

Food marketing targeting children: unveiling the ethical perspectives in the discourse on self-regulation

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Abstract *When it comes to food marketing, children are one of the major targets. Regulatory actions can play a strategic role in health protection. The objective of this research was to characterize the ethical perspective in the discourse against state regulatory actions on food marketing directed at children, aiming to understand the context of the discourse's production and how it creates meaning. The methodology adopted was qualitative, with documentary analysis and use of concepts and procedures from Discourse Analysis. The work of Hans Jonas, specifically his Responsibility Principle, and Garrafa and Port's Intervention Bioethics oriented the analysis. The self-regulation discourse analysis showed an ethical perspective in which relations of consumption predominate over the children's vulnerability. The rhetorical excess is constant, as well as the use of resources like naturalization, untruthfulness, ideological dissimulation and euphemism. An erasure of social conflicts takes place, and an ahistorical perspective is present. The discourse does not align with Jonas' Responsibility Principle, nor those of Intervention Bioethics. Lastly, the ethical perspective of the discourse represents a double paradox, because it is a business discourse that hides its competitive roots and metamorphoses into an ethical one.*

Key words *Food marketing, Children, Discourse, Vulnerability, Ethics*

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Introduction

The debate on the regulation of advertising involves the states in their role of protecting the population; civil society, which demands the guarantee of their rights; and the companies of the regulated sector – the producers of goods subject to control, as well as the marketing and advertising sector¹ – which defend their freedom to act via mechanisms of self-regulation.

From the perspective of marketing, the children and youth public is one of the groups they have the greatest interest in reaching by commercial promotion, seen as current as well as future consumers².

Bearing in mind the epidemiological and nutritional profile of the population, the vulnerability and the lack of autonomy for making nutritional choices, efforts at confronting the influence of food marketing began in Brazil less than a decade ago. They began when the Ministry of Health and the National Agency of Sanitary Vigilance (*Agência Nacional de Vigilância Sanitária*, Anvisa) developed and published a Resolution of the Board of Directors of Anvisa (RDC), the RDC-ANIVSA No.24 of 2010³, with the goal of regulating advertising and other types of commercial promotional strategies for foods.

However, the presence of interests working against the regulation and control of food advertising weakened this process. Following the publication of this document, groups representing the regulated sector pressured the government for the invalidation of RDC No.24 of 2010³, alleging that Anvisa did not have regulatory capacities, and reasoning that such a measure could only be implemented by law.

Since then, a series of legislative bills have been elaborated with different foci and different origins for their initiatives, in the attempt to fill the gap concerning the control of advertising directed at children and adolescents, and none of them has been forwarded to the entities needed for approval as Law up to the present day.

Various social movements have sought to call attention to the need for regulating advertising, since the failure of RDC 24 of 2010, including some that believe marketing aimed at children should be prohibited. In March 2014, The National Council on the Rights of Children and Adolescents (*Conselho Nacional dos Direitos da Criança e do Adolescente*, Conanda), approved Resolution 163/2014⁴, which declared any and all advertising directed at children as abusive and prohibited it, in accordance with the Consumer

Defense Code⁵, which prevents abusive marketing. In spite of its character as a binding rule, the Resolution of Conanda is not respected by advertisers, who continue to violate it with impunity.

In scientific fields, subjects such as the regulation of food advertising directed at children and the availability of food with little nutritional value in school cafeterias, as well as regulation of the composition and nutritional labeling of industrialized foods, and even themes like pesticides and genetically modified foods, form an agenda of a necessarily interdisciplinary approach to research. In this sense, the viewpoint of Bioethics can contribute a basis for its conceptual references, principles, criteria, and methods⁶⁻⁹.

Reflecting on this situation, it becomes important to deepen what is known about the vulnerability of the publics to whom food marketing is directed, and how they come to truly autonomous choices, with the goal of discussing the issues of the responsibilities involved, and of how these responsibilities are understood from an ethical perspective by those who create and disseminate advertising campaigns meant for children and adolescents.

In the context of public health, as well as food and nutritional security, it is extremely relevant to design and implement inter-sectorial, trans-disciplinary, fair, and effective public policies oriented to preventing and confronting diseases, especially chronic non-transmissible diseases^{10,11}.

The current epidemiological panorama demands the action of the State in the sense of protecting the population from these diseases, which includes prevention of obesity even in early childhood.

In this context, the regulation of advertising and marketing of foods can take on a strategic role as a measure of protection, particularly oriented toward the groups most vulnerable to marketing appeals, such as children¹²⁻¹⁶.

Conscientious of the existence of different perspectives and ways of looking at the issue as a problem, and using the framework of bioethics, this article sets out to analyze the discourse considered to be against regulation of food advertising by the State, and specifically of marketing directed at children and adolescents.

The article intends to identify the alignment or non-alignment of the discourse of self-regulation to the mechanisms of protection of the vulnerable, and the strengthening of their autonomy for healthy nutritional choices. It seeks to understand how the ethical perspective is constructed in the discourse and, on the other hand, considers

that self-regulation may be insufficient, therefore rendering it ethically legitimate, defensible and mandatory for states to regulate food advertising.

Methodology

In this qualitative, exploratory, and documentary research, we used concepts, tools, and procedures from Discourse Analysis (DA), such as those originally proposed by Michel Pêcheux and introduced by Eni Orlandi¹⁷, to understand the discourse against regulation by the State of food advertising directed at children and adolescents.

The study was carried out in the context of the Brazilian scenario of discussion over State regulation of food advertising directed at children and adolescents, which involves government agencies, social movements dedicated to the theme, and institutions representing the food industry and advertising. More specifically, the discourse under analysis was obtained via the document produced by the National Council on Advertising Self-Regulation (*Conselho Nacional de Autorregulamentação Publicitária*, Conar)¹⁸.

As the analysis revealed its results, we intersected the discourse with the principles in Ethical Responsibility and Intervention Bioethics, reflecting on self-regulation, reflecting on self-regulation and on the regulation of food advertising directed at children and adolescents.

Results and Discussion

The arguments presented by Conar, the context in which the discourse was produced, the way it produces meaning, and the ethical perspective that was extracted from the text were analyzed. These were all put in dialogue with the principles and, thus, the discourses of Intervention Bioethics¹⁹, and the Ethics of Responsibility²⁰.

The document “Responsible citizens and conscious consumers depend on information (and not the lack of it) – The ethical standards and action of Conar in the advertising of products and services intended for children and adolescents”¹⁸ was published by Conar on its site in 2012, and revised and expanded in August of 2015.

The document lays out the ethical norms and deals with the activity of Conar in opposition to the proposals for State regulation of advertising directed at children and adolescents. It refers to marketing of every type of product and service destined for children and adolescents, therefore

including food advertising oriented to this public. We should point out that food marketing was treated more specifically in the fourth section of the document.

Exploring the document in its sections, it can be seen that the discursive frameworks are present in the first five sections, giving the last two descriptive passages about the Code of self-regulation and exposition on the self-regulatory actions employed by Conar up to the time of publication.

Some sections were analyzed in greater depth as we identified relevant points for studying the ethical foundations present in the discourse, the ideological affiliation that sustains the discourse, and the way that it produces its effects.

First section – Conar reflects on the democratic, ethical, and technical aspects of society’s expectations on issues that involve the consumer and advertising

In the first section, Conar’s initial justifications are presented to defend their work as valid and sufficient in terms of self-regulation of marketing directed at children and adolescents in Brazil. The Council presents itself as a pioneer in the imposition of restrictions on advertisements aimed at children and adolescents, emphasizing that its efforts preceded the preoccupation of the authorities and society at large, and even preceded the promulgation of the Statute of Children and Adolescents (*Estatuto da Criança e do Adolescente*, or ECA)²¹.

Children and adolescents are treated as “minors”; in accordance with the glossary of terms of the ANDI Communication and Rights (*Agência de Notícias dos Direitos da Infância*)²², the term “minor” is considered inappropriate since the ECA statute was enacted, because it has pejorative connotations. Thus, it is understood that it should not be utilized to designate or characterize children or adolescents, who are legally persons with rights. Furthermore, the glossary notes that the term contributes to the reproduction of discrimination, stigma, and social exclusion, as it refers to the defunct Code of Minors.

In addition to description, information, and affirmation present in the text as rules, some arguments are in fact presented, and conclusions defended using these arguments, expounding numerical data that appear to be used as support for the arguments. The quantity of registered complaints and proceedings instigated by Conar in a determined period is judged to be low:

[...] *they cannot be considered especially high*¹⁸.

This evaluation that the quantity of received complaints was low was utilized to support the following rhetoric:

[...] *throughout these numbers, there emerges unscathed the fact that Brazilian advertising is ethical from the start, and consumer respect is one of its characteristics*¹⁸.

In the interpretation of Conar, the numbers are sufficient and sovereign enough to support the basically ethical state of Brazilian advertising. By way of this choice of numbers as determinants of the ethical condition, we can identify the establishment of power relations over the interlocutor, in an attempt at persuasion that does not allow questioning (“emerges unscathed”). Patrick Dahlet²³ notes that incontestability and the construction of “[...] obvious truths based in good common sense [...]” is frequently used as enunciating operations in the narrative of neoliberal discourse.

What comes across clearly is an attempt to measure ethical principles mathematically, without discussion of them. The ethical character of Brazilian advertising is a ready-made discourse – calculated, closed, untouched, naturalized, and not open to dialogue.

Garrafa²⁴ affirms that ethics used as an “aseptic” concept is at the service of neutral perspectives of realities permeated with social conflicts, which – added to the depoliticization of moral conflicts – contributes to amplifying contradictions and deepening social inequalities. Thus, to underscore the theme of social inclusion in the agenda of ethical discussion would be fundamental to reconnecting ethics and politics.

Jorge Eduardo Rulli²⁵ notes that the discourse of ethics and social responsibility used in the business world was transformed into an effective way to add value to products and services, and propose new forms of maximizing profit; the identification of corporations with ethical discourse became, therefore, profitable.

This incompleteness in the discourse allows different significations on the part of the different interlocutors. In what Conar says, children and adolescents are seen as minors and as consumers, not as vulnerable persons; they are treated, aside from the discriminatory image, as objects and not as an end in themselves. The ethic of advertising is not an ethic of protection, does not assume responsibility for the choices of the vulnerable. The information that defends access to them is not the information about the damage that exposure to advertising can cause to children and adolescents.

The first section ends with the argument that the ethical processes judged by Conar serve to:

[...] *historicize the activity of advertising self-regulation at the service of society, expresses the permanent willingness of Conar in reflecting to the best degree possible, with a truly democratic spirit, the expectations of society in this and other issues that involve the consumer and advertising. It also expresses our willingness to defend the freedom of commercial expression and the socioeconomic relevance of advertising for contemporary society, because Conar believes that responsible citizens and conscious consumers depend on information, and that the lack of information impairs their autonomy and freedom of choice*¹⁸.

Here, the manipulation of the notion of democracy as shared knowledge is manipulated, seeking to link itself to this knowledge, putting it in an uncontested place, treating an important and sensitive societal issue as “socioeconomic relevance.”

On the other hand, and paradoxically contesting the Democratic Rule of Law, for Conar the functioning of society as a whole is in play, along with the democratic basis of the State, its behavior, and its role. What is shown as “truly democratic” is the spirit of Conar in reflecting the expectations of society.

Conar does not define what this true democracy would be like, because, as Adela Cortina²⁶ shows, although much has been written about the term “democracy,” there are occasions where there is an interest in keeping its meaning hidden, with the goal of strengthening conduct present in the discourse. Furthermore, this is because the semantic scope of the expression “democracy” has been broadened to the point that it is used by diverse currents of thought.

Cortina²⁶ works with the expression “Radical Democracy,” a deepening of the idea of participatory democracy, and argues that the significance of the word “democracy” can be converted into a more radical criteria for criticism of our actually-existing democracies. However, she informs us, while the meaning of “democracy” remains hidden, and because it can serve to legitimate domination, citizens will continue to be without critical capacity when faced with actually-existing democracy, and without the moral force to cooperate in its transformation.

With clear references to neoliberalism to contest the role of the State in the regulation of marketing, the discourse of Conar defends liberties and individual autonomy, tying them to the need for information – which would be guaranteed,

according to the discourse, by marketing – and linking these freedoms to commercial and economic freedoms, when it utilizes “because” in the attempt to explain that individual freedom depends on commercial freedom.

Bioethical intervention critiques models that over-value autonomy at the individual level, defending a broadening of the use of the concept of justice, in seeking to contribute to a more just and equitable model of social organization¹⁹.

In the middle of the paragraph, the real interests of the Council that represents the advertising industry are subtly inserted. These are the freedom of commercial expression and socioeconomic issues that can be also viewed, in the end, as wealth – the primary objective of its associates, as the representatives of private companies that they are.

The final part of the passage under discussion argues that the lack of information – supposedly furnished by marketing – can threaten the autonomy and freedom of choice.

Here, the discourse of autonomy is dangerously used. It presents autonomy linked to freedom of choice, or in other words, people with purchasing power, and sufficiently informed by marketing that they are ready to choose what to buy. Or even further, children with the capacity to choose what to buy. This logic is in blatant disagreement with the principle of protection of the vulnerable, as discussed in the Universal Declaration on Bioethics and Human Rights²⁷.

Nascimento and Garrafa²⁸ argue, in respect to the coloniality of life and power, that the hegemonic trains of thought – aligned with the self-regulation discourse – clearly use advertising as a device for reproduction of the colonized image of life. The discourse analyzed here contributed, furthermore, to the deterioration of issues concerning health and nutrition, and to the structuring and maintenance of social inequality.

Contradicting bioethical principles such as the protection of the vulnerable, marketing is an improper influence on the possible decisions or nutritional choices of children and adolescents, and threatens their autonomy. Also, it is known that the freedom to make nutritional choices is influenced by other factors aside from the available information. It is determined by purchasing power and influenced by cultural traditions, preferences, habits, and advertising messages as well.

Thus, the manipulation of the interlocutor can be perceived, by utilizing diffuse concepts with the intention to confer full support to the discourse.

The point which it must fall to Conar to defend would be the freedom of commercial expression – a concept created as part of the process of signification utilized by Conar in the construction of its discourse. This is a strategy referred to as nominalization, which is the naturalization of a discursive artifact. Conar produces a meaning, in allusion to the constitutional right of freedom of expression, for a freedom to expose the public to what it wishes to commercialize. It is the utilization of a ready-made formula, without discussion of the meaning of this expression.

In effect, the symbolic constructions emphasized, naturalized, and reinforced in and through the discourse – advertising that is “born” ethical, ethical DNA, freedom of commercial expression – go on to become part of an inter-discourse or collective discourse on the theme, supporting and determining future discourses, establishing and crystalizing themselves in the discursive memory as a consensus.

Second Section – Brazilian advertising as an activity that has ethics in its DNA

In its titles, the second section presents an explicit reformulation of what marketing is:

*Brazilian marketing is an activity that comes with ethics in its DNA*¹⁸.

We are not dealing with a concept, but with a way of characterizing advertising, associating ethics with the primary constitution of its activity. Using the expression DNA as such in the section’s title, the discourse creates a symbolic coefficient for advertising, using the term “activity” to designate advertising with a different name and reframing it as ethical by essence.

This section is markedly different to the previous one in that it is introducing questions about the responsibility for the education of children and adolescents, and the presentation of points of alignment to other discourses, creating the appearance of affinity with instruments of protection.

*Who is responsible for the education of children and adolescents? For many years there was no other possible response: the responsibility fell to the parents, complemented by teachers, and only to them. Public authorities reserved for themselves a distant role of tutor for the abandoned, and – occasionally, repressor, confining minors who broke the law*¹⁸.

It links the State, in the past tense, to repression, confinement of “offending minors” and the care of the “abandoned” children, distant from the responsibility of education. By its choice of

words, it discriminates against and reduces children and adolescents in conflict with the law to “minor offenders.” It grants no significance to social issues, as if it were mere historical accident or occasional issues, as expressed in the discourse.

The choice to use the term “abandoned,” avoiding mention of the processes of exploitation and domination of some persons by others is pointed to by Dahlet²⁹ as a euphemism, an expression used by neoliberal discourse to erase social divisions and eliminate existing conflicts – at least in the realm of discourse. In spite of expressing inequality, the term reinforces the erasure of social divisions and does not allow for the condition of change or questioning. Silencing the agents and the targets of the production of inequality, the discourse produces an effect of reducing the anxieties it may cause in the dominators or any rebellion in the dominated.

The discourse follows the construction of its own reality, placing itself in alignment with the need for formal and social education as instruments to conquer the challenges of humanity.

*The future contains multiple and decisive challenges for humanities, that can only be conquered if our young people receive formal and social education to face them*¹⁸.

The discourse moves the challenges into the future, as if they were not already placed before humanity in the present. This resource of mythification of the future, linked to uncertainty on account of challenges, intends to sell a proposal of social education that is hidden. Note the presence of a supposed global discourse, that is indistinctly concerned with young people but nevertheless removes their historicity, since they were recently referred to with other names within the same section.

The future perspective contained in the discourse is shown to be in conflict with the ethic of responsibility, considering what Hans Jonas²⁰ notes about actions that have a causal projection into the future. In this philosopher’s understanding, in the sphere of morality, human action must be capable of projecting a prior awareness that, rather than lazily unravel the future consequences, seeks to keep in mind the magnitude of long-term impacts and their frequent irreversibility. For Jonas, this implies moving responsibility into the center of ethics.

In the passage presented below, companies and volunteers appear, without mention of the State, whose role is only emphasized in relation to what was in the past. Thus, the discourse constructs an enunciative erasure of the state as a grand absence

in the actions of protection and education. This highlights the reinforcement of the notion of the Minimal State, a concept linked to neoliberal ideology, as a naturalized, given situation.

*This vision took root in society and is found in practically all human activities. Numerous companies of all sizes and sectors embrace the cause of early childhood and education, while millions of people come to develop voluntary works aimed at the protection and training of minors, whether needy or not*¹⁸.

There is an attempt to imply that the vision of Conar is what prevails in all human activities, in a decisive way, when it notes that the vision of social responsibility took root in society.

The utilization of these resources shows the *modus operandi* of the discourse as a form of constructing reality, materializing it by way of words, to define the role of advertising and mark its importance, its rootedness, and its qualities, and to demonstrate the existence of consensus surrounding its content. In this way, Conar constructs its perspective of the world, its universe of significations, which thus inscribes itself in the inter-discourse, between all that it has already said about advertising and all that it will still say.

Dahlet²³ argues that the reproduction of values and discursive practices even between paths markedly opposite in terms of ideology – omnipresence in discursive space – is due to the fact that their supports and articulations come to be unnoticed, thus being taken as a universal, global perspective.

Third Section – The mixed system of legislation and self-regulation provides the safety that agrees with the consumer

The third section of the document presents positions to defend the utility of advertising as a source of information for the conscious consumer, its contribution as an activity for economic growth, and an explanation about the revision process of the self-regulation code.

The discourse presents a defense of “free and ethical” advertising, making a judgement that seeks to characterize the advertising under discussion.

*The motivation of Conar in defense of free and ethical advertising only underscores the absolute need to attune the Brazilian Code of Advertising Self-Regulation and the expectations of society*¹⁸.

Following this, it returns to a defense of advertising as a means of information. We see a cliché, “people consume better with information,”

used as a resource by the discourse with the goal of consensually grounding their proposal of acquiring wealth through advertising.

A new reformulation of the word advertising appears as discursive forms, utilizing the expression “is synonymous with competition” as a metaphor, creating the implication that competition is for the benefit of the consumer.

*Advertising is synonymous with competition, and competition is a guarantee of the best conditions for the consumer*¹⁸.

Considering the purpose of advertising, which is essentially lucrative, we can perceive that the discursive forms used and the emphasis on the advantage for the consumer has the function of ideological dissimulation of the real interests of the people in question.

Fourth section – The solution for the epidemic of childhood obesity belongs to the family, education, as well as to self-regulation

The fourth section has childhood obesity as a central theme, characterized as an epidemic, and its relation to food advertising. The title of the section appears to attest to Conar as an authority on the subject, literally indicated as a solution for obesity, ranking responsibility between family, education, and self-regulation.

The expression “self-regulation,” present in the name of the Council itself, can also be seen as a nominalization, and the way it is placed in the section title implies that families have the obligation to self-regulate. While this responsibility is not debated in the text, it remains implicit as the initial part of the “solution” proposed for obesity, and clearly fits in the context of the neoliberal discourse.

The discourse mentions studies and decision-making processes in other countries, using them as authoritative voices in support of the justification of irrelevance and against state regulation. It also introduces the WHO in the same way, distorting information to fit the interests of the discourse:

*The World Health Organization, for its part, has not issued a directive proposing the banning of advertising of foods and soft drinks, or restrictions on them as public policy, preferring to propose general recommendations to be adopted by their member-states, stressing the need for a multidisciplinary approach. The current position of the WHO is more interested in mobilizing all of the countless agents with influence for solving the problem*¹⁸.

As an international organization, the WHO does not emit directives, but rather develops reports and recommendations to its member countries. Furthermore, we should not speak of preference, as is done in this discourse, but of the role of the organization that consists in the transference of technology and diffusion of knowledge in public health. Documents elaborated by the WHO and its representative for the Americas, the Pan-american Health Organization (PAHO) regarding obesity and the advertising of food for children are categorical in affirming the fundamental relevance of regulatory public policies¹²⁻¹⁴.

The solution recommended by Conar once again proposes – by way of inference – the erasure of the role of the State in the process of regulating advertising. From the benchmark of the bioethical intervention as a theoretical approach, politicized and committed to the rights of populations excluded from economic development, we insist that the role of the State is fundamental in the protection of the interests of vulnerable persons.

Fifth Section – A brief history of Conar

In the fifth section, that contains a history of the founding of the Council, it is stated that Conar and its code “were born out of a threat to its activity,” when at the end of the 1970s there was the possibility of creating a law of censorship concerning advertising. It notes that the proposal for self-regulation emerges as an “inspired response” to the censoring, with the purpose “to protect freedom of commercial expression and defend the interests of the sectors involved in the advertising market, including those of the consumer”.

Conar and its representatives framed themselves as victims of censorship, highlighting their characteristics as a combative group in defense of noble principles such as freedom of commercial expression and the interests of the advertising market. They identified their action as inspired and successful.

*Faced with this threat, an inspired response: self-regulation, synthesized in a Code, that would have the purpose of protecting freedom of commercial expression and defending the interests of the parties involved in the advertising market, including those of the consumer*¹⁸.

Analyzing the context in which it is inserted in the consumer market, and based on the definitions of advertising in debate here, it is possible to perceive that the involvement of the consumer is one of being expropriated, subjected to advertising.

We question who is this consumer to which the document refers. Children and adolescents cannot be seen as mere consumers, but rather as persons made vulnerable by exposure to advertising.

Conar holds the power of capital of “close to four hundred associated companies. Here, the identity of who speaks is emphasized, who by way of relations of force and by a hierarchical position are able to make the discourse impose and produce meanings:

*The decisions of Conar were never disregarded. In the rare cases in which they were questioned by the courts, Conar emerged victorious*¹⁸.

The words used are markers of conflict, crystalize Conar as “victorious” and its action as “unquestionable” in the realm of inter-discourse about advertising. This effect of discourse is one of the hoped-for effects by those who produce it, the discursive materialization, to inscribe their mark in history.

Once again we draw on the contributions of Jonas²⁰ to support the discourse analysis, who affirms that the ethical reflection of our days is bursting with “ [...] good intentions and noble purposes, that declare themselves on the side of good and against the wicked, for prosperity and against destruction” (p. 23). He observes the fact that such motivations cannot show any failure in argumentation, which can be perceived constantly in the discourse studied here.

Dahlet²⁹ urges us to seek the emancipation of the rhetoric that makes the creation of euphemisms into a tool, as part of a language that wants to make itself seem ethical, transparent, and efficient. It is a language that induces us to limitless consumption, something that is not always possible in reality. In this sense, the discourse under analysis is mixed with the object of its defense. In other words, a reaction to its own advertising discourse is necessary, as part of the neoliberal, globalizing, mythical inter-discourse that, according to the author, is at the service of “[...] a system that precisely disarticulates the time of emancipation [...]”.

Final considerations

The analysis of the discourse of conscious and informed consumers allows us to characterize an ethical perspective committed to ideas related to the market, to free-market competition, to the predominance of relations of consumerism over the vulnerability of children and adolescents. It

also identifies values that intend to extinguish the role of the State in the protection of health, and distance it from control over advertising activity, in other words ideas strongly linked to the neoliberal context.

The analyzed discourse showed alignments and ethical postures that speak of the interests and representations present in our society, certainly among many others, that intersect, interpose, resume, mutually reinforce, and – at times – counteract each other.

Throughout the analysis, we delineated a discursive form that used naturalization, untruthfulness, ideological dissimulation, and euphemization as resources, through which is constructed a universe of meanings that serves the interest of those who produce the discourse.

With the utilization of resources such as the erasure of social conflicts, the ignoring of historical perspectives, and the hiding of enunciation, Conar makes their discourse palatable and permeable in the most diverse contexts where it is to be reproduced, in a similarity with how media discourse operates, inscribing itself symbolically into history and producing meanings.

We are describing a discourse that does not align with the principle of protection of the vulnerable, nor to the ethic of responsibility of Hans Jonas.

It is noteworthy that the ethical perspective of the analyzed discourse represents a double paradox, as a business discourse with a commercial objective, but which erases its competitive roots and wealth orientation, metamorphosing into an ethical discourse, wishing to be seen and received by the interlocutor as such.

It becomes necessary to strengthen the use and the diffusion of the discourse of bioethics with a critical stance, as a practice capable of transforming the reality of the world, nourishing the struggles for dignity and in defense of the vulnerable – which we all are in the face of the discourses and powers that oppress us.

Considering the legal and ethical points of view – that the child in its vulnerability must be, with the maximum priority, protected by the state, we can say that the fact that the pertinence of regulatory action on advertising targeting children is under evaluation at all signifies the value given to other interests aside from the need for protection. Its pertinence is a given: what is at stake is the disposition of the State to confront the powerful interests against it, here represented by the discourse of self-regulation.

Collaborations

DAC Silva worked on the conceptualization and development of the research and the drafting of the article. ACR Cunha in the orientation of the research and critical revision. CF Rosaneli and TR Cunha worked in the critical revision and final drafting of the article.

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