

# BRAILLE ON PACKAGING

May 18, 2022

At the beginning of 2021, the National Health Surveillance Agency (**Anvisa**) included in its Regulatory Agenda the **access to information for the safe consumption of products for blind or visually impaired people**.

The inclusion was based on a **Federal Prosecution Office (MPF)** recommendation, which, considering the **Brazilian Inclusion Law**, proposes the mandatory implementation of labeling in Braille for products subject to sanitary surveillance.

This study aims to present the discussions regarding the mandatory inclusion of Braille on consumer product labels.

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**São Paulo:** Rua Ramos Batista, 152, 13º andar. Vila Olímpia CEP: 04552-020. TEL: +55 11 3044 5441

**Belo Horizonte:** Avenida Getúlio Vargas, 671, Cj. 7 a 12, Funcionários CEP 30.112-020 TEL.: +55 31 3657 7768

**Dubai:** Business Bay, Bayswater Tower, 19th Floor, Office nº 2

## Brazilian Inclusion Law

The [Brazilian Inclusion Law](#) (LBI) - or the Person with Disability Law - is a set of rules to guarantee and promote, under equal conditions, the full exercise of fundamental rights and freedoms by people with disabilities, aiming at their social inclusion and citizenship.

The main LBI innovation was the modification of the legal concept of "disability", which is no longer considered a static and biological condition of the person, but a result of the interaction of the barriers imposed by the environment with the individual's physical, mental, intellectual, and sensory limitations.

## Braille

LBI defines Braille as one of the forms of interaction for citizens. It is worth pointing out that Braille is not used by all people with visual impairment since it is necessary to be alphabetized.

Currently, the percentage of visually impaired people who know and use Braille is imprecise. The U.S. National Federation of the Blind Survey, published in 2009, found that less than 10% of the 1.3 million visually impaired Americans are able to read Braille.

January 4 is the World Braille Day, and April 8 is the National Braille Day. These dates are important since they may lead to Executive or Legislative branches' bills on the subject.

## Federal Prosecution Office

In 2020, the Prosecution Office in Alagoas/União dos Palmares filed Recommendation No. 10/2020 to Anvisa to establish the mandatory implementation of Braille for products subject to sanitary surveillance, respecting the possibility of using QR Code technology and cell phone apps.

This initiative sought to help visually impaired people access product information, and adopting the recommendation may prevent possible lawsuits.

State Prosecution Offices have already presented measures to promote Braille. In Pará, for example, it was ordered in 2019 the availability of energy bills in Braille in the Municipality of Marabá.

In Piauí, an Agreement was signed in 2007 with SINHORES - Union of Hotels, Restaurants, and Similar Establishments, to require menus in Braille. In addition, between 2013 and 2014,

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accessible textbooks were offered to visually impaired students enrolled in the public and private schools of Teresina, Piauí. Blind candidates were also guaranteed to take tests in Braille.

## Executive Branch

During Jair Bolsonaro's inauguration, first lady Michelle Bolsonaro gave a speech in Libras (sign language), in which she is an expert due to a member of her family who is deaf. On the occasion, Michelle Bolsonaro promised to act in favor of people with disabilities and those who believe to be forgotten by society.

Thus, expectations were high for inclusion-related initiatives, fostered primarily by the National Secretariat for the Rights of Persons with Disabilities, under the Ministry of Women, Family, and Human Rights.

The Secretariat promotes the implementation of articles of the Brazilian Law for the Inclusion of People with Disabilities. So far, several articles have been implemented, such as:

- Article 44, on the reservation of free spaces and seats for people with disabilities in theaters, cinemas, among others, regulated by [Decree No. 9,404 of June 11, 2018](#);
- art. 45, on the compliance with the universal design in hotels, lodges, and similar establishments, regulated by [Decree No. 9,296 of March 1, 2018](#);
- art. 65, on full access to telecommunications services for people with disabilities, regulated by [Anatel Resolution No. 667 of May 30, 2016](#);
- art. 66, on the incentive to offer landline and mobile telephony devices with accessibility, regulated by art. 9 of [Anatel Resolution No. 667, of May 30, 2016](#);
- art. 102, on incentives created by the Rouanet Law, [Law No. 8.313, of December 23, 1991](#), regulated by [Normative Instruction No. 5, of December 26, 2016](#), of the Culture Ministry.

Aside from the LBI regulation, the government has initiated other actions, such as The Libras Channel, focused on the educational area, a training course on accessibility in Brazilian police stations, as well as assistance to women and girls with disabilities and rare diseases.

On the other hand, people involved in the issue criticize other government measures, such as [Decree No. 10,502, of September 30, 2020](#), which established the national education policy for students with disabilities. At the time, they stated that the measure was exclusionary by admitting special schools and classes, which would not offer the basics, such as levels of education, and could not offer certificates.

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Considering its liberal stance, the government could be resistant to measures that create more costs or difficulties for companies. However, the scenario is quite more challenging. Although accessibility is a low priority for the government, it may gain strength in the coming months due to the elections and the reputational and political gains, especially considering that this issue is currently mostly linked to Bolsonaro's opponent.

Furthermore, Bolsonaro's campaign intends to promote Michele Bolsonaro over the next few months. In this scenario, she may advocate for inclusion issues but still more focused on Libras.

## Anvisa

Since 2009, information accessibility on medicines has been regulated by Anvisa. During the COVID-19 pandemic, the Agency dealt with digital pharmaceutical leaflets via QR Code access to ensure that essential information was available in other formats such as audio, especially for the visually impaired. Now, with the Federal Prosecution Office's recommendation, Anvisa is under pressure to develop a regulation encompassing other products.

Thus, adding the new topic to the Regulatory Agenda impacts all sectors regulated by Anvisa, especially those that use different packaging. The insertion of Braille on the packaging may add costs to the final product, influencing its price.

According to Anvisa, this regulatory project is expected to reduce communication barriers that hamper or prevent access to information for the safe use of products by visually impaired people.

Anvisa's project does not explicitly mention Braille, and considering the differences between products regulated by the Agency, it is likely that a general guiding standard will be defined, capable of being adapted to the different circumstances of each product.

As a regulatory project, the access to information for people with visual impairment must go through the following process.



- Initiation: Beginning of the regulatory process (**done**)
- RIA: Development of a Regulatory Impact Analysis (**planned for 2023**)
- Minute: Preparation of the minute (**planned for 2023**)

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- Public Consultation: Holding a Public Consultation to send manifestations and suggestions by the interested actors
- Analysis: Analysis of the Public Consultation inputs and preparation of the final draft
- Legal: Validation of the legal adjustments to the final draft
- Consideration: Final debate and consideration in a meeting of the Agency's Board of Directors

## Legislative Branch

The Senate has two bills related to the inclusion of Braille on the packaging of consumer goods. The first one, [Bill 110/2018](#) (changes the Law of the Person with Disability to ensure the information in an accessible format to people with disabilities, including in Braille), had advances, but has been stalled since 2019, awaiting consideration in the Constitution, Justice, and Citizenship Committee.

On the other hand, [Bill 757/2021](#) (which turns mandatory the transcription in Braille on product packaging and signs), was presented in March 2021 and is still pending analysis.

In the House of Representatives, there is a specific situation. 8 bills deal with the braille theme in consumer goods packaging, but all of them were attached to 2 bills that do not mention this type of product directly:

- [Bill 5504/2005](#), which amends art. 57 of Law no. 6.360, of September 23, 1976, to require package leaflets of medicines to be printed in an easy-to-read size
- [Bill 1550/2019](#), which amends Law No. 13,146 of July 6, 2015 (Person with Disabilities Law), to require that bars, snack bars, and restaurants provide a menu in Braille

These two bills stand out as the most important for following the discussions on braille inclusion, even though they do not specifically deal with consumer goods products in their original drafts.

### [Bill's summary](#)

In addition to the matters in progress, the Congress Parliamentary Front in Defense of People with Disabilities, coordinated by Representative Tereza Nelma (PSDB/AL), also stands out. Although Braille is not one of the prioritized themes, the front may serve as a key forum within the Legislative Branch.

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Senator Mara Gabrielli (PSDB/SP), an international reference in defense of people with disabilities, and Senator Jorge Kajuru (PODEMOS/GO), who has severe vision impairment and advocates on the issue, also stand out.

## **BMJ ASSESSMENT**

Even with the Public Prosecution Office recommendation, Braille on labels does not seem to have a scenario for advances in the short term.

At the Executive branch level, the government could invest in inclusion-related initiatives, but these would have to follow the same path as others already presented, focusing on inclusion tools and not on measures that would bring burdens to other agents.

As for the Legislative Branch, the matters and debates on Braille are unlikely to move forward due to the consequences of more relevant amendments and the insufficient priority given to the theme. Considering the election year scenario, the topic is not expected to advance.

Finally, the Anvisa case stands out. There is no prospect of progress on the subject before 2023. Besides, only the initial phases of the process are planned for next year. In this sense, the participation in the public consultation is particularly relevant, which may occur via companies or associations, to call attention to the Agency about the difficulties of implementing Braille, as well as more viable alternatives for accessibility, considering new tools, such as the QR Code, for example.

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*Bill's Summary*

**Senate**

Bill	Sponsor	Summary	Status
<a href="#">Bill 757/2021</a>	Sen. Jorge Kajuru (CIDADANIA/GO)	Turns Braille mandatory in labels and products' signs, containing characteristics, qualities, quantity, composition, price, warranty, expiration date and origin, as well as the risks that they may present to the consumers' health and safety.	Awaiting Senate consideration
<a href="#">Bill 110/2018</a>	Sen. Eduardo Lopes (REPUBLICANOS/RJ)	Amends the Person with Disability Law to ensure that information is offered in an accessible format to people with disabilities, including in Braille	Approved in the CDH <sup>1</sup> and CTFC <sup>2</sup> , pending consideration in the CCJ <sup>3</sup> , in final order since May 2019

**House of Representatives**

Bill	Sponsor	Summary	Status
<a href="#">Bill 5504/2005</a>	Sen. Romeu Tuma (PFL/SP)	Amends art. 57 of Law no. 6.360, of September 23, 1976, to require package leaflets of medicines to be printed in an easy-to-read size	Ready to be considered on the floor
<a href="#">Bill 1550/2019</a>	Sen. Confúcio Moura (MDB/RO)	Amends Law No. 13,146 of July 6, 2015 (Person with Disabilities Law), to establish the mandatory	Awaiting Rapporteur's Opinion in CDC <sup>4</sup>

<sup>1</sup> Federal Senate Committee on Human Rights

<sup>2</sup> Federal Senate Committee on Transparency, Governance, Control and Consumer defense

<sup>3</sup> Federal Senate Committee on Constitution, Justice and Citizenship

<sup>4</sup> House of Representatives Committee on Consumer Defense

		availability of menus in Braille at bars, snack bars, and restaurants	
<a href="#">Bill 184/2020</a>	Rep. Marreca Filho (PATRIOTA/MA)	Provides for the mandatory adoption of QR Code on the packaging of food products	Attached to Bill 5504/2005
<a href="#">Bill 3524/2019</a>	Rep. Fernanda Melchionna (PSOL/RS)	Provides for the mandatory inclusion of information in Braille on the shelves of medium and large commercial establishments to better serve people with visual impairment	Attached to Bill 1550/2019
<a href="#">Bill 1622/2019</a>	Rep. Gilberto Abramo (PRB/MG)	Amends Law No. 13,146 of July 5, 2015, to provide for the availability of information in an accessible format, including through the Braille language	Attached to Bill 1550/2019
<a href="#">Bill 11068/2018</a>	Rep. Carlos Henrique Gaguim (DEM/TO)	Establishes that the availability of prices of goods and services to the consumer must also be provided in Braille	Attached to Bill 1550/2019
<a href="#">Bill 8093/2017</a>	Rep. Aureo (SD/RJ)	Amends Law No. 13,146 of July 6, 2015 (Person with Disabilities Law) to add a provision requiring basic information in Braille on the packaging of products offered to consumers.	Attached to Bill 5504/2005
<a href="#">Bill 7952/2017</a>	Rep. Luiz Lauro Filho (PSB/SP)	Amends the Consumer Defense Code, approved by Law No. 8.078, of September 11, 1990, to provide for the inclusion of QR codes on food product packaging	Attached to Bill 5504/2005



<a href="#">Bill 957/2015</a>	Rep. Mariana Carvalho (PSDB/RO)	Amends Law no. 6.360, of September 23, 1976, to turn mandatory the inscription in Braille on packages, labels and leaflets of the products referred to in the Law	Attached to Bill 5504/2005
<a href="#">Bill 557/2015</a>	Rep. João Fernando Coutinho (PSB/PE)	Provides on the mandatory requirement for companies producing medicines, food and cleaning materials to include Braille on the packaging of their products	Attached to Bill 5504/2005