

# **PUBLIOUFAKE**

**A Guide [IN THE MAKING] to  
Disinformation and Digital Marketing**





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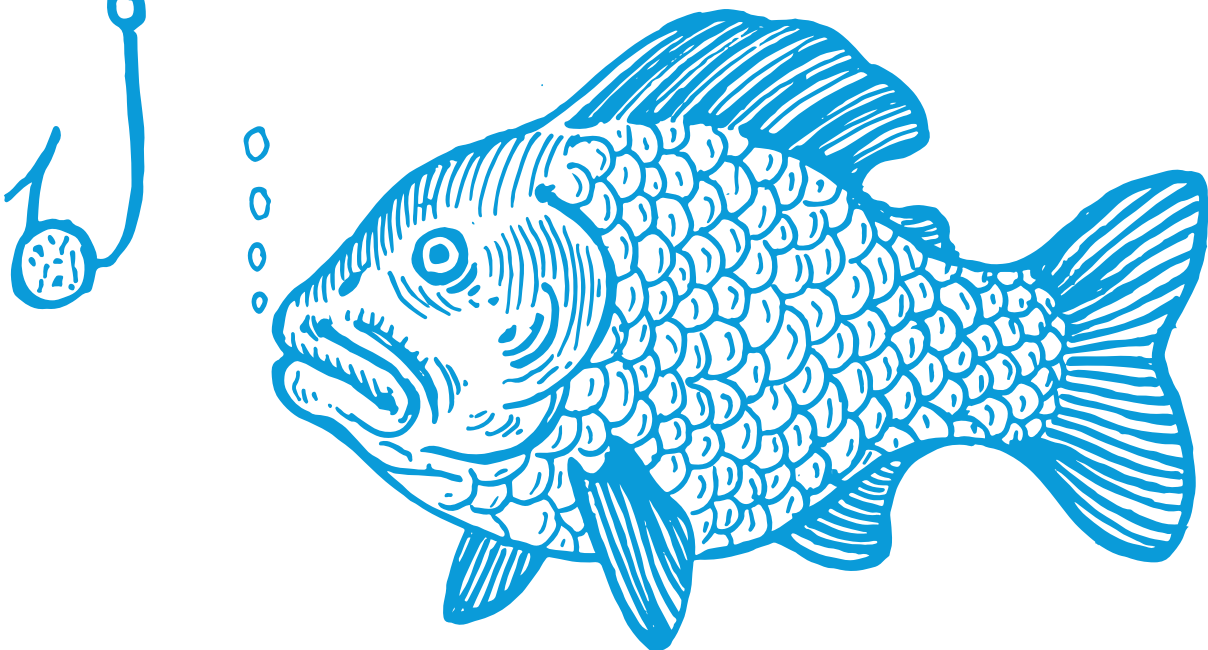
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**1**

# **PRESENTATION**



## What is InternetLab?

InternetLab is an independent, interdisciplinary research center focused on promoting academic discussions and knowledge production in the areas of law and technology, particularly internet policy. The organization is a non-profit entity that fosters dialogue and exchange among academics and representatives of the public, private, and civil society sectors, encouraging the development of projects that address the challenges of formulating and implementing public policies vis-à-vis new technologies, such as privacy, freedom of expression, and issues related to gender and identity.

## What is Lema?

Lema+ is a public relations and communications agency. It works with cultural and socio-environmental brands and projects, with a particular focus on issues related to innovation, urban culture, consumption, and youth behavior. The agency designs, strategizes, and carries out activities focused on generating impact among members of the press and content creators.

Comprising a team of multicultural and interdisciplinary professionals, Lema+ is a community built upon and organized around values such as equity and equality on matters of gender, race, and sexuality, with collectively-held progressive ideas on the defining issues of contemporary life. The agency tells stories that contribute to the development of more aware consumers and more engaged citizens regarding agendas that drive the market and positively contribute to a constantly evolving society.

## What is Quid?

Quid is a communications and mobilization laboratory for causes that is focused on developing actions and campaigns based on data and an in-depth understanding of audience niches, contemporary digital culture, and political landscapes. One of its main projects is [www.choramorozov.com](http://www.choramorozov.com), a course that trains progressive influencers to understand their role as opinion leaders and have greater confidence to take political stances.



## What is the Desinfo project's aim?

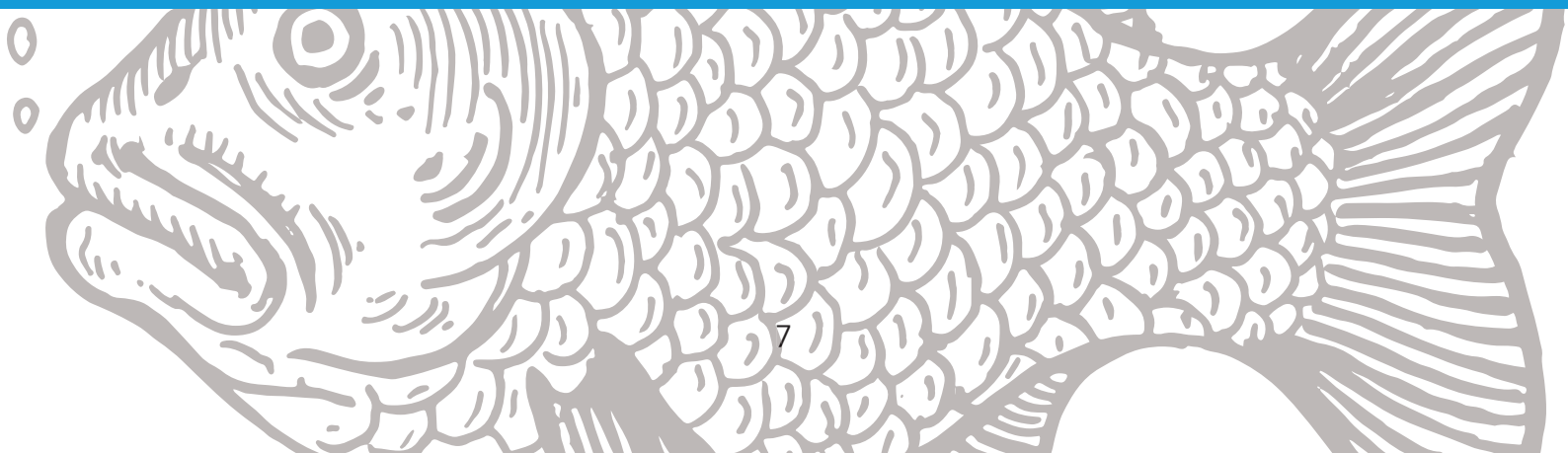
This project aims to initiate a dialog with the digital advertising market with a view to devise parameters and tools that advertising industry players can use to navigate the information environment while respecting the integrity of public discourse. Advertising dynamics, which have always played a pivotal role in the information environment, have become even more relevant in the contemporary intertwinement of new online communication technologies and digital marketing. The decisions of these professionals are strategic and have a major impact on the dynamics of the political debates taking place on social networks. Choices regarding narratives, positioning, and resource allocation can be decisive in the circulation of violent or low-quality content, with direct implications for disinformation dynamics. This guide is a starting point to call on these actors to be more aware of the risks involved in their decisions and of best practices to contribute to a healthy and upright information environment.

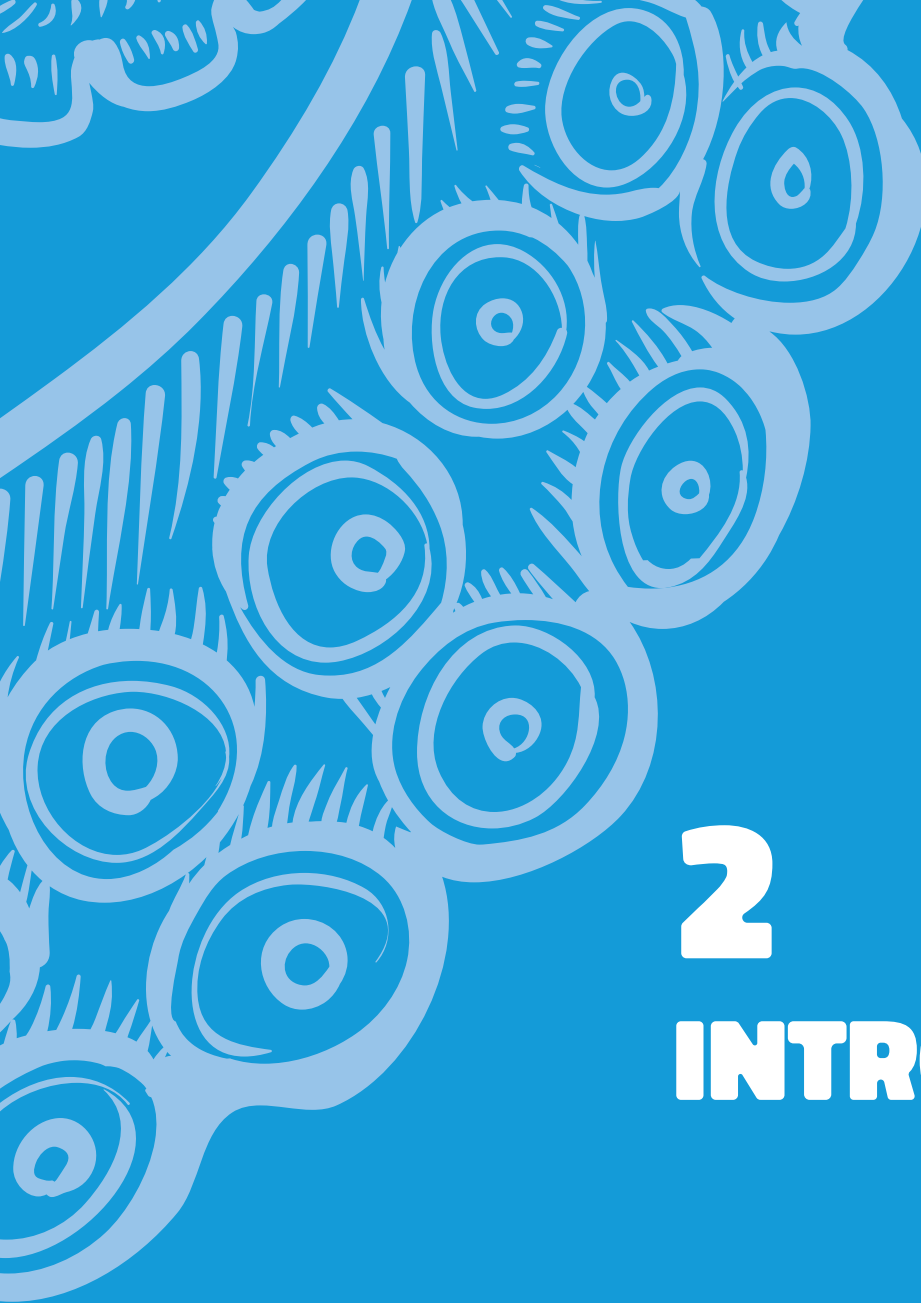
## How does this material contribute to advertising and brand communication management?

The informational context and the consumer-brand relationship have changed significantly in recent years, and though this is nothing new, some of the elements in these changes often put brands in delicate situations. On the one hand, consumers are increasingly demanding humanization and political alignment from the brands they consume; on the other, any blunder or inconsistency by these same brands as they work out their positioning generates image crises that are social media nightmares.

As brands become important actors in identity- and human rights-related public debates and online conversations, understanding what the central elements are in the digital debate - from freedom of expression to disinformation and cancel culture - becomes practically indispensable in advertising.

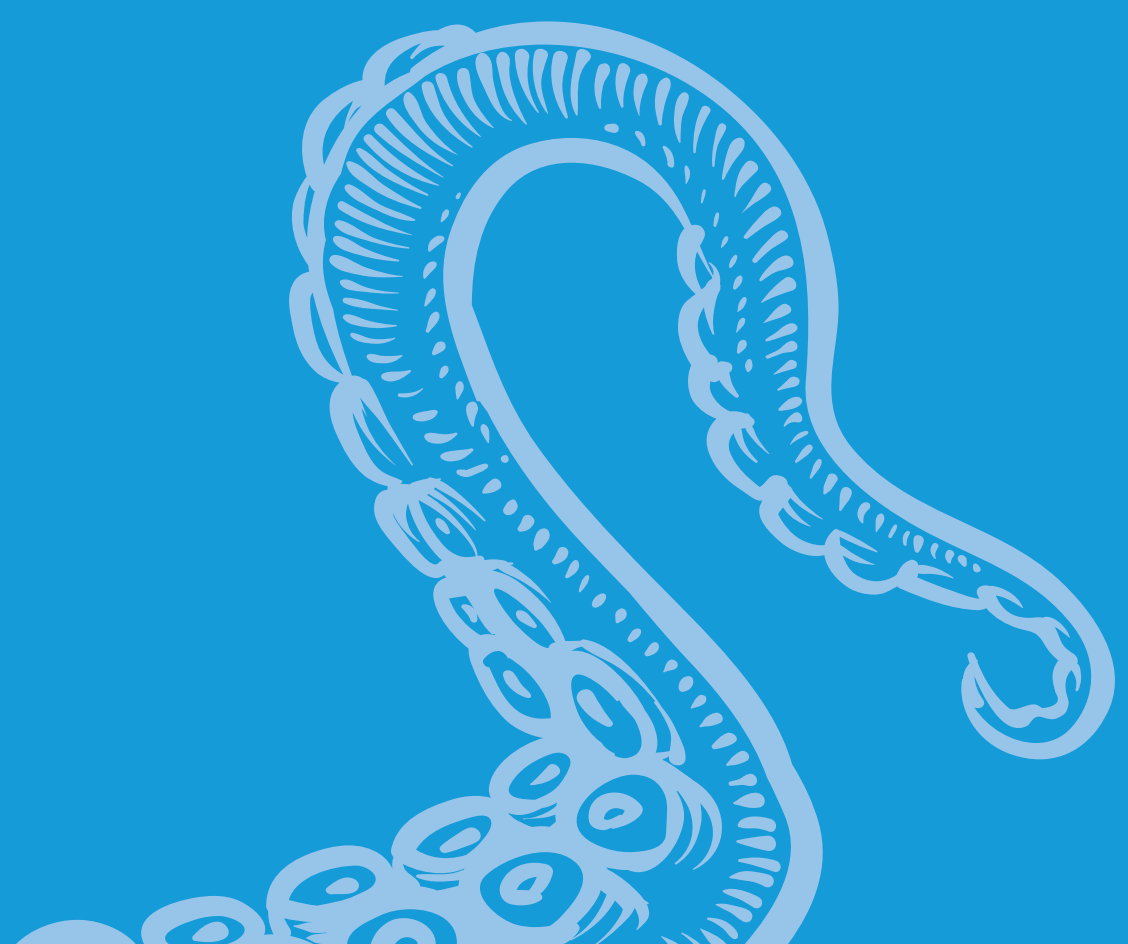
This material will provide you with tools to better and more confidently navigate the complexities of the relationship between brands and ideological positioning, influencers and paid media platforms, and the contexts and layers of cancel culture and brand image crises. You will gain an understanding of how these things connect, be able to define with greater certainty what the role of the brands you manage should be in this ecosystem, and be able to act as a multiplier of this knowledge in the advertising industry.






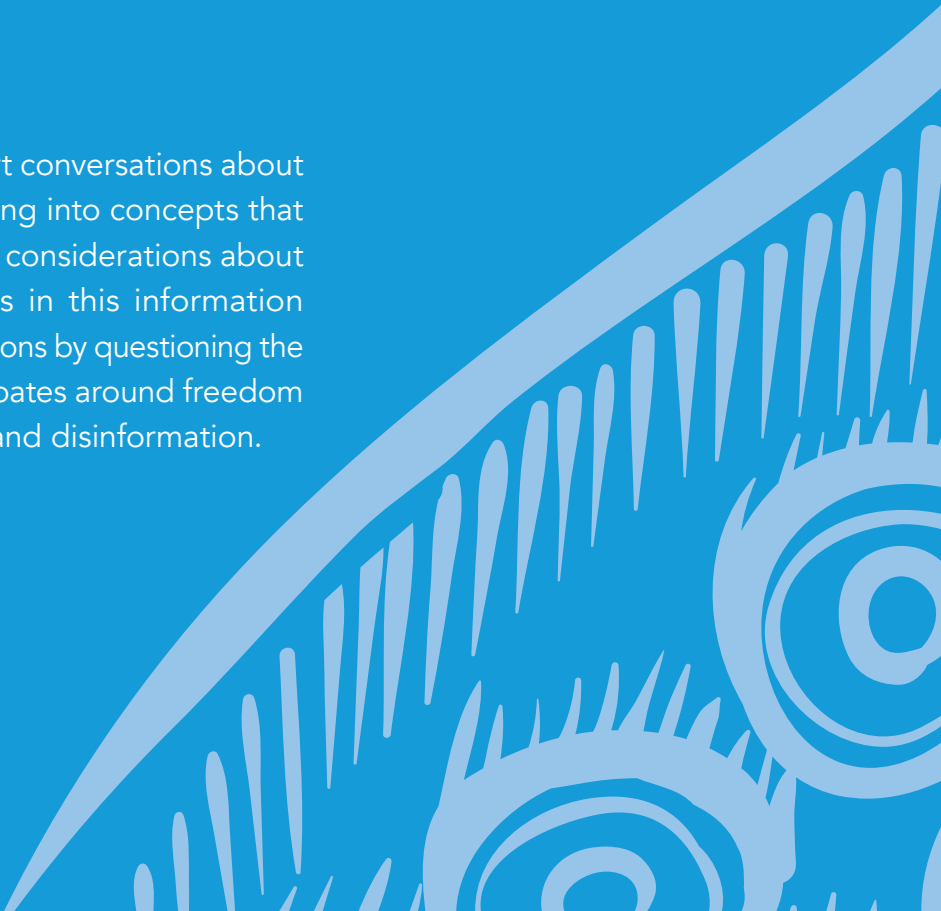
# 2

## INTRODUCTION





Understanding what disinformation is, where it comes from, how it circulates, and how it should be combated is a complex undertaking. Far more than a discussion about truth or lies, understanding disinformation involves looking at communication structures and dynamics, identifying motivations, mapping behaviors and beliefs, exploring concepts, and understanding how disinformation dynamics also serve as instruments for online violence.



In this material, we intend to kick-start conversations about disinformation and advertising, delving into concepts that are often misunderstood and raising considerations about the role of marketing professionals in this information phenomenon. We will stimulate reflections by questioning the role of the advertising industry in debates around freedom of expression, democratic plurality, and disinformation.



# 3

## **A FEASIBLE AGENDA: THE ADVERTISING INDUSTRY'S PLACE IN THE INFORMATION ECOSYSTEM**

What feasible corporate responsibility agenda can each of the advertising chain's links and intermediaries uphold and implement to contribute towards maintaining the integrity of public discourse, tackling disinformation, upholding and respecting citizens' rights, and protecting democratic values? There is no single answer, which is why we propose a conversation about possible standards to guide the choices available to each of this ecosystem's players.

# A.

## Where do we begin this chat about a feasible agenda?

When we talk about advertising and untruthful information, or information that causes confusion in public debates, we may run into some famous cases, such as the Brazilian company Empiricus Research, which was issued a warning by Conar (the Brazilian Advertising Self-Regulation Council) in May 2019 and forced to take six of its advertisements off the air, including a video with an employee called Bettina that went viral online.<sup>1</sup> In the advertisement, 22-year-old Bettina Rudolph claims to have amassed a net worth of over 1 million reais (approximately 250 thousand dollars at that time) after initially investing R\$1,520 (approximately 380 dollars in 2019) three years earlier.

In its ruling, Conar's Ethics Board unanimously approved the recommendation of "aggravated suspension with a warning to the advertiser". The legal action was launched following complaints from consumers and encompasses the advertisements "Hi, my name is Bettina. I'm 22 years old and have 1,042,000.00 reais in accumulated assets...", "Double your salary in record time", "+251 every day in your account", "Receive R\$1,823.53 in rent every month", "Millionaire with shares", and "Double or nothing".

At the time, the agency reported that "numerous complaints from consumers" questioned the veracity of the claims contained in the videos "promising high returns on financial investments without further explanation". According to Conar, the case's reporting judge pointed out in her vote that the ads "contain disinformation and confuse consumers", concluding that the assumption of truthfulness is not present in the ads.

In April of the same year, Procon/SP (the Consumer Protection and Defense Foundation in Sao Paulo State) decided to fine Empiricus for broadcasting misleading advertising because of the Bettina ad.<sup>2</sup> The fine, which was imposed through an administrative procedure, was R\$58,120 (around 14,530 dollars at that time).

The case is an example of a situation where an ad is considered "disinformation" in itself and creates confusion for consumers. In this sort of case, the existing rules established by the Brazilian Advertising Self-Regulation Code - one of whose principles is the presentation of the truth, by Conar,<sup>3</sup> and by the Consumer Defense Code<sup>4</sup> are clear about the prohibition of misleading advertising.

Each of these legal provisions can inspire interesting values for advertisers and agencies, but given the changes to our information system, they can also be outdated when it comes to the dynamics imposed by the internet.



Legislation is scarce, for example, in some cases where advertising's involvement with disinformation relates to the indirect financing of websites that propagate manipulated discourse or contain intolerance and hate speech. Fundamental to the flourishing of Brazil's digital environment, the Brazilian Civil Rights Framework for the Internet (Marco Civil da Internet, Law 12.965/2014) plays an ambiguous role in these situations. On the one hand, the Framework ensures that social networks welcome the decentralized participation of users who use their creativity to generate content; on the other hand, the law does not differentiate between specific players in the digital advertising chain.

In the field of political advertising, regulation has moved more quickly, given the urgency of electoral processes.<sup>5</sup> This is a field that requires closer guardianship and control because it is at the heart of how institutional political representation is configured in Brazil.

However, in other branches of the advertising market, the decisions of platforms, agencies, industry professionals, and brands can and should be fundamental in guaranteeing a safe, ethical, and democratic digital environment.

As in any good conversation, some of the reflection-provoking questions around the responsibility of each of the players involved in tackling disinformation in its broadest sense are:

How can actors of varying statures that rely on different teams and qualifications guarantee commitment to practices that uphold integrity and rights-focused agendas? Are there practices that can be implemented in a succession of stages, with each subsequent stage building upon preceding ones? What deleterious effects can the adoption of practices by larger players have vis-à-vis smaller ones?

To help you find your way around these questions, we propose a thoughtful conversation with an initial round of concepts and examples, as well as the presentation of a series of entry routes for disinformation agents with economic and political interests - from propagandists to opportunists.



# 4

## DISINFORMATION

The first concepts we would like to address are disinformation and hate speech. Both are phenomena that marketing and advertising professionals' decisions can influence or interfere with. Considering this premise, the following section presents definitions of these concepts and some practical examples. The aim is to understand the possible choices when addressing the issue in depth.

A.

## What is disinformation?

We need to choose a definition for disinformation before discussing the matter. Something challenging about this definition is capturing “what’s new” with this phenomenon.

Content commonly labeled as “disinformation” is content that, despite distorting reality or being false, is either cloaked in elements typical of journalistic information and scientific authority, or has characteristics that give the public a sense that it represents reality or aligns with individual beliefs and convictions to reinforce distorted narratives and worldviews. It is the image in the form of newspaper headline that reveals a conspiracy, the fake audio alleged to be the source of a story, the apocryphal article, the so-called information that appeals to a sense of urgency to be shared, the content accompanied by images supposedly evincing that information, the argument that appeals to public interest, and the statement accompanied by data that supposedly corroborates it, etc.

Discussing disinformation entails going beyond the tension between truth and lies that has always existed and continues to exist. What has happened is that, in the past few years, we have been living in a transformed information environment. The internet has gained relevance and established the conditions for the emergence of communication on platform-mediated networks, enabling anyone with access to become a “communicator”.

Consequently, the conditions in which journalistic protocols, ethics, careers, and expertise (such as

specific text and image editing skills) flourished have been annihilated. The sharing of personal experiences and opinions is now competing for and sharing space with the structured processes involved in the production and release of information and knowledge. In this environment, propaganda tactics and interference strategies in public debate avail themselves of the decentralization of communication and the crisis of authority in journalism and science.

This happens all the time on the networks. It is as if any statement can be modified by anyone, at very little cost, and there are no clear parameters for what should or should not be disseminated as real and actual fact. This control has become widespread on the web. Journalism's and science's authority over information and knowledge has been called into question at the same time that the media's power has been diluted on the web. In this scenario, it is often people who are active and influential on social media who have started to play an important role in selecting and amplifying ideas, messages, and information; they have the capacity to dictate the importance of certain topics or subjects and direct the public's attention.

Beyond what is true or false, "disinformation" is a complex phenomenon that encompasses the negative consequences of this process on the information environment's integrity.








## Performance in discourse and its violent side

With the decentralization of control over current topics of conversation - and its intermediation by tech platforms that sometimes facilitate viralization and foment outrage - control over the subject matter becomes as important as the subject matter itself. And so, as routinely occurs on social networks, performative discourse has also taken hold as a technique for framing and controlling the agenda, aligning itself with dynamics of violence and disinformation.

It is not always clear what we mean by speeches or behaviors of a performative nature. Unlike spreading disinformation accidentally (often falling prey to the propagator's strategy) or just because the content confirms personal beliefs, performative speeches and behaviors are those that have aims beyond simply "passing on information".

This **can destabilize the online debate and provoke reactions**, and includes strategies to shock, incite aggression between interlocutors, impede or distort conversations, and/or draw attention to narratives that would not organically receive attention in public debate



**Shocking, provoking, and attacking attract attention - but they also generate consequences beyond words. This often happens in a violent way, as in the case of troll attacks whose intention is not only to attack, but also to sabotage any potential conversations on a given subject, using shock to reduce the space for other users to express themselves.** It is a particular form of aggressive behavior that targets an individual, a group, an idea, or a cause and whose intention is both to hit that target and to destabilize the conversation

Trolls can act individually or in an organized fashion through coordinated attacks. Attacks can be directed at specific people or aim to warp current debates by spreading disinformation. Trolls' actions can involve the use of anonymous profiles and automation tools such as automated and/or fake accounts to manipulate public discourse. Moreover, **this type of behavior can occur spontaneously, be funded, or be a mixture of the two things.**<sup>6</sup>

# B.

## The relationship between disinformation and digital advertising.

Naturally, the transformation in the structures of information production, circulation, and consumption has also entailed huge changes in the advertising field. Digital advertising has become the core of the large digital platforms' business model - and the channels through which brands can reach customers have multiplied. These channels, spanning from influencers to programmatic advertising, have established themselves as means of accessing ever-larger audiences and become coveted and strategically used by countless actors, including political and advertising players.

For example, one of the main outcomes of the Joint Parliamentary Inquiry Commission on Fake News (Comissão Parlamentar Mista de Inquérito das Fake News), which was set up by Brazil's National Congress to investigate organized networks that disseminate misleading or offensive content online, was the discovery, in June 2020, that the federal government invested public money to run two million advertisements on channels that also publish content deemed inappropriate by the Commission. The list of those investigated included pages that spread fake news and promoted gambling, and even pornographic sites, drawing attention to the role of ads and the advertising industry in funding the spread of disinformation.





## Information Crisis

The communication around the COVID-19 pandemic in Brazil between 2020 and 2021 is an interesting case to analyze disinformation beyond the truth/lies dichotomy, complexifying this debate and leading us to think about advertising's role in this matter.

At a time when the country was undergoing a serious health crisis, the then president and certain ministers issued ambivalent and even contradictory statements they attempted to pass off as being on par with scientific knowledge.<sup>7</sup>

Indirectly, they made citizens the "real" scientists who could now do their "research" on any subject matter directly on the internet or among their family members, without the need for mediation by experts.<sup>8</sup>

For example, The Ministry of Health launched "TrateCov", a medical platform which recommended chloroquine even to babies, and only took it down following strong criticism. Additionally, in a campaign that cost R\$20 million, the Publicity Department of the Ministry of Communications' Special Secretariat for Social Communication paid an advertising agency to hire digital influencers to mention the need for "early intervention" against Covid-19 or talk about "early treatment", even though there is no early treatment against the disease that is considered scientifically effective. This confusion has caused some content creators to publish texts on these subject matters and then delete or edit them after criticism from followers.<sup>9</sup>

Something similar happened in relation to the government's communication about deforestation rates in the Amazon. In 2019, the government openly questioned the data on deforestation produced by the National Institute for Space Research's (INPE) monitoring system and attacked its director at the time, physicist Ricardo Galvão. In an interview, President Bolsonaro affirmed, "He's going to have to explain these data ... which we feel doesn't [sic] match up with the truth. You'd think he was working for some NGO."<sup>10</sup> In other words, the statistics and data from the recognized research body should be consistent with "what we see in real life"; otherwise, they will be subject to doubt.

## i) Advertising and funding of disinformation

### Influencer Marketing

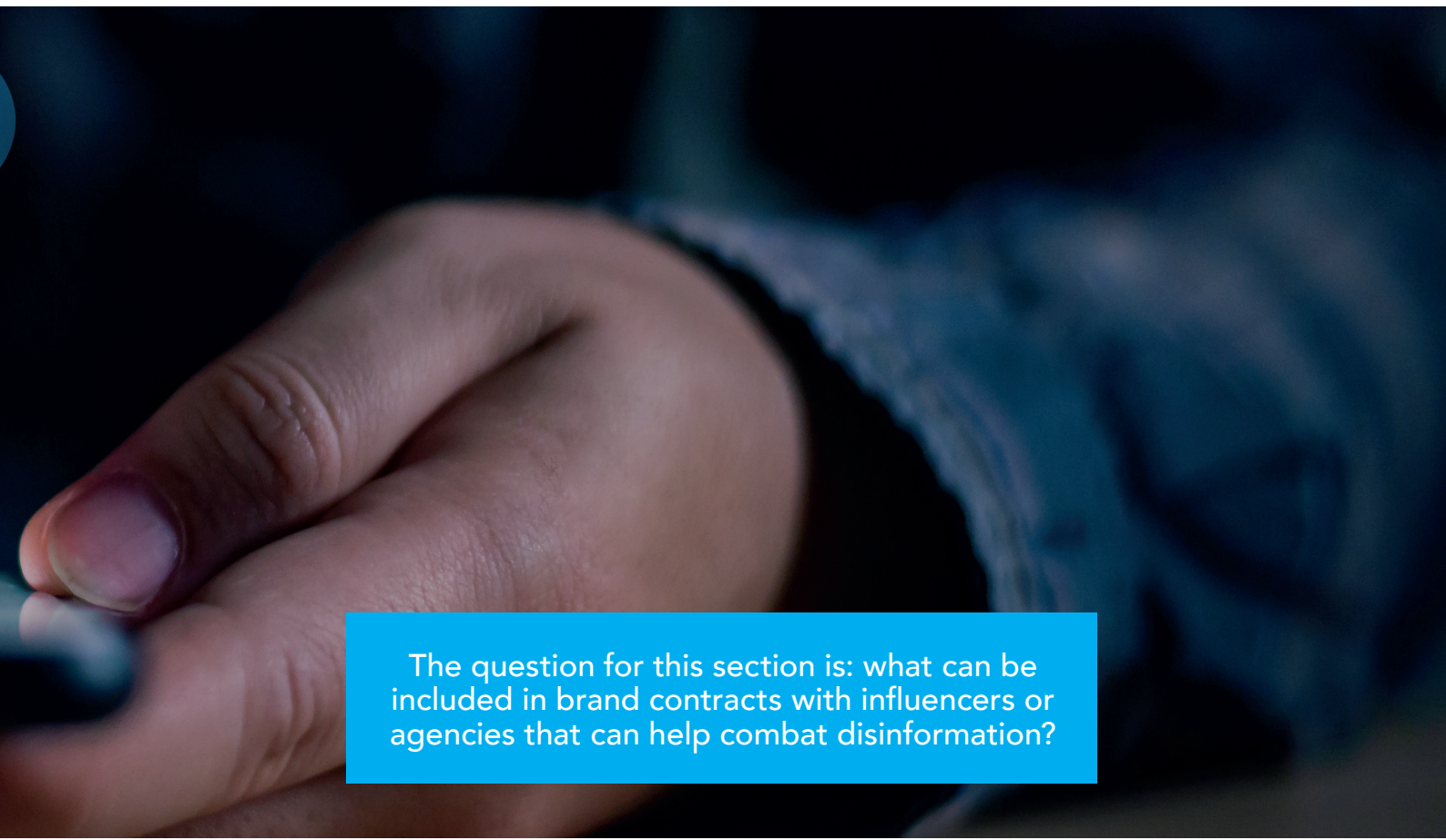
Cases of influencers amplifying misinformative narratives or playing a central role in disinformation ecosystems reinforce the importance of incorporating the issue of influencer marketing into discussions about disinformation.

The ability of digital influencers' channels and content producers to generate user engagement in a decentralized way has led to the emergence of a series of new intermediaries in the influencer marketing chain. From specialized agencies to niche strategists, these intermediaries have to their advantage the use of data on each target audience based on the digital footprints left by users on social networks. Operating on varying scales (depending upon the size and engagement of their audiences), creators and their intermediaries comprise a long trail of possible channels for advertisers and propagandists. It is worth noting that small channels, profiles, and agencies can be both guided by the strong values of a niche or community and also very vulnerable to economic pressure.



By being digital influencers and having access to audiences, or having the resources to acquire this access through influencer marketing, players interested in spreading disinformation, or combatting it, can wield immense power on the networks. To the extent that the digital influencer market is sustained by advertising, the relationship with disinformation can be twofold: either in the alignment between brands and influencers who participate in disinformation ecosystems, with advertising indirectly supporting this action, or in the hiring of influencers by actors interested in spreading disinformation.

Therefore, strategic decisions about which influencers and intermediaries to hire - and how to hire them - for influencer marketing campaigns can enhance (or counter) the dynamics of disinformation and violent attacks. However, this should not mean excluding from the market any and all actors who may find themselves involved in a case of disinformation. As mentioned above, disinformation is a complex phenomenon, and actors do not always amplify and disseminate misinformative narratives in an intentional and informed way. As such, the construction of ethical parameters and good practices may be a path worth exploring in this market.



The question for this section is: what can be included in brand contracts with influencers or agencies that can help combat disinformation?





## Programmatic Advertising

The programmatic advertising offered by platforms such as Google and Meta also entails a series of discussions about disinformation and violent discourse. As we know, internet platforms have opened up a range of possibilities for targeted ads through personalization and segmentation based on users' personal data.

Enabling a range of free online services, programmatic ad platforms are everywhere on the internet. They offer content producers various forms of remuneration and advertisers a wide range of choices.

Each form of remuneration provides incentives for a set of online content producers, and therein lie other problems involving disinformation. In order to inflate this percentage and receive significant remuneration, for example, sites that run advertisements need to gain a larger audience, and, therefore, many of them choose to publish sensationalist content that distorts reality but attracts public attention in the crisis-ridden information environment.

In this case, advertising agencies and advertisers can unwittingly end up financing and participating in a vicious disinformation cycle that is driven by economic or political objectives. Especially since we know that programmatic ad buys do not always make it obvious which specific web page will show the ad to this or that user.

A 2019 study by the organization Global Disinformation Index (GDI) estimates that the programmatic advertising-generated revenue of 20,000 websites classified by GDI as propagators of disinformation reached US\$ 235 million, 70% of which was on Google Ads, the world's largest programmatic ad buying service. **The study is not a warning not to use services like this, but a call to understand how they operate and offer choices to their advertisers.**

## Has the giant awoken?

In 2016, adman Matt Rivitz decided to create Sleeping Giants (SG) to put pressure on large companies that advertised on websites running controversial content, including both disinformation and hate speech. The initiative spread to various countries, and in May 2020, it arrived in Brazil.

The initiative was brought to the country by a group of young activists and has grown rapidly in the wake of the emergence of the disinformation debate. Here, the movement started alerting companies to the content of media outlets and programs and pressuring them, via organized campaigns, to remove ads from web pages that spread disinformation or offenses, generating great repercussions among social network users.

Brands' reactions to these (often) unprecedented pressures have been varied. In response, some brands used their Twitter profiles to declare that they do not support disinformation. Others confirmed that they had withdrawn their ads from a site after receiving appeals from the public. Evincing the tension that permeates every choice made by digital advertising intermediaries, the movement's main controversy lies in assuming that its moderators or followers could act as regulators of what is and is not disinformation. To its critics and detractors, SG runs the risk of setting itself up as an "arbiter of truth"; to its defenders, SG engages in essential activism in the digital advertising age.

### The questions for this section are:

What capabilities and criteria should brands develop in their management of programmatic advertising to ensure that their values are reflected in an ad platform's operation?

What discussions are possible between the advertising industry and movements and activists working to demonetize content on the internet? What opportunities and solutions can arise from these conversations?



## ii) The role of advertising narratives in disinformation

Beyond the question of whether or not websites, pages, and influencers that actively promote disinformation and hate speech are intentionally (or unintentionally) funded, there are advertising campaigns that can endorse certain narratives without making it clear that they are dealing with propaganda (and not journalistic or scientific fact). Although content that straddles journalism and advertising has always been controversial, the internet has amplified the creation and dissemination of such content. This can confuse audiences - and end up promoting disinformation.





## Greenwashing: back to the past

This is the case with greenwashing, a type of advertising whose intention is to create a false impression of a company's/brand's sustainability practices, misleading consumers into believing that by buying the company's products or services, they are contributing to environmental and/or animal welfare causes.

Often, the strategy is to link the image of the person disseminating this information to environmental protection, usually with keywords or illustrations of nature, when, in actuality, no effective measures are taken to minimize socio-environmental problems. Furthermore, it is often the case that contrary to what is propagandized, the product or service in question contributes to negative environmental impacts.

In a 2018 study, the Brazilian Institute for Consumer Protection (Instituto Brasileiro de Defesa do Consumidor, IDEC)<sup>11</sup> analyzed the packaging of more than 500 hygiene, cleaning, and household products to check for greenwashing practices. The survey found that almost half (48%) of the product packaging contained false information about environmental responsibility.

On the internet, greenwashing sometimes focuses on speech. A recent example was the Brazilian Government's attempt, during the 2021 United Nations Conference on Climate Change (COP-26), to cast the meat and food processing company JBS as a decarbonization (reduction greenhouse gas emissions) success story in the animal protein sector. However, government propaganda contradicts the results of audits carried out by the Federal Public Prosecutor's Office in Pará, where JBS tops the ranking of meat-packing plants in the state that maintain relations with suppliers linked to illegal deforestation in the Amazon.<sup>12</sup> The COP-26 summit was heavily criticized by activists as an exclusionary environment,<sup>13</sup> with many companies and sectors that have no real commitment to sustainability and tackling climate change participating and even receiving awards.<sup>14</sup>

### The questions for this section are:

Which behaviors in the advertising industry facilitate the spread of disinformation or online violence, either indirectly or unintentionally?

What kind of measures can be taken to curb these practices?

In addition, the advertising industry has historically been rife with cases of deliberate disinformation, i.e. when a brand or public figure intentionally manipulates discourse, distorts data, or steers public debate towards misleading information. In these cases, brands and advertisers often take advantage of their influence over the circulation of discourse to corroborate narratives that only seek to achieve wider reach, polluting the discussion.

## **The Tobacco Industry and deliberate disinformation**

*"The problem is how do you sell death? How do you sell a poison that kills 350 thousand people a year, a thousand people a day?"Fritz Gahagan<sup>15</sup>*

In 1964, the Surgeon General of the U.S. Public Health Service conducted a study to review more than seven thousand articles in biomedical literature relating to the adverse effects of cigarette smoking on human health. These efforts resulted in the release of a report entitled *Smoking and Health: Report of the Advisory Committee to the Surgeon General of the Public Health Service*, which concluded that smokers had a nine- to 20-fold risk of developing lung cancer compared to non-smokers.

Although doctors and health organizations had already warned of the risks, the Surgeon General's study<sup>16</sup> took the discussion to another level, both through exhaustive media coverage and the US Government's seal of approval. The study was widely covered by newspapers, and the public's mindset began to change.





Years earlier, in 1958, concerned about the results of scientific research into smoking, the main US tobacco companies' owners met with the owner of the public relations firm Hill & Knowlton, John Hill, who maintained that the companies should question the validity of this research.<sup>17</sup> The tobacco industry then created a series of strategies to cast doubt on scientific evidence: disseminating information that diverted focus from the drug's harmful effects, intimidating researchers, manipulating the press, and lobbying corrupt governments.<sup>18</sup>

In this specific case, the tobacco industry's aim was to promote disinformation, manipulating public opinion in order to maintain its profits. As a result, researchers who published studies linking cigarettes to respiratory cancers were silenced in favor of researchers, many of whom held senior positions in various countries' ministries of health, who were funded by cigarette companies and brands. In this way, public health was overridden by mercantile interests for many years.

The disinformation linked to this type of advertising narrative breaks the commitment to maintaining plural and productive public debate. **In this case, we must go far beyond thinking in terms of the right to freedom of expression, and consider the value of freedom of expression, which is no longer promoted when discourse does not engage truthfully in the public sphere but only seeks extractive gains and wider reach, polluting the discussion.**

In addition, being linked to potentially misinformative narratives can encumber the image and reputation of a brand or sector.

### **The questions for this section are:**

Is transparency the value at the core of ensuring that ads are not perceived as journalistic content? How can this concept be put into practice?

When advertisers make the decision to use data or documentary narratives, should there be some kind of indication that the opinions expressed in an advertisement or campaign are not of a journalistic or scientific nature? What information is essential to avoid confusion?



**5**

**FREEDOM OF  
EXPRESSION  
AS A VALUE**



# A.

## Freedom of expression and its limits in Brazil

As the discussion on disinformation cuts deeply across issues tied to the freedom of expression, it is important to explain how this concept is applied in this material.

Two questions are often raised when dealing with freedom of expression, advertising, and social networks:

1. Does the broadcast of certain opinions make sense, or does it cross the line into “hate speech” by feeding into any kind of opinion or violent acts against groups such as black people, women, LGBTQIA+, and other marginalized populations and should therefore not be tolerated?
2. Can a company’s decision to withdraw sponsorship from certain narratives be considered a form of “censorship” when this decision is taken in response to an influencer’s speech, for example?

It is based on discussions of these issues that we will address this theme that is so crucial to disinformation and the debate over hate speech.



## But what is freedom of expression, anyway?

B.

Freedom of expression is a fundamental right guaranteed by Article 5 of the Brazilian Federal Constitution and by various international treaties signed by Brazil.<sup>19</sup>

In other words, any individual has the right to speak freely and express their ideas and opinions. It is also the duty of the state to guarantee this freedom, given that broad and free participation in public debate is one of the foundations of democracy.

However, as is the case with other rights, freedom of expression needs definitions beyond what is “contained in various laws”. As such, depending upon the definition used, conflicts involving this right will be resolved in different ways. Arguing that this right should be above other rights is a possible definition of freedom of expression that is typically derived from US legal culture, for example.

In this material, we use another definition of freedom of expression, one that seeks to coexist harmoniously alongside the promotion of diversity and the dismantlement of the power imbalances that are typical of unequal societies such as Brazil.

The premise is simple: for someone to be able to express themselves freely, certain conditions associated with diversity must also be present. If someone feels threatened about taking part in a conversation because of who they are, this can reduce their freedom compared to other people who do not have such characteristics.

In this sense, when a speech or message intimidates, attacks, or delegitimizes people who are part of historically subjugated groups because of their identity, it can undermine conditions for them to exercise their freedom of expression. Therefore, hate speech, content that attacks or incites violence, and discrimination against socially vulnerable or minority groups within the political environment should not be conveyed, tolerated, or amplified<sup>20</sup> because they end up threatening the freedom of expression of individuals who feel threatened. A democratic public space should welcome everyone.

## “Is having a racist opinion a crime?”

On October 26, 2021, YouTuber and Flow Podcast host Bruno Aiub, known as Monark, published a post on his Twitter feed about freedom of expression to talk about the differences between thoughts and actions. After writing that “it is the action that constitutes the crime and not the opinion”, the podcast host received a response from a lawyer and asked the question: “Is having a racist opinion a crime?” The question reverberated on the networks and triggered the loss of two of his podcast’s sponsors: the delivery company iFood and the programming course Trybe.


According to the site Propmark, the delivery company’s decision came about because it wanted “to be a protagonist in promoting urgent changes that favor diversity and inclusion”. Trybe, meanwhile, said in a statement that it “does not agree with any statement of a homophobic or racist nature, or that propagates and normalizes hate speech”.



A week after the incident, Monark tried to justify his behavior by saying that the question was a defense of freedom of expression, but not of “heinous opinions”.





Monark   
@monark



Fala manos, muita gente interpretou minha defesa a liberdade de expressão como a defesa de opiniões hediondas como racismo ou homofobia.

Só reforçando que tais opiniões são abomináveis e eu gostaria que ninguém as tivesse. Todo discurso de ódio é maléfico a sociedade.

16:43 · 28/10/2021 ·

Translation of Monark's tweet directly below: "Hey guys, many people have interpreted my defense of freedom of expression as a defense of heinous opinions such as racism or homophobia. I'd just like to stress that such opinions are abhorrent and I'd like for no one to have them. All hate speech is harmful to society."

In Monark's case, we see a double trap. The first is a lack of knowledge of Brazilian legislation, since what he calls "racist opinions" could fall under the crime of racism as defined in Law No. 7.716/1989. Furthermore, the influencer also makes the mistake of defending freedom of expression without analyzing how certain opinions broadcast on the internet or disseminated in the popular imagination can actually result in the silencing of other people, which is a threat to free speech and to the pluralism that is necessary for a democracy to function.



## Can companies or people end up censoring someone's opinion?

It wasn't just the opinion of the influencer Monark that occasioned debates about freedom of expression. The reactions of companies (such as his sponsors) and other people (such as his harshest critics) have also been controversial. Among his defenders, some argue that the withdrawal of sponsorship or the reaction of those who found his post absurd effectively silenced him. So, the case also helps us to understand the role of non-state actors in promoting freedom of expression - in our case, brands.

Freedom of expression is a pillar of democratic societies, and its manifestations are manifold. One of its main manifestations is precisely what we referred to above as the right to freely express oneself. In this sense, freedom of expression has legal contours and serves to limit the power of the state to suppress any speech or narrative, for example.

However, even though the state has historically been one of the main agents with which freedom of expression is concerned, it is not the only one. The reconfiguration of the public sphere around digital platforms (such as Facebook, Twitter, YouTube, Google, Spotify, etc.) has also raised concerns about the limits and powers of these players. Even prior to this, there had been discussions about regulating media outlets, such as TV stations, the main aim being to guarantee freedom of expression in all contexts, even when it is not possible for everyone to speak.

Against this backdrop, we need to look at a second crucial manifestation: **freedom of expression as a value.**

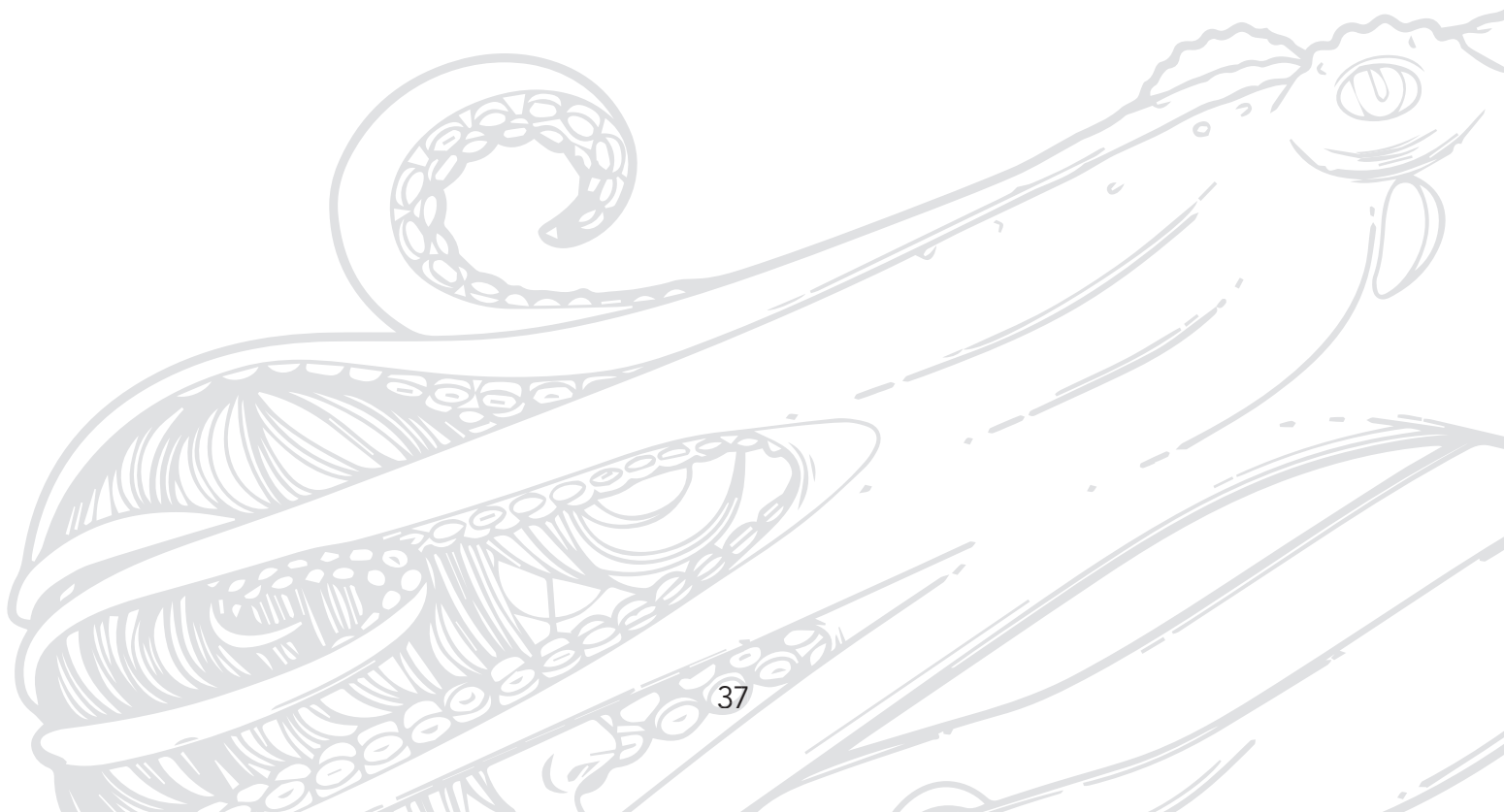
It is clear that the value of freedom of expression informs and underpins what we understand as its first manifestation, as a right. Even so, separating these two manifestations helps us to understand some situations in which it seems clear that there is no right involved.



In general, this is the case when private players publish or support certain types of discourse. When a publisher picks a manuscript from among the many it could publish, it does not violate the rights of those it hasn't picked. At the same time, the publisher may be concerned with publishing a wide range of positions and perspectives as an institutional commitment to the value of freedom of expression.

Adopted as a value by a brand, a channel, or a media outlet, for example, freedom of expression aims to maintain a plural and integral sphere of public debate - an environment in which important social discussions can be held in a productive way.

However, the individuals who make these decisions are not always inclined towards and committed to this goal, which means that the decision to publish will not always be guided by the value of freedom of expression. This guide shows that there are no easy answers, but the questions can only be answered by understanding that freedom of expression requires these reflections - and that the choice not to publish or not to support a certain narrative or agenda will not always be in conflict with the value of the free expression of thought. On the contrary, protecting the value of freedom of expression will often require no longer promoting, supporting or publishing something.



## **“Cancel Culture”: putting the value of free speech into practice**

*E venha ver os deslizes que eu vou cometer / And come see the blunders I'll commit  
E venha ver os amigos que eu vou perder/ And come see the friends I'll forfeit  
Não 'to cobrando entrada, vem ver o show na faixa /I'm not charging an entrance fee,  
come see the show for free  
Hoje tem open bar pra ver minha desgraça/Today there's an open bar to witness my  
disgrace  
Queda (Fall) - Gloria Groove*

The same issue of censorship arises with respect to the role of brands and internet users in relation to freedom of expression in so-called “cancel culture”. The term is used to describe when a public figure or brand says or does something that incites feelings of aversion that lead internet users and companies to boycott en masse.

The speed with which information spreads on the internet often means that these individuals or companies are accused and judged without having the opportunity to defend themselves. In addition to the loss of audience, the “cancellation” also seeks to undermine the “cancelled” person’s network of contacts and relationships, creating “guilt by association”.

In the case of digital influencers and brands, one of this movement’s objectives is often to intimidate advertisers or partners in order to generate financial consequences for the “cancelled individual or entity”, such as economic strangulation due to loss of sponsorship, for example. Several famous and recent situations exemplify the debate around “cancel culture” and the defense of freedom of expression.<sup>21</sup>

As we know, brands have positions and may not be willing to be associated with people who say x, y, or z. People disagree, and democratic discussion is bolstered precisely by criticizing the opinions of others. To criticize is not to curtail or censor. In the same way, when a speaker is denied the opportunity to speak at a university, or a magazine decides that a certain text is not in line with its editorial principles, for example, that does not necessarily constitute a violation of rights. In short:

**no one has the right to everyone’s approval.**



## When does cancellation hurt the right to freedom of expression - and when does it not?

If we lead with the understanding of freedom of expression as a right and a value, as discussed above, analyzing whether freedom of expression is threatened in cases of “cancellation” requires much more than knowing whether the person has suffered any consequences for what they said, such as the loss of sponsorship. What elements can we consider to evaluate each case? How can we identify a potential case of rights being curtailed? Within the definition of freedom of expression that we have adopted, the following factors can serve as parameters:

- Does the conduct of the potential “cancelled individual or entity” contribute to intensifying or naturalizing violence against marginalized populations, such as women, black people, and members of the LGBTQIA+ community? If so, the speech may be exceeding the right to freedom of expression and hurting the value of free speech.
- Will retaliation against the potential “cancelled individual or entity” mean the elimination of the vast majority of their means of expression, or even amplify the controversy, increasing its audience? Does it jeopardize plurality and diversity in public debate? Reflecting upon the consequences in a realistic way will give us the scope of the retaliation.
- Does the retaliation that is meted out entail illegalities or violence, such as doxing or the reproduction of aggression that diminishes the expression of marginalized groups? If so, we may be looking at a more solid case of the right to freedom of expression being curtailed.



# 6

## **HOW CAN YOU BRING THIS SOMETIMES ABSTRACT DEBATE INTO YOUR AGENCY'S WORKFLOW?**

Considering the workflow in agencies, which involves handling the client's request, planning and preparing the briefing, producing content, broadcasting, and evaluating the results, we need to think about the existing opportunities at each stage for applying the values presented [in this guide] and tackling disinformation.



# A.

## Handling incoming requests and drawing up action plans

Before even initiating an advertisement project, it is important for agencies and brands to be guided by values that strengthen a healthy and ethical public debate. During this process, it is in agencies' interests to have groups that are attentive to whether the ideas being presented are reproducing prejudices, stereotypes, or hate speech against historically marginalized populations.

The more diverse these groups are in terms of class, race, gender, and sexual orientation, the more effective these observations tend to be, given that cultural multiplicity tends to create safe spaces to perceive and call out oppressions and limitations in advertisements.

Developing clear criteria to manage programmatic advertising in the agency or within the brand also helps to combat the spread of disinformation and hate speech in the materials produced. Consciously employing the tools that offer this type of digital service results in choices that do not just take into account the audience metrics of portals, websites, pages, and profiles. To develop criteria to manage programmatic advertising, it is important to have conversations and synergies between advertising industry players and social movements, and activists and non-governmental organizations working to combat disinformation on the internet.





## Content creation, production, and transmission

Combatting the spread of misinformative narratives during content production and transmission also involves having diverse teams, both within the agency and when hiring influencers, websites, channels, and any kind of intermediary.

When hiring influencers and websites, it is also important to assess whether these professionals and sites have been involved in episodes of spreading hate speech, untruthful information, or even in the dissemination of an advertisement without proper warning, confusing the public about the blurred barriers between advertising, journalism, or scientific knowledge.

Looking for ways to operationalize transparency through the contracts established in campaigns, especially those that use documentary data and tone, and determining from the outset which symbols will be used to signal the advertisements' commercial interests, also help to combat disinformation.

You also have to evaluate the narratives you want to enhance or silence, always choosing narratives that are committed to an ethical public debate. In these cases, it is equally important that criteria for diversity not only be taken into account when diversity is the theme of the campaigns in question.

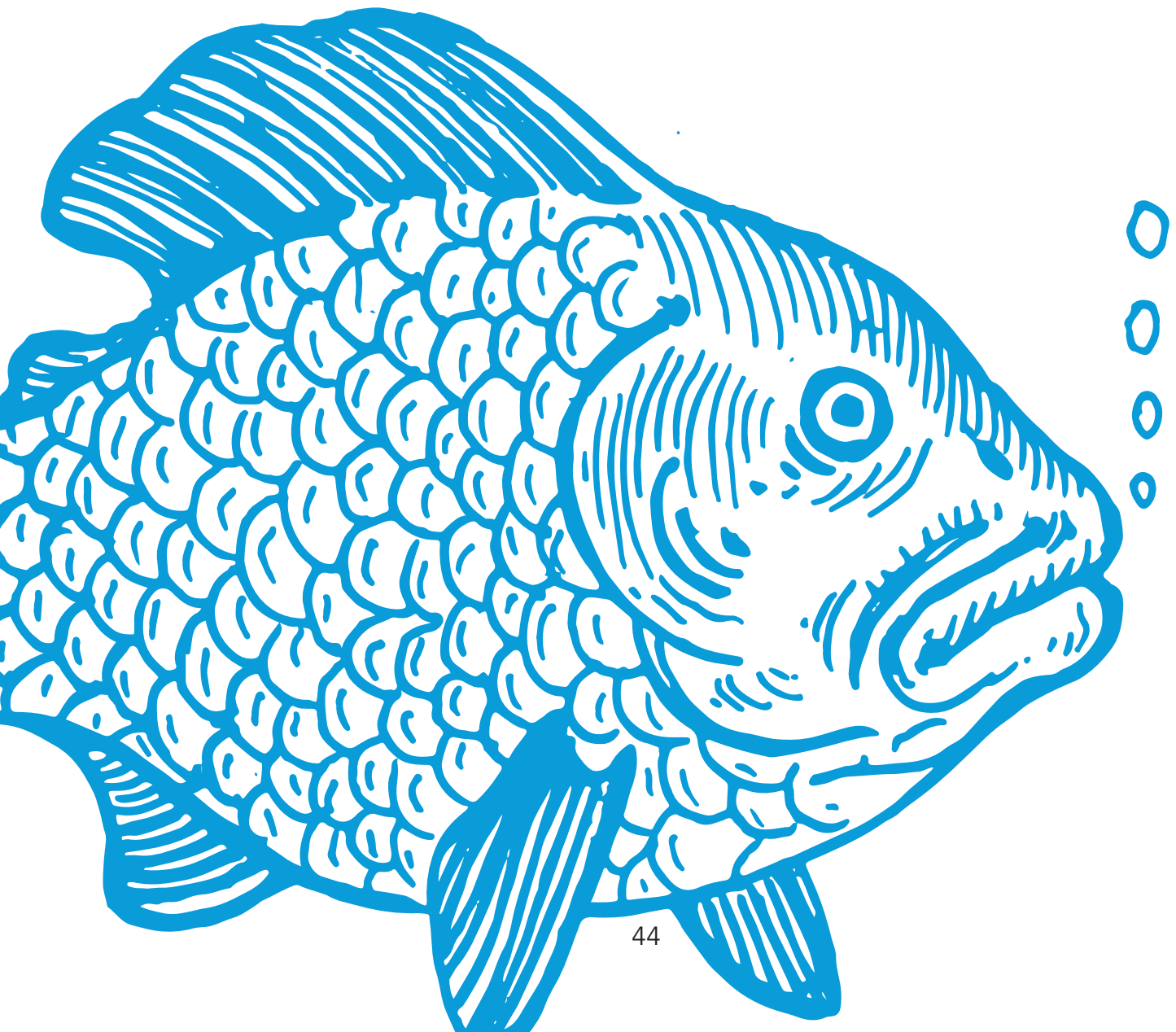


# C.

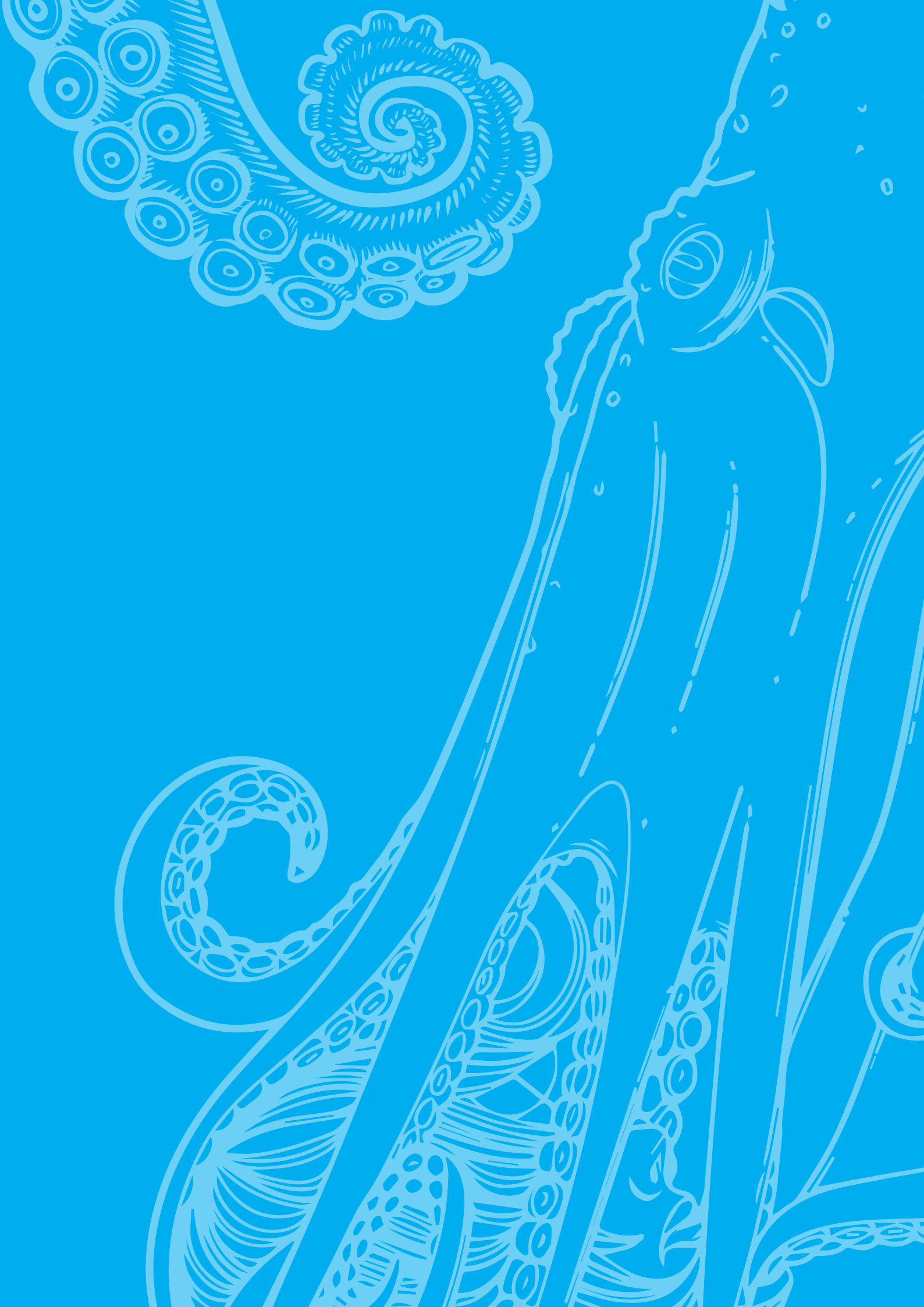
## Assessment of results

In the post-campaign period, campaigns need to be evaluated not only by the buzz they have generated, such as quantitative data on the interactions an ad has had on social networks, but also by the communication quality of employees, clients, and the public, especially if the criticism is negative and comes from historically marginalized groups.

It is also good practice to understand which behaviors were effective and which ones need to be adjusted to guarantee the brand's or agency's commitment to the integrity of public debate and rights agendas. Being aware of the entire chain of players involved in the campaign, the decisions made by each of them, and the consequences of these decisions in public discussions is a path to increasingly thorough assessments.











# 7 NOTES



## NOTES

1. <https://www.migalhas.com.br/quentes/302914/conar-julga-representacao-contra-empiricus-e-pede-suspensao-de-propaganda-sobre-bettina>
2. <https://economia.uol.com.br/noticias/redacao/2019/04/04/procon-multa-empiricus-no-caso-bettina.htm>
3. <http://www.conar.org.br/>
4. Art. 6. The following are basic consumer rights: (iv) protection against misleading and abusive advertising, coercive or unfair commercial methods, as well as against abusive or imposed practices and clauses in the provision of products and services
5. For more information on the subject: <https://www.internetlab.org.br/pt/noticias/novas-regras-do-tse-sobre-propaganda-eleitoral-para-2022-avancam-em-temas-de-atencao-para-a-defesa-de-direitos-digitais/>
6. To learn more about performative behavior and more specifically about trolls, we recommend this guide: [“Falando sobre ataques online e trolls: um guia para jornalistas e criadores de conteúdo na internet”](#)
7. CESARINO, Letícia. Coronavírus como força de mercado e o fim da sociedade. Antropológicas Epidêmicas. Available at: <https://www.antropologicas-epidemicas.com.br/post/coronavirus-como-forca-de-mercado-e-o-fim-da-sociedade>.
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9. Fiquem sabendo (2020). Documents show federal government’s stumbles with disinformation on the pandemic - Don’t LAI to me #51. Available at: <https://fiquemsabendo.substack.com/p/documentos-mostram-tropeos-do-governo>
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11. <https://idec.org.br/greenwashing>
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14. <https://twitter.com/GretaThunberg/status/1455904676227002375>  
<https://twitter.com/sophiasgaler/status/1456573931931021322>
15. EDELMAN, Norman. [The Secret of the Safer Cigarette]. In:\_\_\_\_\_. World in action Grenada 88 ‘safer’ cigarette. San Francisco, United States: Legacy Tobacco Documents Library, 1988. Available at: [https://archive.org/details/tobacco\\_hxw99d00](https://archive.org/details/tobacco_hxw99d00)
16. <https://profiles.nlm.nih.gov/spotlight/nn/feature/system>
17. Naomi Oraskes and Erik Conway. (2010) Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming.

## NOTES

18. For more information: Ciência Suja (2019) Cigarro: o pai do negacionismo moderno. <https://open.spotify.com/episode/62uE1Voa3lVU8Zl4ytfXY3?si=69b191905a774613&nd=1>

19. Among them are the Universal Declaration of Human Rights, in Article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers", and the American Convention on Human Rights, in Article 13: "Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

20. Reproducing or sharing hate speech, even with the intention of denouncing it, can increase the likelihood that similar tactics to promote disinformation and harassment will be employed in the future). This can increase the visibility of trolls and extremist groups online, making their agendas a focus of society's attention. Further, it can normalize the violent language used and desensitize the public to it, or even make hateful narratives, news, and posts containing disinformation more popular. For more information on this, see: Falando sobre ataques online e trolls - Um guia para jornalistas e criadores de conteúdo na internet (Talking About Online Attacks and Trolls - A Guide For Journalists and Online Content Creators). Available at: <https://www.internetlab.org.br/pt/informacao-e-politica/como-lidar-com-ataques-online-e-trolls/>

21. Among the cases that raise interesting points when we ponder "cancel culture" today are: the clash between two open letters, published in July 2020 in the U.S. press, which expose opposing views on freedom of expression and the silencing of marginalized groups in the arts, journalism, and the publishing industry. Read more at: <https://www1.folha.uol.com.br/ilustrissima/2020/07/leia-manifestos-sobre-cultura-do-cancelamento-e-liberdade-de-expressao.shtml>; and the "cancellation" of Brazilian public intellectual Lília Schwarcz in August of the same year after the publication of an opinion piece entitled: "Beyoncé's film errs by glamorizing blackness with leopard print", in which she reviews Beyoncé's visual album, Black Is King. Read more at: <http://revistas.faculdadeguanambi.edu.br/index.php/Revistadedireito/article/view/317/191>









# 8

## ABOUT THIS GUIDE



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