


# PARAGUAY




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<b>1. Case Report:</b>	TV Advertising
<b>Topic:</b>	"You like football, you like PILSEN"
<b>Where:</b>	Advertising Self-Regulation Council of CERNECO
<b>When:</b>	July 15 <sup>th</sup> , 2004
<b>What Happened:</b>	<p>For many Paraguayan men, their main two passions are soccer and beer, and when you put them together, you may obtain a good result... or not.</p> <p>The main Paraguayan beer, PILSEN, started an important advertising campaign. As an important element of this campaign, it launched a TV spot where four former Paraguayan soccer players and current idols for both young and old people -Gabriel "El Loco" González, Julio César "Romerito" Romero, Roberto "El Gato" Fernández and Ramón Ángel Hicks- appear in a bar, watching a soccer match and drinking beer.</p>  <p>This ad appeared during the first few months of this year, when Sud-American soccer play-off games for the World Soccer Championship in Germany 2006 started, and was shown only when there was a play-off game broadcasted on TV.</p> <p>However, on July 15<sup>th</sup>, 2004, a claim was filed by the National Union Against Alcohol Consumption by Youth, arguing that said TV spot was against Article 8 of Law 1333/98, which says:</p> <p><i>"It is strictly prohibited publicity of tobacco and alcoholic beverages that:</i></p> <ul style="list-style-type: none"><li><i>(a) uses figures of minors, as well as characters or people that are representative for children or teenagers;</i></li><li><i>(b) that is related to sport or athletic activities that require good physical condition, or that may be related to practice of said activities in any way. It excluded from this prohibition ads of motor sport activities such as car racing, motorbikes, boats, where trademarks of products just appear".</i></li></ul>

<p><b>Comments:</b></p>	<p>It is not the first time PILSEN manufacturers used sports for publicity.</p>  <p>However, in this case, which has not yet been decided, there are elements that may produce discussion, such as the fact that people in the public are not active sportsmen.</p> <p>No matter what the results may be, this case is very frequent in Paraguay. If the Law will be duly accomplished, it will require not only local beer manufacturers to avoid using sports in their commercials, but also to control TV channels from abroad (such as ESPN, FOX SPORTS, etc.), for it is very common to see this kind of advertising on said channels (for products such as CALSBERG, etc.).</p>
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<p><b>2. Case Report:</b></p>	<p>TV Advertising</p>
<p><b>Topic:</b></p>	<p>“Raid Max, the only that kills instantly”</p>
<p><b>Where:</b></p>	<p>Advertising Self-Regulation Council of CERNECO</p>
<p><b>When:</b></p>	<p>October 1<sup>st</sup>, 2004</p>
<p><b>What Happened:</b></p>	<p>In a tropical country such as Paraguay, there are some days (especially in summer, when weather is hot and wet) when you are really desperate for a good insecticide that kills all mosquitoes, flies and other disturbing little creatures flying around you.</p> <p>That is the reason there are many insecticide products in Paraguay and, of course, advertising creativity is essential to make one insecticide distinguishable from the rest.</p> <p>That is what happened with the insecticide product “Raid Max”. They started to appear on TV spots with the slogan “<i>the only insecticide that kills instantly</i>”.</p>  <p>Said slogan concerned one of the other insecticides manufacturers, M.A.A.H.S.A., that issued a claim on October 4<sup>th</sup>, 2004 before the Centre for Regulation, Normalization and Studies of Communication (CERNECO), based on the fact that its product “Mapex Premium” is more effective than “Raid Max”, giving technical data to support said statement. Besides, there may be other insecticides that are as effective as “Raid Max”.</p>



For such reasons, they claimed that it was completely false that “Raid Max” is the ONLY insecticide that kills instantly, and they requested suppression of the mentioned slogan, for it was against commercial ethics and may lead consumers to confusion.

On October 5<sup>th</sup>, 2004, CERNECO forwarded the claim to its Advertising Self-Regulation Council, in order to determine whether said slogan is against the Law.

No further developments took place.

**Comments:**

According to our opinion, previously mentioned controversial slogans may be against the Law if affirmations and technical data supplied by M.A.A.H.S.A. are true.

Actually, Article 35 of Law 1334/98 states “ Any kind of deceiver advertising is forbidden. It will be considered as deceiver any type of advertising communication, dissemination or information that is totally or partially false, or that in any way –even through omission-, will be capable to lead to error to consumers, by giving information related to nature, characteristics, quality, quantity, properties, origin, price, commercial conditions, production techniques or any other information that is necessary to define consume relationship”.

Following Article 36 of Law 1334/98 declares: “It is forbidden comparative advertising when, through fraudulent actions or general and impartial declarations, consumers are lead to establish superiority of a product or service over others” .