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Consumer relations, misleading advertising, and abusive practices on social media – influence of digital influencers

Consumer relations, misleading advertising, and abusive practices on social media – the influence of digital influencers

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Summary

The study addressed a highly relevant topic in the field of Consumer Law, describing the purchase of products and services online, taking into account advertising by digital influencers and understanding the abusive practices carried out through social networks. It also recognized that online shopping is expanding rapidly, as this online consumption offers many advantages due to the convenience it provides compared to acquiring products or services through e-commerce. The objectives of the work were structured as follows: General objective -

To highlight misleading advertising and abusive practices on social media, specifically regarding advertising carried out by digital influencers through their social networks, and to show what consumer rights are and what specific laws exist regarding misleading advertising and abusive practices on social media, and to address the consumer's understanding of their rights when acquiring goods and services through the influence of digital influencers. In recent years, people have embraced online shopping, and this has generated a significant portion of online companies' revenue. As a result, many people are now buying online influenced by advertising from digital influencers through their social networks. This growth is alarming, and with it, several problems related to Consumer Law are emerging, as evidenced by numerous complaints received by the Procon (Brazilian consumer protection agency) regarding misleading advertising and abusive practices carried out online.

Keywords: Consumer Law; Digital Influencers; Internet; Social Networks.

Abstract

The study brought a highly relevant theme in the field of Consumer Law, describing online purchases of products and services while considering the advertising done by digital influencers, understanding the abusive practices carried out through social networks, recognizing that internet shopping is in full expansion, as this online consumption has many advantages due to the convenience offered in acquiring products or services through e-commerce. The objectives of the work were established as follows: General objective - To highlight misleading advertising and abusive practices on social media, in relation to the advertising carried out by digital influencers through their social networks, and specific objectives - To show what the consumer's rights are and what the specific laws are regarding misleading advertising and abusive practices on social media, and to address the understanding that the consumer has about their rights in acquiring goods and services through the influence of digital influencers. In recent years, people have embraced online shopping, and this has generated a significant portion of the revenue for online companies. As a result, many people are now shopping online, influenced by the advertising of digital influencers through their social networks. This trend is growing alarmingly, along with various problems related to Consumer Law, which are evidenced through numerous complaints about misleading advertising and abusive practices made over the internet, as reported by Procon.

Keywords: Consumer Law; Digital Influencers; Internet; social media.



1 Introduction

Due to the entry into force of Consumer Law based on the Consumer Protection Code Consumer – CDC: real changes began to occur in consumer relations in Brazil. directly affecting companies, as they had to organize themselves to meet the requirements of the law.

The advancement of the internet was a way to expand advertising work through social networks. social issues and the challenges for monitoring all this work, done virtually. Because there are A whole systematization so that the consumer, through market mechanisms, such as the very *Marketing*.

The advances that the internet has brought to commerce are enormous; what was once a means of... Information and research today reveal various lucrative scenarios and possibilities. The main The vehicle for this scenario is social media, which facilitates e-commerce and... various advertising projects. The advertising work, accompanied by suppliers, creates all the... The movements that commerce needs to function.

In the virtual world, all of this is at your fingertips; one click, one post that goes viral. through the eyes of the consumer, and what caught their attention most in a fraction of a second, or That is, when the product becomes appealing through an image, even from a distance, the consumer... You want to get a product you've never had the chance to physically touch, like in a physical store.

Given that the products offered on social media are presented by influencers digital figures are public figures active on social media. Memos serve the purpose of... Create content that captures the attention and gains the trust of the audience, known as followers. (consumers), so that there is interest in consuming the products offered by them.

Even though consumption is virtual, the Consumer Protection Code aims to... preserving the quality of life of consumers is the ultimate goal of such... legislation, understanding that the consumer will have a better quality of life depending on the products and services that you may purchase in the online marketplace.

Therefore, with the growing concern for consumer rights, the CDC seeks to... to identify the level of knowledge and information consumers have regarding your rights and obligations when purchasing any product or service sold by influencers digital media through their social networks, emphasizing their impact on consumer relations.



2. Theoretical Framework

Advances in online advertising

With the Industrial Revolution, there was a surge in production and consequently... of potential consumers. Because all of that needed to go out and come back in a profitable way, and that's not the case. a single segment of the population, but for an entire globe. Thus, even its workers They could have those products. Given this situation, the legislator's workload increased because Through a whole game of language, it not only seduces the consumer, but also causes them harm. rights.

The advancement of the internet has been a way to expand advertising work and the challenges for oversight of all these tasks, done virtually. Because there is a whole system in place for that the consumer uses through market mechanisms, such as *marketing itself*.

According to Philip Kotler (2015), *marketing* is the science and art of exploring, creating, and delivering. value to satisfy the needs of a target audience profitably. In this case, it is clear that the *Marketing* is a tool of advertising that, through its entire creative process, directs a... target audience.

Law No. 4680 of 1965 defines in its article 4 (Brazil, 2012) that "vehicles of communication, which by law includes any means of visual or auditory communication capable of transmitting propaganda messages to the public [...]". With the reach of the internet, it becomes clear to visualize The role of social networks in all of this, which on a large scale provides its users with free Access for advertising and sales.

It is a form of science with numerous techniques and methods of distribution. Making It is impossible for consumers to control which campaigns they will be shown, and how they will be presented. to influence it, if it is indeed real in quality (Muniz, 2014)

The role of digital influencers in advertising has become increasingly important. discussed, as people with significant numbers of followers become so valuable to the market. The primary role of a digital influencer is to connect with the audience, as well as As mentioned above, he creates the same language as his audience.

The Consumer Protection Code, in its article 36, addresses the transparency behind... advertising, which requires the consumer to identify it immediately. Thus bringing certainty. That it does indeed have a sales intention, since it's linked to someone's image. important generates trust (Sant'Anna, 2013).



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Therefore, the classic case of the work of digital influencers, with the presence of "ads" on their profiles. Even if a product is created for a target audience and linked to some... influencer, so that they can make it popular.

2.2 Marketing employed in organizations with the objective of boosting sales.

Without a doubt, we have all heard of or constantly encountered... a word of English origin, already incorporated into our vocabulary, which has become over the years a sort of "front man" for everything that happens in the business world, which has become the word *marketing*.

It is quite common to see it written and spoken in various media outlets, and if It has become common to hear politicians and businesspeople used almost always as mere synonyms for sales or... propaganda.

According to Britt and Boyd (2018, p. 83):

In the business vocabulary of recent years, the term "policy" is also widely used. in a very different sense in organizational and procedural manuals, to denote a response specifies specific repetitive situations[...]

The popularization of the word *marketing*, it can be argued, has led to a certain "vulgarization". of its concept, distorting its essence and leading people to a mistaken idea about it. its true meaning.

In business marketing, there are four essential administrative guidelines and

According to Casas (2017), the following prevail in the environment:

- Production orientation: total quality is the orientation towards customer satisfaction. customer needs;
- Product orientation: this type of orientation focuses on quality and aspects
The product's technical specifications follow the manufacturer's logic, not the consumer's.
- Sales orientation: a business sales orientation emphasizes the use of
Promotional tools – advertising, sales promotion, personal selling, among others.
others, in order to generate sales for the company in the short term;
- Marketing orientation: the marketing orientation focuses on customer service.
The reality of consumer needs and desires in the long term. "Marketing is



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"To be able to retain the customer." This phrase perfectly summarizes the marketing orientation. It only becomes effective if customer needs are anticipated through constant research of the market; if the products and services are developed with technical quality and if This is because it is truly perceived by customers; if service is provided with quality, in order to satisfy such needs.

A few years ago, companies were solely focused on selling; their only objective was to... aspect. The big business in the past was selling, without further concern for a good aspect. planning for goods and services without a more direct and close contact with the market, without a great concern for the public.

The companies lacked well-defined distribution strategies and were not monitored. A systematic approach to consumer satisfaction and the performance of goods or services in the market.

One example is a large company like Ford. According to the author Rocha (2016, p. 14):

[...] it worked for quite some time, since there was no competition in the market. which justified a bolder and more aggressive stance. What was being offered to consumers He absorbed it because there was nothing better. Henry Ford, the American tire and automobile magnate. At the beginning of the 20th century, he said that he would manufacture and sell any car as long as it was black. He was able to sell all of his production because he was practically the only one producing automobiles on a large scale. On a global scale, black automobiles dominated the market for quite some time.

It is clear that the sales ideas were, above all, very limited, the Ford company for example. This example did not go unnoticed; its competitors appeared with other products, with some Incorporated differentiators, small details that were incorporated into traditional products, this made it so that consumers would be attracted, causing the Ford company to also follow suit. market trend.

Large companies began to feel the need to incorporate the function of sales and other auxiliary functions, for example: paying more attention to competitors, to consumers, market research, more aggressive advertising and sales promotions (Houses, 2017):

From then on, he observed that it was those who truly dictated the rules of production, those who guided... The development of the products was driven by the consumer, with their needs and desires. It was observed although a product or service would be more successful in the market to the extent that it was designed to satisfy those needs and desires.



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Britt and Boyd are authors who portray the buying and selling of certain things in their work. product (2018, p.411):

The concept of image reminds us that action in the market is based on impressions and interpretations that people draw from their experiences of a broader kind than that which relates strictly to the objects they buy and sell [...] in addition, there are several influences that pressure them to have one opinion or another regarding the product, service, and company. in question.

The new orientation, more comprehensive than the sales orientation, came to be called Marketing orientation . In it, the consumer began to dictate the rules, the most important figure for any organization. This gave rise to distinct marketing, that is, the basis of modern *marketing*. (Kloter, 2015).

Sales became a function of *marketing*; this new and comprehensive concept became... to prevail in business activity, generating what can be called modern *marketing* (Houses, 2017).

Therefore, the role of companies within the scenario that is constituted through consumption is... To survive in an extremely competitive market, they had to abandon their orientation towards sales and definitively adopt a *marketing orientation*.

2.3 Consumer Law

Consumer law is based on Consumer Protection – PROCON, which aims to... seeking defense in the protection of Brazilian citizens, with this body being responsible for coordination. and implementation of the state policy for the protection, support and defense of consumers.

The main function of Procon is to guide, receive, analyze, and forward complaints. Consumer inquiries and complaints, proactively monitoring consumer rights and apply the sanctions, when applicable.

A consumer is any individual or legal entity that acquires or uses a product or service as the final recipient. According to the Consumer Protection Code, article 2 (Brazil, 2012), "*It is any individual or legal entity that, individually or collectively, contracts for final consumption, in for one's own benefit or that of another, the acquisition or rental of beans, as well as the provision of a service*".

In turn, a supplier is any individual or legal entity, public or private, national or foreign entities, or unincorporated entities, that carry out production, assembly,

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creation, construction, transformation, import, export, distribution or marketing of products or provision of services.

Currently, people are living in a new form of society, the society of consumption, which undoubtedly brings not only benefits to the consumer citizen, but can also to guarantee that your rights will be defended if they are violated (Nunes, 2018).

Law No. 8.078/90 guarantees the rights that every consumer should enjoy. How was it...

It is possible to observe that there are some general principles and basic rights recognized by the Code of Consumer rights, but above all and first and foremost, there is the right to be heard. To listen means to give... a return and not just listening (Brazil, 2012). It's

a two-way street, because you're talking to the citizen, a subject of rights, not a marketing target, that is, as explained, the right to compensation exists: if the supplier caused In case of loss, it is natural to compensate for the exact extent of the damage, either by replacing the product or refunding it. Regarding the value, there is a lot of resistance in that regard.

The right to product and service safety obligates the manufacturer or supplier to guarantee that They will not cause any problems for the consumer. Although it seems unrelated, there is still the The right to a healthy environment, because all commercial activity and all consumption generate waste. The product's life cycle has ended, and it's necessary to define its subsequent fate. Another right is the right to... choice, that is, the consumer market must offer various options that enable the consumer, Because competition becomes more intense, the law of supply and demand takes over.

In this sense, Souza (2013, 02) comments that it is in article 5, XXXII, of the Federal Constitution, *"The State shall promote, in accordance with the law, the defense of the consumer." Therefore, the state has an obligation to protect consumer rights, including in their services [...]"*.

So, talking to the customer is invaluable, even if they are very angry. It is up to... The legislator must have their eyes turned towards society, using the instruments that the law provides. within their reach, whether in a preventive, punitive, or educational manner, to achieve the ideal of justice in consumer market.

2.4 E-commerce

Electronic commerce or e-commerce, or non-face-to-face sales, which extends to sales by Telemarketing, or e-commerce, is a type of commercial transaction conducted primarily through... of an electronic device, such as, for example, computers, tablets and smartphones (O'brien, 2014).



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The increasing computerization of a wide variety of activities is transforming technology. Information – or IT, in professional jargon – is an increasingly economically relevant area. Expansion led to specialization, and nowadays it is possible to find several dedicated IT sub-areas. specific tasks – which require professionals with equally in-depth knowledge.

We can imagine that e-commerce can reach 100% (one hundred percent) of The universe, when it has this data transmission, from the smallest to the largest companies, including in the sector... public. Without differentiating distances, languages, or values. The parties may be meters or thousands apart. kilometers away. Formalizing e-commerce requires a A formally registered company (CNPJ) is required, at which point it must acquire a "domain" on the platform. Internet, which is the brand of an online business, can be obtained at www.registro.br and registered there. The website regidtro.br, found at www.inpi.gov.br, is a link to the "Internet Management Committee". "BRAZIL" (O'brien, 2014).

New decree governing e-commerce in Brazil; new rules have come into effect that... They regulate the Consumer Protection Code regarding electronic commerce, as set forth in Federal Decree 7.692/13. With the new regulations, online stores must carry out modifications both in the structural part of the websites and in the display of information to the client ((Brazil, 2012).

Online stores should highlight basic information about the product on their websites.

The company needs to have information such as name, address, CNPJ (Brazilian corporate tax ID) or CPF (Brazilian individual tax ID). The client needs to be able to easily view the... essential characteristics of the product or service, additional or accessory expenses, modalities payment terms, availability, method and deadline for service execution or delivery or Product availability. This Decree regulates Law No. 8,078 of September 11, 1990. to provide for contracting in e-commerce, covering the following aspects: 1- Clear information regarding the product, services, and supplier; 2-Customer service (Brazil, 2012).

3. Materials and methods

This work is a documentary and integrative review study, which chooses as The field of research is the area of Law, more specifically the sphere of Consumer Law. During the research, there will be data collection and document analysis with data provided by materials, such as: books, articles, magazines and websites. Through the documentary methodology referenced by An ethnographic-descriptive approach allows us, through research, to understand what was proposed in the theme: Deceptive advertising and abusive practices on social media – Influence of digital influencers.



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The study was developed through bibliographic research, where the chosen method was... Integrative Literature Review (ILR), enabling an understanding of the possible causes. Regarding online consumption, through advertising that can be misleading, harming the... The RIL aims to synthesize results obtained in research on a given topic or consumer issue, in a systematic, organized and comprehensive way (Lakatos, 2014).

The research takes place in 6 distinct stages: Identifying the topic and selecting hypotheses/questions. research; establish inclusion and exclusion criteria for studies; define the information that Data will be extracted from the selected studies; evaluate the included studies; interpret the results; and to present a review/synthesis of knowledge (Lakatos, 2014).

The following research databases will be used: SciELO (Scientific Electronic Library Online). Virtual Library (BVS) and Google Scholar, using the following descriptors: "Law", "Law "Consumer" and "Advertising". The following keywords were generated within the research: Digital Influencers; Social Networks; Abusive Practices.

Regarding the eligibility criteria, 39 works will be selected that are materials. scientific materials, including: articles, theses, dissertations, scientific journals, official documents, and books. They address the topic in question, published between the years 2010 and 2021. Furthermore, the following will be adopted. Ineligibility criteria included articles published in years prior to 2010 and in Portuguese. foreign.

4. Results and discussion

The advancement of the internet was a way to expand the work of virtual advertising through social media and its influencers offering products and services in an excessive manner, understanding that one of the main challenges is the oversight of all this work, done in a way virtual. Because there is a whole system in place so that the consumer can use mechanisms of Even in the online market, consumers can still be victims of misleading advertising and fraudulent practices. abusive behavior on social media.

As we have several advertisements, which attract the consumer's attention by The use of digital influencers through their social media networks for a specific product. Or, as a service, the algorithm tries to bring more about the same thing, creating a vicious cycle of products. similar.

The online consumer often lacks complete knowledge about a particular product or service. depending solely on the transparency and good faith of its publishers, understanding that advertising The actions carried out by digital influencers are a tool of persuasion. Access to virtual consumption

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It is becoming increasingly constant in an individual's life, whether the consumer has it or not. familiarity with the product attracts consumption, as it is entirely influenced by a public figure on social media.

The landscape of virtual consumption, driven by social media, has been growing for some time now. and its influencers, with the pandemic scenario driving this new reality. A The ease of use for the consumer, who has a cell phone with internet access right in the palm of their hand and... The desire to buy something.

The quality of a given product or service can be viewed from two perspectives: that of producer and customer. From the producer's point of view, quality is associated with the design and producer that meets the customer's needs. From the customer's point of view, quality is associated with the value and utility attributed to the product, and in some cases linked to the price.

From the customer's point of view, quality is not one-dimensional. That is to say, customers do not They evaluate a product taking into account only one of its characteristics, but several, for example, the its size, color, durability, design, and functions.

Law No. 4680 of 1965 defines in its article 4 (Brazil, 2012) that "vehicles of communication, which by law includes any means of visual or auditory communication capable of transmitting propaganda messages to the public [...]". With the reach of the internet, it becomes clear to visualize The role of social networks in all of this, which on a large scale provides its users with free Access for advertising and sales.

As there are various virtual advertisements made by digital influencers, which They draw the consumer's (followers') attention to a specific product; the algorithm brings a lot of... more about the same thing, creating a vicious cycle of similar products on the screens of individuals who They make use of social media.

Consumer behavior is of fundamental importance, as it possesses characteristics Individual factors, and also influenced by cultural, social, personal, and psychological factors. In recent years, knowledge of cultural, social, psychological, and political factors has been gaining importance. It is of considerable importance in explaining consumption patterns, especially as a result of globalization.

The role of digital influencers in advertising has become increasingly important. discussed, as people with significant numbers of followers become so valuable to the market. The primary role of a digital influencer is to connect with the audience, as well as As mentioned above, he creates the same language as his audience.

The Consumer Protection Code (CDC), in its article 36, addresses transparency by... Behind the advertising, it is necessary for the consumer to identify it immediately. Thus bringing the



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I'm certain that it has a sales intention, given that it's linked to the image of
Someone important inspires trust.

Conclusion

The proposed theme falls within the scope of Law, understanding misleading advertising and Abusive practices on social media, considering the influence of digital influencers, given that It is quite complex, as it encompasses various segments of society, not just one axis but the whole. As the work deepened, significant changes in commerce became apparent. occurring in this segment of online consumption due to the flood of advertising that we have in Nowadays, both products and services are available.

Currently, consumers (followers) have started looking for different benefits. Digital influencers influence the purchase of products and services, primarily for advertising purposes. Deceptive. Online consumers aim to find quality, focusing on price and everything else. which can be offered in a way that brings benefits and convenience through the internet.

This is very important work, as e-commerce drives the economy. In the country, however, the misleading use of advertising can lead to losses, making it clear, Therefore, at some point there is an exaggeration or falsehood regarding a particular product or service.

It is of utmost importance to highlight the role of the Internet in the daily lives of Brazilians, especially those... social networks that have taken on a gigantic scale through digital influencers who do She made her living through advertising products and services.

The internet has immense potential for business; it is so significant for everyone. In the realm of *marketing*, society is moving towards a better understanding of the phenomenon. from online shopping, which relies on a new medium and a new sales channel.

Although online sales are generally secure, Consumer Law upholds the right to... every citizen is protected through the Consumer Protection Code (CDC), always aiming to... benefit, highlighting that it is a non-governmental consumer organization, with different profiles, such as entities representing consumers in general, seeking legal defense.

Therefore, Consumer Law, through the CDC (Consumer Protection Code), is part of the Brazilian legal system. consisting of a set of rules aimed at protecting consumer rights, as well as It regulates the relationships and responsibilities between the supplier (product manufacturer or service provider). (of services) with the end consumer, establishing standards of conduct, deadlines and penalties.



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