

Consumer Rights Code 8.078 (1990)
- Excerpted Portions-

CHAPTER III
Basic Consumer Rights

Art. 6º The basic rights of the consumer are as follows:

I – protection of life, health and safety against risks caused by practices considered hazardous or harmful in the provision of products and services;

II - education and publicity about appropriate consumption of products and services, with assurance of freedom of choice and equality of transactions;

III – clear and adequate information on different products and services, with correct specifications of quantity, characteristics, composition, quality and price, as well as on the risks they may pose;

IV – protection against deceptive and abusive advertising, coercive or unfair commercial methods, as well as against practices and clauses that are abusive or imposed on the provision of products and services;

V – the modification of contractual clauses that establish disproportionate payments, or their adjustment due to supervening circumstances that make them excessively onerous;

VI – effective prevention and repair of property damages, moral, individual, collective and diffuse damages;

VII – access to judicial and administrative agencies with a view to preventing or repairing property damages, moral, individual, collective or diffuse damages; with assurance of Legal, administrative and technical protection for those in need of it;

VIII – facilitation of the defense of their rights, including the reversal of the burden of proof in their favor in civil proceedings, when in the opinion of the judge the allegation is persuasive, or when it is more than sufficient, according to the ordinary rules of experience;

IX - [Vetoed](#);

X – the proper and effective provision of public services in general.

Art. 7º The rights set forth in this code do not exclude other ones arising from international treaties or conventions to which Brazil is a signatory, from common domestic legislation, from regulations issued by the competent administrative authorities, as well as those derived from general principles of law, analogy, customs and equity.

Sole paragraph. If there is more than one perpetrator of an offense, all shall respond jointly for reparations of the damages set forth in consumer legislation.

CHAPTER IV
Quality of Products and Services, Prevention and Reparation of Damages

SECTION I Protection of Health and Safety

Art. 8° Products and services placed on the consumer market shall not pose risks to the health or safety of consumers, except for those considered normal and predictable as a result of their nature and development, which obligates suppliers, in any case, to provide the necessary and appropriate information regarding them.

Sole paragraph. With regard to industrial products, it is incumbent on the manufacturer to provide the information referred to by this article, through appropriate leaflets that should accompany the product.

Art. 9° The supplier of products and services that are potentially harmful or hazardous to health or safety must provide notification, in a suitable and prominent manner, concerning their harmful or hazardous character, without impairment to the adoption of other applicable measures for each specific case.

Art. 10. The supplier shall not place on the consumer market a product or service that he knows or should know presents a high degree of harmfulness or danger to health or safety.

§ 1° The supplier of products or services who, after introducing them onto the consumer market, becomes aware of a hazard that they pose, must communicate the fact immediately to the competent authorities as well as to consumers through advertisements.

§ 2° The advertisements referred to in the foregoing paragraph shall appear in the press, radio and television, at the expense of the supplier of the product or service.

§ 3° Whenever a hazard to consumer health or safety in a product or service becomes known to the National Government, the states, the Federal District or the Municipalities, they must inform the public of such hazard.

Art. 11. [\(Vetoed\)](#).

CHAPTER V Commercial Practices

SECTION III

Advertising

Art. 36. Advertising must be presented in such a way that the consumer can easily and immediately recognize it as such.

Sole paragraph. In advertising their products or services, suppliers shall keep in their possession the factual, technical and scientific data that substantiate the advertising message for the information of those who are legitimately interested.

Art. 37. Any deceptive or abusive advertising is prohibited.

§ 1° Any manner of information or communication involving advertising that is wholly or partly false, or that for any other reason, including by omission, is capable of inducing the

customer into error regarding the nature, characteristics, quality, quantity, properties, origin, price or any other data concerning products and services, is deceptive.

§ 2° Among other kinds of advertising, discriminatory advertising of any kind, advertising that incites people to violence, exploits fears or superstition, takes advantage of the lack of judgment and experience of a child, disrespects environmental values, or that is capable of inducing the consumer to behave in a way that is harmful or hazardous to his health or safety, is abusive.

§ 3° For the purposes of this code, advertising is deceptive by omission when it fails to provide information about essential characteristics of a product or service.

§ 4° [\(Vetoed\)](#).

Art. 38. The burden of proving truthfulness as well as the correction of information or advertising communication is on those who sponsor them.

SECTION IV Abusive Practices

~~Art 39. Suppliers of products or services are forbidden to do the following:~~

Art. 39. Among other abusive practices, suppliers of products or services are forbidden to do the following: [\(Text taken from Law n° 8.884, de 11.6.1994\)](#)

I – To condition the provision of a product or service on the provision of another product or service, as well as to condition such provision on quantitative limits without due cause;