

# Legal 500

## Country Comparative Guides 2024

### Mexico

### Advertising & Marketing

### Contributor

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This country-specific Q&A provides an overview of advertising & marketing laws and regulations applicable in Mexico.

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## Mexico: Advertising & Marketing

### 1. Please provide a brief overview of the legal and regulatory framework governing advertising and marketing in your market. In particular, please explain if there is a self-regulatory system, a statutory system and/or ability for competitors or consumers to bring claims against advertisers.

In Mexico, advertising and marketing are governed primarily by the Federal Consumer Protection Law (Ley Federal de Protección al Consumidor, LFPC), the Federal Law for the Protection of Industrial Property (Ley Federal de Protección a la Propiedad Industrial, LFPPI), and the Federal Telecommunications and Broadcasting Law (Ley Federal de Telecomunicaciones y Radiodifusión, LFTR). These laws ensure transparency, veracity, and consumer protection in advertising. Additionally, Mexico has a self-regulatory system, managed by the Council of Advertising and Ethics (Consejo de Autorregulación y Ética Publicitaria, CONAR), which promotes ethical advertising standards. Both consumers and competitors have the legal right to file complaints if advertising is misleading, deceptive, or harmful.

### 2. Please comment on how active the regulators are in your market, in practice, when it comes to regulating advertising and marketing.

Mexican regulatory authorities, including the Federal Consumer Protection Agency (Procuraduría Federal del Consumidor, PROFECO) and the Federal Commission for the Protection against Sanitary Risks (Comisión Federal para la Protección contra Riesgos Sanitarios, COFEPRIS), actively oversee advertising. PROFECO monitors advertising to ensure that it complies with consumer protection laws, imposing fines and ordering modifications or suspensions for violations. COFEPRIS plays a key role in sectors like health, pharmaceuticals, and food, verifying the accuracy of health claims in advertising. These agencies consistently enforce regulations, particularly in industries affecting public health and safety.

### 3. Do different rules apply to different media (e.g. television broadcast, streaming, online, cinema, print, out-of-home, email marketing, etc)?

Yes, different rules apply depending on the media used for advertising. For television and radio, the Federal Telecommunications and Broadcasting Law (LFTR) establishes limits on content and advertising time, particularly for sensitive products like alcohol and tobacco. Online advertising is monitored under the Federal Consumer Protection Law (LFPC) and the Federal Law on the Protection of Personal Data (Ley Federal de Protección de Datos Personales en Posesión de los Particulares, LFPDPPP), focusing on data privacy and consumer rights. Outdoor advertising is regulated by local and state authorities, which impose rules regarding the location, size, and content of advertisements.

### 4. Is it necessary to have advertisements pre-cleared/pre-approved in your market by a relevant authority, regulator or other body before they are published/broadcast, either generally or in relation to particular media, sectors, products, individuals/businesses, etc? If so, please provide a high-level overview.

In general, Mexico does not require pre-approval of advertisements. However, certain sectors are subject to regulatory oversight. For instance, COFEPRIS must approve advertising for pharmaceuticals, food, and cosmetics to ensure compliance with health regulations. PROFECO also oversees advertising campaigns for transparency, particularly in cases of promotions and discounts. Additionally, advertisements related to gambling, raffles, and lotteries require approval from the Ministry of the Interior (Secretaría de Gobernación, SEGOB) before publication.

### 5. Focusing on misleading claims/marketing, please explain how these are regulated in your market.

Misleading advertising is prohibited under the Federal Consumer Protection Law (LFPC), which requires that all advertising be truthful, verifiable, and clear. PROFECO has the authority to investigate complaints, impose sanctions, and demand changes to misleading or exaggerated advertisements. The Federal Law for the Protection of Industrial Property (LFPPI) further prohibits unfair competition through deceptive advertising practices. In



sectors like health, COFEPRIS ensures that health claims made in advertising are accurate and backed by evidence.

## **6. How is advertising that is (or may be) harmful or offensive managed in your market?**

Advertising that is harmful or offensive is regulated by several laws in Mexico. The Federal Consumer Protection Law (LFPC) prohibits abusive advertising, while the Mexico City Law to Prevent and Eliminate Discrimination (Ley para Prevenir y Eliminar la Discriminación de la Ciudad de México) prohibits advertisements that promote hate, discrimination, or superiority of certain groups. Additionally, the General Law on Women's Access to a Life Free of Violence (Ley General de Acceso de las Mujeres a una Vida Libre de Violencia) prohibits media content that perpetuates gender-based violence or promotes sexist stereotypes. Advertisers must ensure that their content does not incite violence, discrimination, or harm.

## **7. Are there special rules, or is there special guidance, relating to price claims in your market, such as discounts, sales, limited offers? If so, please provide a high-level overview.**

Mexico has specific regulations regarding price claims, including discounts, sales, and limited-time offers. The Federal Consumer Protection Law (LFPC) requires that original prices be clearly displayed alongside the discounted price, enabling consumers to verify the actual savings. Advertisers must also specify the conditions of the promotion, such as its duration and limitations. PROFECO oversees compliance and can impose penalties for deceptive or unclear pricing, including fines or the suspension of campaigns.

## **8. How are misleading environmental claims regulated in your market? Are there special rules or is there special guidance relating to environmental claims in your market? If so, please provide a high-level overview.**

Misleading environmental claims, or "greenwashing," are regulated under the Federal Consumer Protection Law (LFPC), and enforced by PROFECO. Environmental claims must be supported by evidence and must not mislead consumers regarding the environmental benefits of a product. SEMARNAT (Ministry of the Environment and Natural Resources) may also play a role in regulating advertising that impacts environmental sustainability.

While no specific regulations directly govern environmental claims, general advertising rules still apply

## **9. What are the main sectors or product types where advertisements are either prohibited or tightly restricted (e.g. alcohol, tobacco/smoking, gambling, crypto, unhealthy food and drink). Please provide a high-level overview.**

In Mexico, several industries face strict advertising restrictions. Alcohol and tobacco are tightly regulated under the Federal Telecommunications and Broadcasting Law (LFTR) and the General Law for Tobacco Control, respectively, with limitations on content, timing, and audience exposure. Advertising for gambling, raffles, and lotteries requires prior approval from the Ministry of the Interior (SEGOB). COFEPRIS regulates advertising for medicines, medical devices, and unhealthy food and drinks, especially when targeted at children. Cryptocurrency advertising is under increased scrutiny, though not fully regulated, and telecommunications services are monitored by the Federal Telecommunications Institute (IFT) to ensure truthful claims.

## **10. Are there special protections for children? If so, please provide a high-level overview.**

In Mexico, advertising directed at children is subject to specific protections under the Federal Consumer Protection Law (LFPC) and the General Law on the Rights of Children and Adolescents (Ley General de los Derechos de Niñas, Niños y Adolescentes). COFEPRIS regulates the advertising of products aimed at children, particularly unhealthy food and beverages. The NOM-051 (Official Mexican Standard for food and non-alcoholic beverage labeling) further restricts the advertising of products high in calories, sugar, and fats when directed at children. These restrictions apply to advertising during children's programming and ensure that the content is appropriate and does not exploit children's vulnerability or promote unhealthy habits.

## **11. Are there particular rules or restrictions relating to unhealthy food and drink, such as 'junk food'? If so, please provide a high-level overview.**

Advertising for unhealthy food and beverages, particularly when targeted at children, is strictly regulated in Mexico. COFEPRIS oversees the advertising of high-calorie, low-



nutritional-value foods to ensure that health claims are accurate and not misleading. Additionally, the NOM-051 establishes specific guidelines for the labeling and advertising of pre-packaged foods and beverages high in sugar, fat, and calories. Under this regulation, products that exceed certain nutritional thresholds cannot be advertised to children, and their packaging must display clear warning labels. Timing and content restrictions for advertisements are also enforced to limit children's exposure to unhealthy food products.

## **12. Are there particular rules or restrictions relating to influencer marketing? If so, please provide a high-level overview.**

Influencer marketing is subject to the same regulations as traditional advertising in Mexico. PROFECO mandates that influencers disclose paid sponsorships or partnerships to ensure transparency and truthfulness in advertising. Failure to disclose such information may result in fines and penalties. Influencers are also required to comply with general advertising rules, including the Federal Consumer Protection Law (LFPC), ensuring that any claims made in their promotions are accurate and verifiable.

## **13. Do influencers require a licence, permit or other official permission before they can operate in your market as advertisers/marketers/brand ambassadors or similar?**

In Mexico, influencers do not need a specific license or permit to operate as brand ambassadors or marketers. However, they must adhere to general advertising regulations. PROFECO can impose penalties on influencers who engage in misleading or deceptive advertising practices, applying the same legal standards used for traditional advertising channels.

## **14. What are the main or most common IP considerations advertisers should keep in mind in your market?**

Advertisers in Mexico must be cautious about intellectual property (IP) rights when using third-party content, such as music, images, or trademarks, in advertisements. Unauthorized use can lead to claims of IP infringement under the Federal Law for the Protection of Industrial Property (LFPPI). Additionally, the Federal Copyright Law (Ley Federal del Derecho de Autor) protects original works. Advertisers should obtain appropriate licenses for

any content used in ads.

In the case of comparative advertising, it is essential to ensure that any claims made—especially those related to specific qualities of a product—are substantiated by evidence. Unsupported claims can lead to accusations of misleading advertising, or even legal action from competitors. Comparative advertising in Mexico is permitted as long as the comparisons are truthful, verifiable, and not misleading. Claims about product attributes must be backed by concrete, objective data to avoid potential legal disputes under the LFPPI.

## **15. Is comparative advertising permitted in your market? If so, please provide a high-level overview.**

Comparative advertising is allowed in Mexico as long as it is truthful and does not mislead or disparage competitors. The Federal Consumer Protection Law (LFPC) allows comparisons between products or services, provided that the claims are verifiable and presented in a way that does not confuse consumers. Misleading or unfair comparative advertising can result in legal claims from competitors under the Federal Law for the Protection of Industrial Property (LFPPI).

## **16. Are there particular rules relating to 'image rights' in your market that advertisers should be aware of?**

Advertisers in Mexico must respect image rights, protected under the Federal Copyright Law (Ley Federal del Derecho de Autor) and the Civil Code. The unauthorized use of a person's likeness in advertising can lead to legal claims for damages. Recent amendments to the Federal Copyright Law have also introduced protections for the image rights of Indigenous peoples, ensuring that their cultural symbols, expressions, and traditional knowledge are not used without proper consent.

Furthermore, there has been a notable increase in claims for damages and compensation due to the misuse of image rights, particularly involving Indigenous communities. Courts are increasingly ruling in favor of claimants seeking damages for moral and material harm when cultural symbols or individual likenesses are misused in advertisements.

## **17. Are there rules relating to perpetuating**



potentially harmful stereotypes, such as gender stereotypes, racial stereotypes, religious stereotypes, and so on in your market? If so, please provide a high-level overview.

Mexican law prohibits advertising that perpetuates harmful stereotypes, including those based on gender, race, or religion. The **General Law on Women's Access to a Life Free of Violence** specifically addresses media content that promotes sexist or discriminatory ideas. Additionally, the **Mexico City Law to Prevent and Eliminate Discrimination** prohibits advertising that incites hate or discrimination. Advertisers must avoid perpetuating negative stereotypes that could harm vulnerable or marginalized groups.

**18. What has been the main impact AI has had on the advertising and marketing content and regulation in your market so far, and what impact is it likely to have in the coming year or two?**

Artificial intelligence (AI) has started to impact advertising in Mexico, particularly through personalized content and audience targeting. While no specific regulations currently address AI in advertising, general **data privacy laws**—such as the **Federal Law on the Protection of Personal Data (LFPDPPP)**—apply to AI-driven data collection practices. Emerging technologies like **augmented reality (AR)** and the **metaverse** are also becoming relevant, but the regulatory framework has not yet addressed these challenges. These technologies are expected to have a growing impact in the next few years, potentially prompting new regulatory approaches.

**19. Are regulators in your market currently utilising AI or new technologies in their regulatory activities in your market?**

Mexican regulators, such as **PROFECO**, are not yet widely utilizing AI in their oversight of advertising. However, as AI becomes more prevalent, it is likely that regulators will adopt these technologies to monitor compliance more effectively, especially in digital and online advertising. Technologies like **augmented reality (AR)** and the **metaverse** also present new challenges for regulators, as they are currently unregulated but are expected to play a more significant role in advertising strategies in the near future.

**20. What are the main hot topics, challenges and opportunities facing advertisers in your market (now or in the near future) from a legal/regulatory point of view? Also, there any significant updates or changes to the law, rules, sanctions, regulators or anything else due in your market in the near future that readers should keep in mind?**

Key challenges for advertisers in Mexico include the increasing regulation of **digital advertising**, **influencer marketing**, and **data protection**. **PROFECO** and **COFEPRIS** are expected to intensify their oversight, particularly in areas like **health claims**, **environmental advertising**, and **children's advertising**. Additionally, the growth of **AI**, **augmented reality (AR)**, and the **metaverse** presents both challenges and opportunities for advertisers. These new technologies have not yet been fully addressed by Mexican regulations, but as they become more widely used, regulatory frameworks will likely evolve to ensure consumer protection and compliance.

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