causes damage to the physical integrity or consumer's psychic. Articles 12 to 17 of the CDC establish objective liability for these consumer accidents. The influencer who created the appearance of safety is jointly liable.

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Cosmetic procedures are a critical area. Influencers who promote unqualified clinics or professionals assume responsibility for any resulting injuries. The appearance of personal endorsement worsens consumer confidence and, consequently, the influencer's responsibility.

7. MORAL DAMAGES DUE TO BREACH OF APPARENT TRUST

The trust placed by the consumer in the influencer transcends mere expectations commercial. It constitutes a legal asset deserving of independent protection. The violation of this trust through concealment of the advertising nature constitutes compensable moral damage.

The damage does not arise only from the eventual economic loss. The discovery of the deception affects the dignity of the consumer, who feels manipulated by those he admired. This feeling of betrayal justifies pecuniary compensation regardless of other damages.

Quantification must consider factors specific to the digital environment. The scope of veiled advertising, measured in views and engagement. The degree of trust cultivated, measured by the time of relationship to social. The vulnerability of the affected public, especially when minors are involved.

Compensation for moral damages in cases of hidden advertising must perform a function accentuated pedagogical. The profit obtained from the illicit practice cannot exceed the sanction applied, under penalty to encourage repetition. Courts have set compensation considering the revenue of the influencer with irregular advertising.

The CVM is aware of the matter and has included it in its Biennial Supervision Plan based on Risk 2023-2024 a thematic supervision of digital influencers, enabling analysis multifaceted analysis of the mapped risks arising from the growing use of social networks by investors. This regulatory attention signals a trend towards greater rigor in accountability.

The deterrent effect of the conviction must reach the market as a whole. Influencers need to understand that covert advertising is not economically worthwhile. Only sanctions proportionate to the illicit gain can reverse the culture of systematic concealment.

8. REGULATORY PERSPECTIVES AND CONTEMPORARY CHALLENGES

The National Congress is intensely debating the regulation of digital influencers. Bill 3444/23 regulates the activity of digital influencers, prohibiting the dissemination of

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false or misleading content and requiring that advertising be transparently identified.

Approval would create a specific legal framework for the activity.

Bill No. 2,347/22 proposes the creation of a registry with the government to practice the profession of digital influencer, imposing restrictions on the subjects that could be addressed considering academic training in certain areas. This proposal, although controversial, indicates concern with the technical qualification of influencers.

The multiplicity of projects reveals a lack of consensus on the ideal regulatory model. Some advocate minimalist regulation, preserving market dynamics. Others propose strict control, with entry barriers and intensive monitoring. The debate remains heated.

Consumer protection agencies have stepped up their oversight of digital influencers. State PROCONs have created specialized centers for digital advertising. Administrative fines Significant measures were applied through veiled advertising. The message is clear: impunity is over.

The CVM published a study on digital influencers and the capital markets, investigating the possible regulation of the commercial relationship between influencers and market participants securities. Concern about financial influencers reflects the specific risks of this segment.

The Public Prosecutor's Office has been acting through public civil actions. Terms of adjustment of conduct were signed with major influencers. Preventive action seeks to avoid massive damage before it occurs.

The transnational nature of digital platforms poses complex jurisdictional challenges. Foreign influencers target content to Brazilian consumers. Platforms based in abroad resist national court orders. The effectiveness of judicial protection finds limits practical.

International cooperation emerges as a necessity. Bilateral and multilateral treaties need to consider digital advertising. Regulatory harmonization would facilitate accountability cross-border. The road is long, but urgent.

While definitive solutions do not emerge, Brazilian courts apply the principle of target market. Influencers who target advertising at the Brazilian market are subject to national jurisdiction. Brazilian consumer protection cannot depend on the nationality of the offender.



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9. SELF-REGULATION AND GOOD PRACTICES: LIMITS AND POSSIBILITIES

The National Advertising Self-Regulation Council plays a relevant role in market guidance. The Digital Influencer Advertising Guide represents the effort commendable to establish ethical parameters for the activity. However, the non-binding nature of the recommendations limit their effectiveness.

Voluntary membership in CONAR does not reach all influencers. Small and Medium-sized influencers are often unaware of the guidelines. Even among the big ones, Compliance is irregular. Self-regulation complements, but does not replace, state regulation.

CONAR sanctions are limited to warnings and recommendations for changes or suspension of advertising. There is no coercive power. Influencers can simply ignore the determinations. Effectiveness depends on reputational pressure, which is not always sufficient.

Agencies specializing in influencer marketing have developed codes of conduct own. Voluntary certifications seek to distinguish ethical influencers. Quality seals promise transparency in commercial relations. The market seeks to self-regulate to avoid stricter state regulation.

Digital platforms have implemented tools to identify paid content. Instagram and YouTube offer specific tags for commercial partnerships. TikTok requires a declaration of promotional content. Technology facilitates compliance with the duty of transparency.

The effectiveness of these initiatives remains limited. Influencers often "forget" to use the tools. Platforms are reluctant to punish violations that generate engagement. Commercial interests conflict with ethical principles.

10. CONCLUSION

The application of the Appearance Theory to the civil liability of digital influencers represents a necessary and urgent evolution of Consumer Law. The institute provides a response dogmatically consistent with the challenge posed by veiled advertising on digital platforms, overcoming evidentiary obstacles that would otherwise make effective protection of the vulnerable consumer.

The professional digital influencer who hides the commercial nature of his recommendations does not commit a mere administrative irregularity. It deliberately creates a situation that appears to induce consumers into error, misappropriating trust built on a false premise.

This conduct attracts the full incidence of the objective and joint liability regime of the CDC.



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The case law of the Superior Court of Justice provides solid foundations for this construction. Precedents on the application of the Theory of Appearance in consumer relations, especially in context of business networks that present themselves as a unit before the market, provide direct paradigm for the situation of digital influencers.

The protection of trust as an autonomous legal asset justifies the severity of the response jurisdictional. The moral damage resulting from the discovery of the deception transcends the economic loss eventual, affecting the dignity of the consumer and deserving compensation proportional to the profit obtained through illicit practices.

Ongoing regulatory initiatives, both at the legislative and administrative levels, signal institutional recognition of the seriousness of the problem. The multiplicity of projects law being processed in the National Congress and the intensification of oversight by defense agencies consumer demonstrate that the Brazilian State will not remain inert in the face of exploitation systematic approach to digital vulnerability.

Technological evolution, with the advent of virtual influencers and deepfakes, does not invalidate the application of the Appearance Theory. On the contrary, it makes it even more relevant. When all the digital reality is potentially simulated, the protection of the one who trusts the created appearance becomes- if categorical imperative of the legal system.

The path to an ethical and transparent digital environment necessarily involves recognition that professional digital influencers are economic agents subject to the the same responsibilities that traditionally fall on suppliers. The Appearance Theory offers the dogmatic tools necessary for this equivalence, ensuring that those who profit from creating appearances are responsible for the legal consequences of the reality that simulate.

The message to legal professionals is clear: the veiled advertising practiced by digital influencers does not constitute territory free from legal consequences. The Theory of Appearance provides a robust basis for civil liability, regardless of the existence of formal contractual ties or effective knowledge about the products promoted. The protection of the hyper-vulnerable consumer in the digital environment depends on the rigorous application of this theoretical instruments, adapting classical institutes to new realities without abandoning the principles fundamental principles that structure the consumer protection system.

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REFERENCES

BRAZIL. Law No. 8,078 of September 11, 1990. Provides for consumer protection and gives other provisions. Official Gazette of the Union, Brasília, DF, September 12, 1990. Available at:

http://www.planalto.gov.br/civil_03/leis/l8078compilado.htm. Accessed on: September 24, 2025.

BRAZIL. Law No. 10,406 of January 10, 2002. Institutes the Civil Code. Official Gazette of the Union, Brasília, DF, January 11, 2002. Available at:

http://www.planalto.gov.br/ccivil_03/leis/2002/l10406compilada.htm. Accessed on: September 24, 2025.

BRAZIL. Chamber of Deputies. Bill No. 2,347 of 2022. Regulates the profession of digital influencer. Brasília: Chamber of Deputies, 2022.

BRAZIL. Chamber of Deputies. Bill No. 3,444 of 2023. Regulates the activity of digital influencer. Brasília: Chamber of Deputies, 2023. Available at:

<https://www.camara.leg.br/noticias/1191558-comissao-aprova-regulamentacao-da-atividade-de-digital-influencer>. Accessed on: September 24, 2025.

BRAZIL. Superior Court of Justice. Resp No. 1,637,611/SP. Rapporteur: Min. Nancy Andrighi.

Third Panel. Decided on: August 21, 2018. E-DJ August 24, 2018. Available at: <https://www.stj.jus.br>.

Accessed on: September 24, 2025.

BRAZIL. Superior Court of Justice. RMS No. 57,740/DF. Rapporteur: Min. Reynaldo Soares da

Fonseca. Fifth Chamber. Decided on: October 15, 2019. E-DJ October 22, 2019. Available at:

<https://www.stj.jus.br>. Accessed on: September 24, 2025.

BRAZIL. Superior Court of Justice. EREsp No. 864,947/RS. Rapporteur: Min. Laurita Vaz. Court

Special. Tried on: October 20, 2020. E-DJ October 30, 2020. Available at: <https://www.stj.jus.br>. Access

on: September 24, 2025.

BRAZIL. Superior Court of Justice. AREsp No. 1,616,424/SP. Rapporteur: Min. Luis Felipe Salomão.

Fourth Chamber. Decided on: February 7, 2019. E-DJ February 22, 2019. Available at: <https://www.stj.jus.br>.

Accessed on: September 24, 2025.



Year V, v.2 2025 | submission: 20/10/2025 | accepted: 22/10/2025 | publication: 24/10/2025

BRAZIL. Superior Court of Justice. So it is, if it seems to you: the theory of appearance in the judgments of the STJ. STJ News, April 25, 2021. Available at:

<https://www.stj.jus.br/sites/portalp/Paginas/Comunicacao/Noticias/25042021-Assim-e--se-lhe->

[it-seems-the-theory-of-appearance-in-the-judgments-of-the-STJ.aspx](https://www.stj.jus.br/sites/portalp/Paginas/Comunicacao/Noticias/25042021-Assim-e--se-lhe-it-seems-the-theory-of-appearance-in-the-judgments-of-the-STJ.aspx). Accessed on: September 24, 2025.

BRAZIL. Securities and Exchange Commission. Study on digital influencers and the market capitals. Brasília: CVM, 2023. Available at: [https://www.gov.br/cvm/pt-](https://www.gov.br/cvm/pt-br/assuntos/noticias/2023/cvm-divulga-estudo-sobre-possivel-regulamentacao-envolving-digital-influencers-and-capital-markets)

[br/assuntos/noticias/2023/cvm-divulga-estudo-sobre-possivel-regulamentacao-envolving-digital-influencers-and-capital-markets](https://www.gov.br/cvm/pt-br/assuntos/noticias/2023/cvm-divulga-estudo-sobre-possivel-regulamentacao-envolving-digital-influencers-and-capital-markets). Accessed on: September 24, 2025.

CETIC.BR - Regional Center for Studies for the Development of the Information Society.

ICT Household Survey 2023. São Paulo: Cetic.br, 2023. Available at:

<https://cetic.br/pt/pesquisa/domicilios/>. Accessed on: September 24, 2025.

NATIONAL COUNCIL FOR ADVERTISING SELF-REGULATION (CONAR). Guide of Advertising by Digital Influencers. São Paulo: CONAR, 2021. Available at:

http://conar.org.br/pdf/CONAR_Guia-de-Publicidade-Influenciadores_2021-03-11.pdf. Accessed at:

September 24, 2025.

NATIONAL COUNCIL FOR ADVERTISING SELF-REGULATION (CONAR).

Brazilian Code of Advertising Self-Regulation. São Paulo: CONAR, 2023. Available at:

<http://www.conar.org.br>. Accessed on: September 24, 2025.

FRANCE. Loi n° 2023-451 on June 9, 2023 aimed at including commercial influence and litter against les dérives des influenceurs sur les réseaux sociaux. Journal Officiel de la République Française, Paris, June 10, 2023. Available at:

<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000047663185>. Accessed on: September 24, 2025.

INTERNETLAB. Guide for Digital Influencers in the 2024 Elections. São Paulo: InternetLab,

2024. Available at: <https://internetlab.org.br/pt/pesquisa/influenciadores-digitais-e-eleicoes-2024-updating-good-practices/>. Accessed on: September 24, 2025.

MARQUES, Claudia Lima. Contracts in the Consumer Protection Code: the new regime of contractual relations. 9th ed. São Paulo: Journal of Courts, 2019.

Year V, v.2 2025 | submission: 20/10/2025 | accepted: 22/10/2025 | publication: 24/10/2025

MARQUES, Claudia Lima; BENJAMIN, Antonio Herman V.; MIRAGEM, Bruno. Comments on Consumer Defense Code. 6th ed. São Paulo: Journal of Courts, 2022.

MIRAGEM, Bruno. Consumer Law Course. 8th ed. São Paulo: Courts Review, 2023.

NIELSEN. Report on Digital Influencers in Brazil. São Paulo: Nielsen, 2022. Available at: <https://www.nielsen.com/pt/>. Accessed on: September 24, 2025.

NUNES, Rizzatto. Consumer Law Course. 14th ed. São Paulo: Saraiva, 2023.

PASQUALOTTO, Adalberto. The Obligatory Effects of Advertising in the Consumer Defense Code Consumer. São Paulo: Courts Review, 1997.

TARTUCE, Flávio. Consumer Law Manual: substantive and procedural law. 12th ed. Rio de Janeiro January: Forensic; São Paulo: Method, 2023.

TEPEDINO, Gustavo; BARBOZA, Heloisa Helena; MORAES, Maria Celina Bodin de. Code Civil interpreted in accordance with the Constitution of the Republic. Vol. I. 5th ed. Rio de Janeiro: Renovar, 2022.

EUROPEAN UNION. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 on unfair commercial practices. Official Journal of the European Union, L 149/22, 11 June 2005.