

Advertising Law of the People's Republic of China (2015)

English translation of the Advertising Law of the People's Republic of China (中华人民共和国广告法), created by weber.cloud China

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Chapter I. General provisions

Article 1

This Law is enacted to regulate advertising activities, protect the legal rights and interests of consumers, promote the healthy development of the advertising sector, and maintain social and economic order.

Article 2

This Law applies to commercial advertising activities in which commodity traders or service providers directly or indirectly introduce, through certain media and in certain forms, the goods or services they market within the territory of the People's Republic of China.

For the purposes of this Law, "advertiser" means a natural person, legal entity or other organization that designs, produces and publishes advertising for the purpose of marketing its goods or services, or authorizes another person to do so.

For the purposes of this Law, "advertising agency" means a natural person, legal entity or other organization that accepts authorization to provide advertising design, production and placement services.

For the purposes of this Law, "advertising publisher" means a natural person, legal entity or other organization that publishes advertising for an advertiser or an advertising agency authorized by the advertiser.

For the purposes of this Law, "endorser" means a natural person, legal entity or organization other than the advertiser that recommends or endorses goods or services in an advertisement in its own name or image.

Article 3

The content of advertisements shall be truthful, lawful and expressed in a wholesome manner and meet the requirements of building socialist spiritual civilization and developing the beautiful traditional cultures of the Chinese nation.

Article 4

Advertisements shall not have false or misleading content and shall not deceive or mislead consumers.

The advertiser shall be responsible for the truthfulness of the content of the advertisement.

Article 5

Advertisers, advertising agencies and advertising publishers shall abide by laws and regulations, be honest and trustworthy, and compete fairly.

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Article 6

The Administrative Department for Industry and Commerce of the State Council shall be responsible for advertising supervision and administration nationwide, and the relevant departments of the State Council shall be responsible for the work related to advertising administration within their respective functions.

The local administrative departments of industry and commerce at and above the county level shall be responsible for advertising supervision and administration within their respective administrative regions, and the corresponding departments of the local people's governments at and above the county level shall be responsible for the work related to advertising administration within their respective functions.

Article 7

Advertising industry organizations shall, in accordance with the provisions of laws, regulations and bylaws, formulate industry rules, strengthen industry self-regulation, promote industry development, guide members in lawfully carrying out advertising activities, and promote integrity in the advertising industry.

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Chapter II. Rules for the content of advertising

Article 8

Where an advertisement indicates the performance, function, origin, use, quality, composition, price, manufacturer, expiry date, promise, etc. of goods or the content, supplier, form, quality, price, promise, etc. of services, it shall be accurate, clear and understandable.

If an advertisement states that a gift accompanies the advertised goods or services, the variety, specification, quantity, duration and form of the goods or services given as a gift must be explicitly indicated.

If any content must be clearly indicated in an advertisement as required by a law or administrative regulation, it must be indicated in a conspicuous and clear manner.

Article 9

It shall be prohibited in an advertisement to:

- (1) use in a disguised form the national flag, national anthem, national emblem, military flag, military song or military emblem of the People's Republic of China;
- (2) use in a disguised form the name or image of a government agency or any of its employees;
- (3) use terms such as "national", "highest", "best" or similar comparable terms;
- (4) damage the dignity or interest of the state or divulging a state secret;
- (5) disturb social stability or interest of the state or harm the public interest;
- (6) use content that threatens personal or property safety or the divulging individual privacy;
- (7) disturb public order or deviate from a good social climate;
- (8) display obscene, pornographic, gambling, superstitious, cruel or violent content;
- (9) display ethnically, racially, religiously or sexually discriminatory content;
- (10) use content that threatens the protection of the environment, natural resources, or cultural heritage; or
- (11) content that falls under other matters prohibited by law or administrative regulation.

Article 10

Advertising shall not damage the physical and mental health of minors and disabled persons.

Article 11

Where the content of an advertisement relates to a matter subject to regulatory licensing, it shall be consistent with the licensed content.

To the extent that data, statistics, survey results, excerpts, quotations and other cited content are used in the advertisement, they shall be truthful and shall indicate the source. Where a reference has a scope or period of validity, the scope or period of validity shall be clearly indicated.

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Article 12

Where an advertisement involves a patented product or method, the patent number and the patent type shall be indicated.

An advertisement shall not falsely state that a patent has been granted when the patent has not been granted.

It shall be prohibited to use a patent application in an advertisement before the patent has been granted or to use any expired, revoked, or invalidated patent.

Article 13

An advertisement shall not disparage the goods or services of any other manufacturer or distributor.

Article 14

An advertisement shall be recognizable in such a way that the consumer can identify it as an advertisement.

Advertisements shall not be published in mass media in the disguised form of a news report. Any advertisements published in mass media shall be conspicuously marked as "advertisement" in order to distinguish it from other non-advertising information and to avoid misleading consumers.

Advertisements published on radio and television stations must comply with the provisions of the relevant departments of the State Council on length and methods, and the length of the advertisement must be clearly indicated.

Article 15

Narcotics, psychotropic drugs, toxic drugs for medical purposes, radioactive drugs and other special drugs, pharmaceutical precursor chemicals, and drugs, medical instruments and treatment methods for drug rehabilitation treatment shall not be advertised.

Prescription drugs other than those referred to in the preceding paragraph may be advertised only in pharmaceutical or medical journals jointly designated by the health administration and the drug administration of the State Council.

Article 16

Advertisements for medical services, drugs or medical instruments shall not contain the following:

- (1) any claim or assurance of efficacy or safety;
- (2) any statement on the recovery or response rate;
- (3) any comparison with other drugs or medical instruments as to efficacy or safety, or any comparison with other medical devices;
- (4) any recommendation or certification by an endorser; or
- (5) any other information prohibited by law or administrative regulation.

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The contents of a drug advertisement may not deviate from instructions approved by the drug administration department of the state council and must conspicuously indicate limitations and side effects. An advertisement for a prescription drug must contain a conspicuous statement, "This advertisement is intended for medical and pharmaceutical professionals only," and an advertisement for a nonprescription drug must contain a conspicuous statement, "Please follow the drug instructions or acquire and use the drug under the guidance of a pharmacist."

An advertisement for medical instruments recommended for personal use must contain a prominent statement: "Please read the product specification carefully or purchase and use the product under the guidance of medical personnel." If contraindications or precautions are listed in the registration certificate of the medical instrument, the advertisement must contain a conspicuous notice: "Please read the instruction manual for details on contraindications or precautions."

Article 17

Except for advertisements of medical treatments, medicines and medical devices, any other advertisements referring to the therapeutic function of diseases shall be prohibited, and shall not use medical terms or terms that may lead to confusion of the marketed goods with medicines or medical instruments.

Article 18

Advertising of dietary supplements shall not contain the following:

- (1) any claim or assurance of efficacy or safety;
- (2) any claim about the function to prevent or treat diseases;
- (3) any claim or implicit statement that the advertised product is necessary for the maintenance of health;
- (4) any comparison with drugs or other dietary supplements;
- (5) any recommendation or certification by an endorser; or
- (6) any other information prohibited by law or administrative regulation.

An advertisement for a dietary supplement must include a prominent statement, "This product is not a substitute for medicaments."

Article 19

Radio stations, television stations, publishers of newspapers, magazines and audiovisual recordings, and providers of Internet services shall not publish advertisements for medical services, medicines, medical instruments or food supplements in a disguised form, such as an introduction to health or health care expertise.

Article 20

It shall be prohibited to publish in mass media or in public places advertisements for infant formula products, beverages or other foods claiming to replace breast milk in whole or in part.

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Article 21

Advertisements for pesticides, veterinary drugs, feed or feed additives shall not contain the following:

- (1) any claim or assurance of efficacy or safety;
- (2) any recommendation or certification in the name or likeness of a scientific research institution, academic institution, technical promotion body, industry association, professional, or user;
- (3) any statement of response rate;
- (4) any words, language, or images that violate safe use procedures; or
- (5) any other information prohibited by law or administrative regulation.

Article 22

It is prohibited to publish tobacco advertisements in mass media, in public places, on public transport or in the open air. It is prohibited to send any form of tobacco advertising to minors.

It is prohibited to publicize the name, trademark, packaging, decorations and other similar aspects of tobacco products by advertising them on other goods or services or by advertising them to the public.

The notices issued by a tobacco product manufacturer or seller about its relocation, renaming, recruitment, etc. shall not include the name, trademark, packaging, decorations and other similar aspects of tobacco products.

Article 23

Advertisements for liquor shall not contain the following:

- (1) any inducement to drink or incitement to excessive drinking;
- (2) any description of an act of drinking;
- (3) any description of driving an automobile, vessel, or aircraft; or
- (4) any explicit or implicit claim that drinking alcohol relieves tension or anxiety, increases physical strength, or has any other effect.

Article 24

Advertising on education or training shall not contain the following:

- (1) any explicit or implicit promise to guarantee future enrollment in a school, passing of examinations, or receipt of a degree or diploma, or to guarantee the results of education or training;
- (2) any explicit or implicit statement that the appropriate testing authority or its employees or test designers will participate in the education or training; or
- (3) any recommendation or certification on behalf of or with the image of a scientific research institution, academic institution, educational institution, industry association, professional or beneficiary.

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Article 25

An advertisement for goods or services intended to provide business opportunities or any other expectation of return on investment shall contain an appropriate notice or warning of possible risks and the assumption of liability arising from such risks, and shall not contain:

(1) any promise to guarantee future results, returns, or relevant terms, or any explicit or implicit indication to break-even, no risk, or guaranteed return, and other items, unless otherwise specified by the state;

or

(2) any recommendation or certification on behalf of or with the image of an academic institution, industry association, professional or beneficiary.

Article 26

An advertisement on real estate shall contain truthful information about the source of the real estate, specifying the area as gross floor area or gross internal area, and shall not contain the following:

(1) any promise of appreciation or return on investment;

(2) any reference to the location of the project by the time required from the project to a specific reference property;

(3) any violation of provisions of the state on price management; or

(4) any misleading publicity on transportation, commercial, cultural, educational and other municipal facilities under planning or construction.

Article 27

In the advertising of crop seeds, tree seeds, grass seeds, breeding livestock and poultry, aquatic plants and seedlings, planting and breeding, the statements about the name of a variety, production performance, growth or yield, species, resistance, special use value, economic value and suitable area and conditions for planting or breeding, etc., shall be true, clear and understandable, and such advertising shall not contain the following:

(1) any claim that cannot be scientifically verified;

(2) any claim or assurance on efficacy;

(3) any analysis or prediction or promise to guarantee economic return; or

(4) any recommendation or certification on behalf of or with the image of a scientific research institution, academic institution, technical promotion institution, industry association, professional or user.

Article 28

Any advertisement that deceives or misleads the consumer with a false or misleading content shall be a false advertisement.

An advertisement to which any of the following circumstances applies shall be a false advertisement:

(1) The advertised good or service does not exist.

(2) With respect to performance, functions, place of manufacture, intended use, quality, specification, ingredient, price, manufacturer, period of validity, terms of sale and awards received, and other items, or with respect to content, provider, form, quality, price, terms of sale

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and awards received, as well as other items, or regarding the promises made for the goods or services, as well as other items, there is a discrepancy with the actual conditions that has a significant impact on the purchase.

(3) Scientific research results, statistical data, research results, excerpts, quotations, or other information that are falsified, or fabricated, or cannot be validated have been used as certification materials.

(4) The results of the use of the goods or the use of the service are falsified.

(5) Consumers are otherwise deceived or misled with any false or misleading content.

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Chapter III. Code of Conduct for Advertising

Article 29

In order to engage in the advertisement publishing business, a radio station, television station or newspaper or magazine publisher shall establish a specialized department for its advertising business, employ the necessary personnel, have the places and equipment suitable for publishing advertisements, and register with the local Administrative Department for Industry and Commerce at or above the county level for advertising publishing.

Article 30

Advertisers, advertising agencies and advertising publishers shall enter into written contracts among themselves for their advertising activities in accordance with law.

Article 31

Advertisers, advertising agencies and advertising publishers shall not engage in any form of unfair competition in their advertising activities.

Article 32

Advertising agencies or advertising publishers authorized by advertisers shall be legally qualified to carry out such activity, both for the design and production or publication of advertisements.

Article 33

In order to use the name or image of another person in advertising, the advertiser or advertising agency shall obtain the written consent of the person in advance; or in order to use the name or image of a person without civil authority or a person with limited civil authority, the advertiser or advertising agency shall obtain the written consent of the person's guardian in advance.

Article 34

Advertising agencies and advertising publishers shall, in accordance with the relevant provisions of the State, establish and improve their administrative regulations for the registration of the acceptance, examination and filing of advertising transactions.

Advertising agencies and advertising publishers shall examine the relevant certification documents and verify the content of advertising in accordance with laws and administrative regulations. Advertising agencies shall not provide design, production and placement services for advertisements, and advertising publishers shall not publish advertisements whose content does not comply with the specifications or whose supporting documents are incomplete.

Article 35

Advertising agencies and advertising publishers shall publish their fee rates and fee collection methods.

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Article 36

The coverage rate, audience rate, click rate, circulation and other data that advertisers and advertising agencies receive from advertising publishers shall be truthful.

Article 37

Where a law or administrative regulation prohibits the production or sale of a product or the provision of a service, or prohibits the advertising of a product or service, no entity or individual may design, manufacture, act as an agency for, or publish an advertisement for such a product or product or service.

Article 38

An endorser shall, based on facts in accordance with this Law and relevant laws and administrative regulations, recommend or certify goods and services in advertising, and shall not recommend or certify goods that have not been used or services that the endorser has not received.

A minor under the age of ten shall not serve as an endorser.

Where an administrative penalty is imposed on a natural person, a legal person, or any other organization for recommendation or certification in a false advertisement, if it has not been three years since the imposition of the penalty, the natural person, legal person, or other organization shall not serve as an endorser.

Article 39

It shall be prohibited to carry out any advertising activities in middle and elementary school and kindergartens, and it shall be prohibited to publish advertisements by using the teaching materials, auxiliary teaching materials, exercise books, stationery, training aid, school uniforms, or school buses, among others, of students in middle and primary schools and children in kindergartens or to do so in any disguised form, except for advertisements for public services.

Article 40

Advertisements for medical services, medicines, food supplements, medical instruments, cosmetic products, alcohol or cosmetic operations, or advertisements for network games harmful to the physical and mental health of minors shall not be published in mass media aimed at minors.

Advertisements for goods or services directed to minors under the age of 14 shall not contain the following:

- (1) any inducement to such minors to ask their parents to purchase the advertised goods or services; or
- (2) any dangerous activity that may lead to imitation by such minors.

Article 41

Local people's governments at and above the county level shall organize relevant departments to strengthen supervision and management of the use of outdoor places, spaces and facilities for

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outdoor advertising, and formulate general plans on outdoor advertisement placement and safety requirements.

The measures for the management of outdoor advertising shall be prescribed by local ordinances and local government regulations.

Article 42

The placement of outdoor advertising shall be prohibited under the following circumstances:

- (1) Use of traffic safety devices or traffic signs.
- (2) Interfering with the use of a municipal public facility, traffic safety device, traffic sign, fire safety device, or fire safety sign.
- (3) Interfering with the production or life of the public or damaging the city image.
- (4) In state organs, cultural relics protection units, scenic spots and its building control zones, or areas where outdoor advertising is prohibited by local people's governments at or above the county level.

Article 43

Without the consent or request of a person concerned, no legal or natural person shall send advertising to the residence or means of transportation, among others, of the interested party, or send advertising to the person concerned by electronic message.

Where an advertisement is sent by electronic message, the true identity of the sender and its contact information shall be expressly indicated, and the sender shall provide the recipient with a method to stop receiving such advertisement.

Article 44

Advertising activities conducted through the Internet shall be subject to all provisions of this Law.

Publishing or sending advertisements over the Internet shall not interfere with the users normal use of the Internet. In an advertisement published on the Internet in pop-ups and other forms, a mark for closure shall be placed in a clearly visible manner and it shall be ensured that the advertisement can be closed with only one click.

Article 45

The administrator of a public place, a telecommunications business operator or an Internet information service provider shall prevent the sending or publishing of illegal advertisements through the public place or the information transmission or publication platform of which he knows or should have known.

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Chapter IV. Supervision and Administration

Article 46

Before publishing an advertisement for a medical service, drug, medical instrument, pesticide, veterinary drug or food supplement, or any other advertisement subject to censorship in accordance with the provisions of laws and administrative regulations, the competent department (hereinafter referred to as the "advertising censorship authority") shall censor the contents of the advertisement; and the advertisement shall not be published without being censored.

Article 47

An advertiser who applying for advertisement censorship shall submit relevant certification documents to the advertising censoring authority in accordance with laws and administrative regulations.

The advertising censorship authority, in accordance with laws and administrative regulations, shall make the review decision and shall forward a copy of the censorship approval document to the Administrative Department for Industry and Commerce at the same level. The advertising censorship authority shall promptly publish the approved advertisements to the public.

Article 48

No legal or natural person shall falsify, alter or transfer advertisement censorship approval documents.

Article 49

The Administrative Department for Industry and Commerce may exercise the following powers in carrying out its advertising supervision and administration functions:

- (1) Conducting on-site inspections of a place suspected of engaging in illegal advertising activities.
- (2) Interviewing the party suspected of violating the law, or its legal representative, the principal officer and other relevant personnel, and investigate relevant facilities or persons.
- (3) Requiring the alleged offender to provide relevant evidence within a specified period of time.
- (4) Inspecting or copying contracts, negotiable documents, account books, works of advertising and other relevant materials related to advertisements suspected of violating the law.
- (5) Seizing or impounding advertising items, tools and equipment used for operation, and other property directly related to advertising suspected of violating the law.
- (6) Ordering the cessation of publication of an advertisement suspected of violating the law and which may have serious consequences.
- (7) Other powers established by laws and administrative regulations.

The Administrative Department for Industry and Commerce shall establish and improve rules for supervision of advertising and strengthen supervision measures to timely detect and lawfully investigate and punish illegal advertising activities.

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Article 50

The Administrative Department for Industry and Commerce of the State Council shall, in cooperation with the relevant departments of the State Council, formulate a code of conduct for the publication of advertisements on mass media.

Article 51

The Administrative Department for Industry and Commerce shall exercise its powers in accordance with the provisions of this Law, and the parties concerned shall provide assistance and cooperation and shall not refuse or obstruct the exercise of the department's powers.

Article 52

The Administrative Department for Industry and Commerce and the relevant departments and their employees shall keep the trade secrets known to them in the course of their advertising supervision and administration activities confidential.

Article 53

Any legal or natural person shall have the right to file a complaint or report with the Administrative Department for Industry and Commerce and the relevant departments concerning a violation of this Law. The Administrative Department for Industry and Commerce and the relevant departments shall announce to the public the hotline and the postal address or e-mail address for receiving complaints and reports, and the department receiving a complaint or report shall process it within seven working days of receiving the complaint or report and inform the person who filed the complaint or report of the result of the processing.

If the Administrative Department for Industry and Commerce or the relevant department fails to perform its duties in accordance with the law, any entity or individual shall have the right to report the failure to the higher authority of the department or the regulatory agency. The authority receiving the report shall process it in accordance with the law and shall notify the person who submitted the report of the result of the processing in a timely manner.

The relevant department shall keep a person who files a complaint or report confidential.

Article 54

Consumer associations and other consumer organizations, in accordance with law in respect of violations of the provisions of this Law, shall exercise social supervision against the publication of false advertisements that violate the legitimate rights and interests of consumers, and other acts that are detrimental to the public interest of society.

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Chapter V. Legal Liability

Article 55

Where a false advertisement is published in violation of the provisions of this Law, the Administrative Department of Industry and Commerce shall order the advertiser to stop publishing the advertisement, order the advertiser to eliminate the adverse effects to the appropriate extent, and impose a fine of not less than three times nor more than five times the cost of the advertisement or, where the cost of the advertisement is incalculable or obviously low, impose a fine of not less than 200.000 yuan nor more than one million yuan; or provided that the advertiser has committed three or more violations of the law in the past two years, or falls under any other serious circumstances, imposes a fine of not less than five times nor more than ten times the advertising expenses on him or, if the advertising expenses are incalculable or obviously low, imposes a fine of not less than one million yuan nor more than two million yuan on him. Under a serious circumstance, the Administrative Department of Industry and Commerce may revoke the business license, and the advertising censorship authority shall revoke the advertising censorship approval document and reject the advertiser's application for advertising censorship within one year.

If a medical facility commits a violation of the law as described in the preceding paragraph, if there is any serious circumstance, the Administrative Department of Industry and Commerce must punish it in accordance with this Law, and the Health Administration Department may revoke the affected medical service or the medical facility's practice license.

If an advertising agency or advertising publisher knows or should have known that an advertisement is false but still designs, manufactures, serves as an agency for, or publishes the advertisement, the Administrative Department of Industry and Commerce shall confiscate the advertising expenses and impose a fine of not less than three times nor more than five times the advertising expenses or, if the advertising expenses are incalculable or obviously low, a fine of not less than 200.000 yuan and nor more than one million yuan; or provided that the advertising agency or advertising publisher has committed three or more violations of the law in the past two years, or in a case of other serious circumstances, impose a fine of not less than five times nor more than ten times the advertising expenditure or, if the advertising expenditure is incalculable or obviously low, impose a fine of not less than one million yuan nor more than two million yuan on it. If there is a serious circumstance, the relevant department may suspend the advertisement publication business, revoke the business license or revoke the advertisement publication registration certificate.

Where any conduct of an advertiser, advertising agency or advertising publisher is punishable under paragraphs 1 and 3 of this Article, the offender shall be held criminally liable in accordance with the law.

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Article 56

Where a false advertisement is published in violation of this Law in order to deceive or mislead consumers and harm the lawful rights and interests of consumers purchasing goods or using services, the advertiser shall be civilly liable in accordance with law. If the advertising agency or publisher is unable to provide the true name and address of the advertiser or valid contact information, consumers may require the advertising agency or publisher to make compensation in advance.

If a false advertisement for a good or service that affects the life or health of consumers causes damage to consumers, the advertising agency, the advertising publisher and the endorser of the false advertisement shall be jointly and severally liable with the advertiser.

Where a false advertisement for a good or service other than those referred to in the preceding paragraph causes damage to consumers, the advertising agency, advertising publisher or endorser shall be jointly and severally liable with the advertiser if the advertising agency, advertising publisher or endorser knew or should have known that the advertisement was false but still designed, produced, procured or published the advertisement or made a recommendation or certification.

Article 57

In case of any of the following behaviors, the Administrative Department of Industry and Commerce shall order the advertiser to stop publishing the advertisement and impose a fine of not less than 200,000 yuan nor more than one million yuan on the advertiser, and if there is a serious circumstance, the Administrative Department of Industry and Commerce may revoke his business license, and the advertising censorship authority shall revoke his advertising censorship approval document and refuse to accept his application for advertising censorship within one year; and the Administrative Department of Industry and Commerce shall confiscate the advertising expenses received from the advertising agency or advertising publisher and impose a fine of not less than 200,000 yuan nor more than one million yuan on it, and if there are any serious circumstances, it may revoke its business license or its registration certificate for advertising publication:

- (1) An advertisement that falls under the prohibitions specified in Article 9 or 10 of this Law is published.
- (2) An advertisement for a prescription drug, a pharmaceutical precursor chemical, or a medical instrument or treatment method for drug rehabilitation is published in violation of Article 15 of this Law.
- (3) An advertisement for an infant dairy product, beverage, or other food product that claims to replace breast milk in whole or in part is published in violation of Article 20 of this Law.
- (4) A tobacco advertisement is published in violation of Article 22 of this Law.
- (5) Any product prohibited from production or sale, or any service prohibited from the provision is marketed by advertising, or any product or service prohibited from being advertising is marketed by advertising, in violation of Article 37 of this Law.
- (6) In violation of Article 40, paragraph 1 of this Law, an advertisement on a medical service, medicine, food supplement, medical instrument, cosmetic product, alcohol or cosmetic operation,

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or an advertisement for a network game that is harmful to the physical and mental health of minors is published in mass media targeting minors.

Article 58

For each of the following behaviors, the Administrative Department of Industry and Commerce may order the cessation of publication of the advertisement, order the advertiser to eliminate the adverse effects within the corresponding extent, and impose a fine of not less than one time nor more than three times the advertising cost on it or, if the advertising cost is incalculable or obviously low, a fine of not less than 100.000 yuan nor more than 200.000 yuan on it; or, if there is a serious circumstance, impose a fine of not less than three times nor more than five times the advertising expenses on it or, if the advertising expenses are incalculable or obviously low, impose a fine of not less than 200.000 yuan nor more than one million yuan on it. If there is a serious circumstance, the Administrative Department of Industry and Commerce may revoke the business license, and the advertising censorship authority shall revoke the advertising censorship approval document and reject the application for advertising censorship within one year.

(1) An advertisement on a medical service, a drug or a medical instrument is published in violation of Article 16 of this Law.

(2) Violating the provisions of Article 17 of this Law by referring to disease treatment functions in advertisements or using medical terms or terms that may lead to confusion between the advertised products and any drugs or medical devices.

(3) An advertisement about on a dietary supplement is published in violation of Article 18 of this Law.

(4) An advertisement about on pesticide, veterinary drug, feed or feed additive is published in violation of Article 21 of this Law.

(5) The publication of an advertisement for alcohol is in violation of Article 23 of this Law.

(6) The publication of an advertisement on education or training is in violation of Article 24 of this Law.

(7) The publication of an advertisement for a good or service that provides a business opportunity or other expectation of investment return is in violation of Article 25 of this Law.

(8) The publication of an advertisement for real estate is in violation of Article 26 of this Law.

(9) The publication of an advertisement for crop seeds, tree seeds, grass seeds, breeding livestock or poultry, aquatic plants or seedlings, planting or breeding is in violation of Article 27 of this Law.

(10) A minor under ten years of age serving as an endorser is in violation of paragraph 2 of Article 38 of this Law.

(11) A natural person, a legal entity or any other organization serving as an endorser is in violation of paragraph 3 of Article 38 of this Law.

(12) An advertisement is published in any primary or middle school or kindergarten or by using any items related to the students in primary or middle schools or children in kindergartens in violation of Article 39 of this Law.

(13) An advertisement for a good or service that targets minors under 14 years of age is published in violation of Article 40, paragraph 2 of this Act.

(14) An advertisement without censorship is published in violation of Article 46 of this Law.

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If a medical facility commits a violation of the law as described in the preceding paragraph, if there is any serious circumstance, the Administrative Department of Industry and Commerce shall punish it in accordance with this Law, and the Administrative Department of Health may revoke the involved medical service item or the medical facility's practicing license.

If an advertising agency or advertisement publisher knows or should have known that there is a violation of the law under paragraph 1 of this Article but still designs, manufactures, serves as agent for, or publishes the advertising, the Administrative Department of Industry and Commerce shall confiscate the advertising expenses and impose a fine of not less than one time nor more than three times the advertising expenses on it or, if the advertising expenses are incalculable or obviously low, a fine of not less than 100.000 yuan nor more than 200.000 yuan on it; or, if there is a serious circumstance, impose a fine of not less than three times nor more than five times the advertising expenses on it or, if the advertising expenses are incalculable or obviously low, impose a fine of not less than 200.000 yuan nor more than one million yuan on it. In case of any serious circumstances, the relevant department may suspend the advertising publishing business, revoke the business license or revoke the registration certificate for advertisement publishers.

Article 59

In case of any of the following behaviors, the Administrative Department of Industry and Commerce shall order the suspension of advertisement publishing and impose a fine of not more than 100.000 yuan on the advertiser.

- (1) The content of an advertisement violates Article 8 of this Law.
- (2) If any citation of the advertisement violates the provisions of Article 11 of this Law.
- (3) An advertisement that includes a patent violates Article 12 of this Law.
- (4) An advertisement disparaging the goods or services of another manufacturer or distributor in violation of Article 13 of this Law.

If an advertising agency or advertising publisher knows or should have known that a violation of the law under the preceding paragraph has occurred but still designs, manufactures, serves as agent for, or publishes the advertisement, the Administrative Department of Industry and Commerce shall impose a fine of not more than 100.000 yuan on it.

If an advertisement is unidentifiable in violation of Article 14 of this Law, or if an advertisement for a medical service, drug, medical instrument or dietary supplement is published in any disguised form in violation of Article 19 of this Law, the Administrative Department of Industry and Commerce shall order the violator to take corrective measures and shall impose a fine of not more than 100.000 yuan on the publisher of the advertisement.

Article 60

Where a radio station, a television station or a newspaper or magazine publisher fails to register for the publication of advertisements and engages in the business of publishing advertisements without authorization, thereby violating Article 29 of this Law, the Administrative Department of Industry and Commerce shall order corrective measures, confiscate its illegal income and impose a fine of not less than one time and not more than three times the illegal income on it if the illegal

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income is 10.000 yuan or more, or a fine of not less than 5.000 yuan nor more than 30.000 yuan shall be imposed if the illegal income is less than 10.000 yuan.

Article 61

If an advertising agency or an advertising publisher, in violation of Article 34 of this Law, fails to establish and improve the administrative rules for its advertising business in accordance with the relevant provisions of the state or fails to review the content of advertisement, the Administrative Department of Industry and Commerce shall order corrective measures and may impose a fine of not more than 50.000 yuan on it.

If an advertising agency or advertising publisher, in violation of Article 35 of this Law, fails to publish its fee rates and fee collection methods, the relevant pricing authority shall order corrective measures and may impose a fine of not more than 50.000 yuan.

Article 62

If any of the following circumstances apply to an endorser, the Administrative Department for Industry and Commerce shall confiscate its illegal income and impose a fine of not less than one time nor more than two times the illegal income on it.

- (1) Providing a recommendation or certificate in an advertisement on a medical service, drug, or medical instrument in violation of item (4), paragraph 1 of Article 16 of this Law.
- (2) Providing a recommendation or certification in an advertisement on a dietary supplement in violation of item (5), paragraph 1 of Article 18 of this Law.
- (3) Providing any recommendation or certification of a good that has not been used or a service that has not been received, in violation of item (1) of Article 38 of this Law.
- (4) Recommending or certifying a good or service in an advertisement even if it has been known or should have been known that the advertisement is false.

Article 63

Where an advertisement is sent in violation of Article 43 of this Law, the relevant department shall order the cessation of the violation of the law and impose a fine of not less than 5.000 yuan nor more than 30.000 yuan on the advertiser.

Where, in violation of paragraph 2 of Article 44 of this Law, an advertisement is published over the Internet without a conspicuous one-click mark for closure, the Administrative Department of Industry and Commerce shall order the violator to take corrective measures and may impose a fine of not less than 5.000 yuan and not more than 30.000 yuan on the advertiser.

Article 64

Where, in violation of Article 45 of this Law, the administrator of a public place, an operator of a telecommunications business or a provider of Internet information services knows or should have known that an advertising activity is illegal but fails to stop it, the Administrative Department of Industry and Commerce shall confiscate the illegal revenue and impose a fine of not less than one time nor more than three times the illegal revenue on it if the illegal revenue is 50.000 yuan or more, or a fine of not less than 10.000 yuan nor more than 50.000 yuan on it if the illegal revenue

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is less than 50.000 yuan; in case of serious circumstances, the relevant department shall suspend the relevant business in accordance with law.

Article 65

If anyone applies for advertising censorship in violation of this Law by concealing true information or providing false materials, the advertising censorship authority shall reject or refuse the application, issue a warning and not accept the applicant's application for advertising censorship within one year; and if an applicant obtains an advertising censorship permit by fraud, bribery or other illegal means, the advertising censorship authority shall revoke the permit, impose a fine of not less than 100.000 yuan nor more than 200.000 yuan on it, and refuse to accept any advertising censorship application from this applicant within three years.

Article 66

If anyone, in violation of this Law, falsifies, alters or transfers an advertising censorship approval document, the Administrative Department of Industry and Commerce shall confiscate the illegal income and impose a fine of not less than 10.000 yuan nor more than 100.000 yuan.

Article 67

If anyone commits any violation of this Law, the Administrative Department for Industry and Commerce shall record the violation in the credit archives and publicize the violation in accordance with the provisions of the relevant laws and administrative regulations.

Article 68

If a radio station, television station, or newspaper, magazine, or audiovisual recording publisher publishes any illegal advertisement, publishes any advertisement in a disguised form of news reporting, or publishes an advertisement on a medical service, drug, medical instrument, or dietary supplement in a disguised form such as a introduction of health or medical expertise, the Administrative Department of Industry and Commerce shall impose penalties in accordance with this Law, and shall inform the Administrative Department of Press, Publication, Radio, Film and Television and other relevant departments. The Administrative Department of Press, Publication, Radio, Film and Television and other relevant departments shall take disciplinary measures against the liable supervising executives and the persons directly in charge in accordance with the law, and may, if there are serious circumstances, suspend the advertisement publication business of the media.

If the Department of Press, Publication, Radio, Film and Television or any other relevant department fails to deal with a radio station, a television station or a publisher of newspapers, magazines or audiovisual recordings in accordance with the provisions of the preceding paragraph, disciplinary measures shall be taken against the responsible supervising official and the persons directly responsible in accordance with the law.

Article 69

If any advertiser, advertising agency or advertising publisher commits any of the following tortious acts in violation of this Law, he shall be civilly liable under the Law:

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- (1) Harming the physical or mental health of minors or disabled persons in an advertisement.
- (2) Counterfeiting the patent of any other person.
- (3) Disparagement of the goods or services of another manufacturer or distributor.
- (4) Use of another person's name or image in an advertisement without permission.
- (5) Other violation of the lawful civil rights and interests of another person.

Article 70

If the business license of a company or enterprise is revoked for publishing false advertising or violating any other provisions of this Law, the legal representative of the company or enterprise, if he/she is personally liable for the violation of law, shall be prohibited from serving as a director, supervisor or officer of a company or enterprise within three years after the revocation of the business license of said company or enterprise.

Article 71

If any person, in violation of this Law, refuses or obstructs a supervisory inspection conducted by the Administrative Department of Industry and Commerce, or commits any other violation of the Public Security Administration Law, the violator shall be subject to a penalty imposed by the Public Security Administration in accordance with the Law; and if it is a criminal act, the violator shall be held criminally liable in accordance with the Law.

Article 72

Where an advertising censorship authority makes a censorship decision to approve an illegal content of an advertisement, the appointment and removal authority or the supervisory authority shall take disciplinary measures against the liable supervising official and the persons directly responsible in accordance with law; and if it is a criminal act, the offenders shall be held criminally responsible in accordance with law.

Article 73

If the Administrative Department for Industry and Commerce fails to investigate and stop illegal advertising activities discovered during the performance of its advertising supervision functions or illegal advertising activities on which a complaint or report has been filed, disciplinary actions shall be taken against the responsible supervising official and the persons directly responsible in accordance with law.

If an employee of the Administrative Department for Industry and Commerce or a relevant department responsible for relevant advertising management neglects his or her duties, abuses his or her power, engages in favoritism, or akesfalsification, disciplinary action shall be taken against him or her in accordance with the law.

If any conduct described in the two preceding paragraphs is punishable by law, the perpetrator shall be held criminally liable in accordance with the law.

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Chapter VI. Supplementary provisions

Article 74

The State encourages and supports public service advertisements aimed at spreading basic socialist values and promoting a civilized social climate.

Mass media are obliged to publish public service advertisements. Radio stations, television stations, newspaper and magazine publishers must publish public service advertisements in accordance with the prescribed page, time slot and length requirements. The measures for the administration of public service advertisements shall be developed by the Administrative Department of Industry and Commerce of the State Council in cooperation with the relevant departments.

Article 75

This Law shall come into force on September 1, 2015.