

**Advertising Law of the People's Republic of China (2018
Amendment)[Effective]**

中华人民共和国广告法(2018 修正) [现行有效]

Issuing authority:	Standing Committee of the National People's Congress, Standing Committee of the National People's Congress	Document Number:	Order No.16 of the President of the People's Republic of China
Date issued:	10-26-2018	Effective date:	10-26-2018
Level of Authority:	Laws	Area of Law:	Advertising

中华人民共和国广告法

Advertising Law of the People's Republic of China

(Adopted at the 10th Session of the Standing Committee of the Eighth National People's Congress on October 27, 1994, and revised at the 14th Session of the Standing Committee of the Twelfth National People's Congress on April 24, 2015, and amended in accordance with the Decision of the Standing Committee of the National People's Congress to Amend Fifteen Laws Including the Law of the People's Republic of China on the Protection of Wild Animals adopted at the 6th Session of the Standing Committee of the Thirteenth National People's Congress of the People's Republic of China on October 26, 2018)

(1994年10月27日第八届全国人民代表大会常务委员会第十次会议通过 2015年4月24日第十二届全国人民代表大会常务委员会第十四次会议修订 根据2018年10月26日第十三届全国人民代表大会常务委员会第六次会议《关于修改〈中华人民共和国野生动物保护法〉等十五部法律的决定》修正)

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Chapter I General Provisions

Article 1 This law is developed to regulate advertising activities, protect the lawful rights and interests of consumers, promote the sound development of the advertising sector, and maintain the social and economic order.

Article 2 This Law shall apply to commercial advertising activities in which commodity dealers or service providers directly or indirectly introduce, via certain media and in certain forms, goods or services marketed by them within the territory of the People's Republic of China.

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

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

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

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

Article 3 The contents of advertisements shall be expressed in a true, lawful, and healthy manners, and conform to the requirements of the construction of socialist spiritual civilization and the development of the fine traditional cultures of the Chinese nation.

第五章 法律责任

第六章 附 则

第一章 总 则

第一条 为了规范广告活动,保护消费者的合法权益,促进广告业的健康发展,维护社会经济秩序,制定本法。

第二条 在中华人民共和国境内,商品经营者或者服务提供者通过一定媒介和形式直接或者间接地介绍自己所推销的商品或者服务的商业广告活动,适用本法。

本法所称广告主,是指为推销商品或者服务,自行或者委托他人设计、制作、发布广告的自然 人、法人或者其他组织。

本法所称广告经营者,是指接受委托提供广告设计、制作、代理服务的自然人、法人或者其他组 织。

本法所称广告发布者,是指为广 告主或者广告主委托的广告经营 者发布广告的自然 人、法人或者 其他组织。

本法所称广告代言人,是指广告 主以外的,在广告中以自己的名 义或者形象对商品、服务作推 荐、证明的自然 人、法人或者 其他组织。

第三条 广告应当真实、合 法,以健康的表现形式表达广告 内容,符合社会主义精神文明建 设和弘扬中华民族优秀传统文化 的要求。

Article 4 Advertisements shall not have any false or misleading content or defraud or mislead consumers.

An advertiser shall be responsible for the veracity of contents of advertisement.

Article 5 Advertisers, advertising agents, and advertisement publishers shall abide by laws and regulations, be honest and trustworthy, and compete in a fair manner in advertising activities.

Article 6 The of the State Council shall take charge of advertising supervision and administration nationwide, and the relevant departments of the State Council shall be responsible for work related to advertising administration within their respective functions.

Local market regulatory department at and above the county level shall take charge of advertising supervision and administration within their respective administrative regions, and the relevant departments of local people's governments at and above the county level shall be responsible for work related to advertising administration within their respective functions.

Article 7 Advertising industry organizations shall, in accordance with the provisions of laws and regulations and their bylaws, develop industry rules, strengthen industry self-regulation, promote industry development, guide members in legally conducting advertising activities, and promote integrity in the advertising sector.

Chapter II Rules for the Contents of Advertising

Article 8 Where an advertisement indicates the performance, functions, place of origin, uses, quality, ingredients, price, producer, term of validity, and promises, among others, of the goods or the content, provider, form, quality, price, and promises, among others, of the services, such indication shall be accurate, clear, and understandable.

Where an advertisement indicates that a gift is attached to the marketed goods or services, the variety, specification, quantity, term, and form of the gift goods or services shall be explicitly indicated.

第四条 广告不得含有虚假或者引人误解的内容，不得欺骗、误导消费者。

广告主应当对广告内容的真实性负责。

第五条 广告主、广告经营者、广告发布者从事广告活动，应当遵守法律、法规，诚实守信，公平竞争。

第六条 国务院市场监督管理部门主管全国的广告监督管理工作，国务院有关部门在各自的职责范围内负责广告管理相关工作。

县级以上地方市场监督管理部门主管本行政区域的广告监督管理工作，县级以上地方人民政府有关部门在各自的职责范围内负责广告管理相关工作。

第七条 广告行业组织依照法律、法规和章程的规定，制定行业规范，加强行业自律，促进行业发展，引导会员依法从事广告活动，推动广告行业诚信建设。

第二章 广告内容准则

第八条 广告中对商品的性能、功能、产地、用途、质量、成分、价格、生产者、有效期限、允诺等或者对服务的内容、提供者、形式、质量、价格、允诺等有表示的，应当准确、清楚、明白。

广告中表明推销的商品或者服务附带赠送的，应当明示所附带赠送商品或者服务的品种、规格、数量、期限和方式。

Where any content shall be explicitly indicated in an advertisement as required by any law or administrative regulation, it shall be indicated in a conspicuous and clear manner.

Article 9 An advertisement shall be prohibited from:

(1) using, or using 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) using, or using in a disguised form, the name or image of any state authority or its staff member;

(3) using "national," "highest," "best," or similar comparative words;

(4) damaging the dignity or interest of the state or divulging any state secret;

(5) disturbing social stability or damaging the public interest;

(6) damaging personal or property safety or divulging individual privacy;

(7) disturbing the public order or departing from a good social climate;

(8) containing any obscene, pornographic, gambling, superstitious, horrible, or violent content;

(9) containing any ethnically, racially, religiously, or sexually discriminatory content;

(10) impeding the protection of environment, natural resources, or cultural heritages; or

(11) falling under any other circumstances as set out by any law or administrative regulation.

Article 10 Advertisements shall not damage the physical and mental health of the minors and the disabled.

Article 11 Where the contents of an advertisement involve any matter subject to administrative licensing, it shall conform to the licensed content.

法律、行政法规规定广告中应当明示的内容，应当显著、清晰表示。

第九条 广告不得有下列情形：

（一）使用或者变相使用中华人民共和国的国旗、国歌、国徽，军旗、军歌、军徽；

（二）使用或者变相使用国家机关、国家机关工作人员的名义或者形象；

（三）使用“国家级”、“最高级”、“最佳”等用语；

（四）损害国家的尊严或者利益，泄露国家秘密；

（五）妨碍社会安定，损害社会公共利益；

（六）危害人身、财产安全，泄露个人隐私；

（七）妨碍社会公共秩序或者违背社会良好风尚；

（八）含有淫秽、色情、赌博、迷信、恐怖、暴力的内容；

（九）含有民族、种族、宗教、性别歧视的内容；

（十）妨碍环境、自然资源或者文化遗产保护；

（十一）法律、行政法规规定禁止的其他情形。

第十条 广告不得损害未成年人和残疾人的身心健康。

第十一条 广告内容涉及的事项需要取得行政许可的，应当与许可的内容相符合。

The data, statistics, investigation results, excerpts, quotations, and other citations used in an advertisement shall be true and accurate, with the sources indicated. If any citation has a scope of application or a term of validity, the scope of application or term of validity shall be clearly indicated.

Article 12 Where an advertisement involves any patented product or patented method, the patent number and the patent type shall be indicated.

An advertisement shall not falsely claim that a patent has been granted, if the patent has not been granted.

An advertisement shall be prohibited from using a patent application before the patent is granted or using any expired, revoked, or invalidated patent.

Article 13 Advertisements shall not disparage the goods or services of any other producer or trader.

Article 14 An advertisement shall be identifiable so that consumers could identify it as an advertisement.

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

Advertisements published on radio and television stations shall be in compliance with the provisions of the relevant departments of the State Council on length and methods, and the length of advertisements shall be clearly indicated.

Article 15 Narcotic drugs, psychotropic drugs, toxic drugs for medical use, 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 set out in the preceding paragraph may only be advertised on specialized pharmaceutical or medical journals jointly designated by the health and the drug administrative departments of the State Council.

广告使用数据、统计资料、调查结果、文摘、引用语等引证内容的，应当真实、准确，并表明出处。引证内容有适用范围和有效期限的，应当明确表示。

第十二条 广告中涉及专利产品或者专利方法的，应当标明专利号和专利种类。

未取得专利权的，不得在广告中谎称取得专利权。

禁止使用未授予专利权的专利申请和已经终止、撤销、无效的专利作广告。

第十三条 广告不得贬低其他生产经营者的商品或者服务。

第十四条 广告应当具有可识别性，能够使消费者辨明其为广告。

大众传播媒介不得以新闻报道形式变相发布广告。通过大众传播媒介发布的广告应当显著标明“广告”，与其他非广告信息相区别，不得使消费者产生误解。

广播电台、电视台发布广告，应当遵守国务院有关部门关于时长、方式的规定，并应当对广告时长作出明显提示。

第十五条 麻醉药品、精神药品、医疗用毒性药品、放射性药品等特殊药品，药品类易制毒化学品，以及戒毒治疗的药品、医疗器械和治疗方法，不得作广告。

前款规定以外的处方药，只能在国务院卫生行政部门和国务院药品监督管理部门共同指定的医学、药学专业刊物上作广告。

Article 16 Advertisements on medical services, drugs, or medical instrument shall not contain:

- (1) any assertion or assurance on efficacy or safety;
- (2) any statement on the recovery or response rate;
- (3) any comparison with other drugs or medical instruments in efficacy and safety or comparison with other medical institutions;
- (4) any recommendation or certification by an endorser; or
- (5) any other information prohibited by any law or administrative regulation.

The contents of a drug advertisement shall not differ from the instructions approved by the drug administrative department of the State Council, and shall conspicuously indicate the restrictions and adverse reactions. An advertisement on a prescription drug shall conspicuously indicate: "This advertisement is intended for medical and pharmaceutical professionals only," and an advertisement on a non-prescription drug shall conspicuously indicate: "Please follow the instructions of the drug or purchase and use the drug under the direction of a pharmacist."

An advertisement on medical instruments recommended for personal use shall conspicuously indicate: "Please carefully read the product specification or purchase and use the product under the direction of medical personnel." Where there are any contraindications or precautions in the medical instrument's registration certification document, the advertisement shall conspicuously indicate: "Please see the instructions for details on contraindications or precautions."

Article 17 Advertisements except those on medical services, drugs, and medical instruments shall not involve disease treatment functions, nor use medical terms or terms that may result in confusion between the marketed goods and any drugs or medical instruments.

Article 18 Advertisements on dietary supplements shall not contain:

第十六条 医疗、药品、医疗器械广告不得含有下列内容:

- (一) 表示功效、安全性的断言或者保证;
- (二) 说明治愈率或者有效率;
- (三) 与其他药品、医疗器械的功效和安全性或者其他医疗机构比较;
- (四) 利用广告代言人作推荐、证明;
- (五) 法律、行政法规规定禁止的其他内容。

药品广告的内容不得与国务院药品监督管理部门批准的说明书不一致, 并应当显著标明禁忌、不良反应。处方药广告应当显著标明“本广告仅供医学药学专业人士阅读”, 非处方药广告应当显著标明“请按药品说明书或者在药师指导下购买和使用”。

推荐给个人自用的医疗器械的广告, 应当显著标明“请仔细阅读产品说明书或者在医务人员的指导下购买和使用”。医疗器械产品注册证明文件中有禁忌内容、注意事项的, 广告中应当显著标明“禁忌内容或者注意事项详见说明书”。

第十七条 除医疗、药品、医疗器械广告外, 禁止其他任何广告涉及疾病治疗功能, 并不不得使用医疗用语或者易使推销的商品与药品、医疗器械相混淆的用语。

第十八条 保健食品广告不得含有下列内容:

(1) any assertion or assurance on efficacy or safety;

(一) 表示功效、安全性的断言或者保证;

(2) any statement involving disease prevention or treatment functions;

(二) 涉及疾病预防、治疗功能;

(3) any claim or implicit indication that the advertised good is necessity for maintaining health;

(三) 声称或者暗示广告商品为保障健康所必需;

(4) any comparison with drugs or any other dietary supplements;

(四) 与药品、其他保健食品进行比较;

(5) any recommendation or certification by an endorser; or

(五) 利用广告代言人作推荐、证明;

(6) any other information prohibited by any law or administrative regulation.

(六) 法律、行政法规规定禁止的其他内容。

An advertisement on a dietary supplement shall conspicuously indicate: "This product is not a substitute for drugs."

保健食品广告应当显著标明“本品不能代替药物”。

Article 19 Radio stations, television stations, publishers of newspapers, journals, and audio-visual recordings, and Internet service providers shall not publish advertisements on medical services, drugs, medical instruments, or dietary supplements in a disguised form such as introducing health or health care knowledge.

第十九条 广播电台、电视台、报刊音像出版单位、互联网信息服务提供者不得以介绍健康、养生知识等形式变相发布医疗、药品、医疗器械、保健食品广告。

Article 20 It shall be prohibited to publish, on mass media or in public places, advertisements on any infant dairy product, beverage, or other food which claims to substitute for breast milk in whole or in part.

第二十条 禁止在大众传播媒介或者公共场所发布声称全部或者部分替代母乳的婴儿乳制品、饮料和其他食品广告。

Article 21 Advertisements on pesticides, veterinary drugs, feeds, or feed additives shall not contain:

第二十一条 农药、兽药、饲料和饲料添加剂广告不得含有下列内容:

(1) any assertion or assurance on efficacy or safety;

(一) 表示功效、安全性的断言或者保证;

(2) any recommendation or certification in the name or image of any scientific research entity, academic institution, technical promotion institution, industry association, professional, or user;

(二) 利用科研单位、学术机构、技术推广机构、行业协会或者专业人士、用户的名义或者形象作推荐、证明;

(3) any statement on the response rate;

(三) 说明有效率;

(4) any words, language, or picture in violation of safe use procedures; or

(四) 违反安全使用规程的文字、语言或者画面;

(5) any other information prohibited by any law or administrative regulation.

Article 22 It shall be prohibited to publish tobacco advertisements on mass media, in public places, on public means of transportation, or outdoors. Sending any form of tobacco advertisement to the minors shall be prohibited.

It shall be prohibited to publicize the name, trademark, packaging, decoration, and other similar aspects of tobacco products through advertisements on any other goods or services or public service advertisements.

The notices issued by a tobacco product manufacturer or seller regarding its relocation, renaming, or recruitment, among others, shall not contain the name, trademark, packaging, decoration, and other similar aspects of tobacco products.

Article 23 Advertisements on liquor shall not contain:

(1) any drinking inducement or instigation or immoderate drinking;

(2) any description of an act of drinking;

(3) any description of driving a car, vessel, or airplane driving, among others; or

(4) any explicit or implicit indication that drinking relieves tension and anxiety, increases physical strength, or has any other efficacy.

Article 24 Advertisements on education or training shall not contain:

(1) any explicit or implicit commitment to guarantee future enrollment in a school, passing of examinations, or obtainment of an academic degree or a diploma or guarantee the results of education or training;

(2) any explicit or implicit indication that the relevant examination authority or its staff members or the test designers will participate in the education or training; or

(3) any recommendation or certification in the name or image of any scientific research entity, academic

(五) 法律、行政法规规定禁止的其他内容。

第二十二条 禁止在大众传播媒介或者公共场所、公共交通工具、户外发布烟草广告。禁止向未成年人发送任何形式的烟草广告。

禁止利用其他商品或者服务的广告、公益广告，宣传烟草制品名称、商标、包装、装潢以及类似内容。

烟草制品生产者或者销售者发布的迁址、更名、招聘等启事中，不得含有烟草制品名称、商标、包装、装潢以及类似内容。

第二十三条 酒类广告不得含有下列内容：

(一) 诱导、怂恿饮酒或者宣传无节制饮酒；

(二) 出现饮酒的动作；

(三) 表现驾驶车、船、飞机等活动；

(四) 明示或者暗示饮酒有消除紧张和焦虑、增加体力等功效。

第二十四条 教育、培训广告不得含有下列内容：

(一) 对升学、通过考试、获得学位学历或者合格证书，或者对教育、培训的效果作出明示或者暗示的保证性承诺；

(二) 明示或者暗示有相关考试机构或者其工作人员、考试命题人员参与教育、培训；

(三) 利用科研单位、学术机构、教育机构、行业协会、专业

institution, educational institution, industry association, professional, or beneficiary.

Article 25 An advertisement on goods or services to provide business opportunities or any other expectation of investment return shall contain a reasonable reminder or warning of possible risks and the assumption of liability arising from such risks, and shall not contain:

(1) any commitment to guarantee future results, return, or relevant conditions or any explicit or implicit indication of breakeven, no risk, or guaranteed return, among others, except as otherwise specified by the state; or

(2) any recommendation or certification in the name or image of any academic institution, industry association, professional, or beneficiary.

Article 26 An advertisement on real estate shall contain true information on the source of real estate, with the area thereof clarified as the gross floor area or the gross internal floor area, and shall not contain:

(1) any commitment on appreciation or investment return;

(2) any indication of the location of the project by the time needed from the project to a specific object of reference;

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

(4) any misleading publicity on transport, commerce, cultural and educational, and other municipal facilities in planning or under construction.

Article 27 In advertisements on crop seeds, tree seeds, grass seeds, breeding livestock and poultry, aquatic fries and fingerlings, planting, and breeding, the statements on the name of a variety, production performance, increment or yield, nature, resistance, particular use value, economic value, and appropriate scope and conditions for planting or breeding, among others, shall be true, clear, and understandable, and such advertisements shall not contain:

(1) any assertion that cannot be scientifically validated;

人士、受益者的名义或者形象作推荐、证明。

第二十五条 招商等有投资回报预期的商品或者服务广告，应当对可能存在的风险以及风险责任承担有合理提示或者警示，并不得含有下列内容：

（一）对未来效果、收益或者与其相关的情况作出保证性承诺，明示或者暗示保本、无风险或者保收益等，国家另有规定的除外；

（二）利用学术机构、行业协会、专业人士、受益者的名义或者形象作推荐、证明。

第二十六条 房地产广告，房源信息应当真实，面积应当表明为建筑面积或者套内建筑面积，并不得含有下列内容：

（一）升值或者投资回报的承诺；

（二）以项目到达某一具体参照物的所需时间表示项目位置；

（三）违反国家有关价格管理的规定；

（四）对规划或者建设中的交通、商业、文化教育设施以及其他市政条件作误导宣传。

第二十七条 农作物种子、林木种子、草种子、种畜禽、水产苗种和种养殖广告关于品种名称、生产性能、生长量或者产量、品质、抗性、特殊使用价值、经济价值、适宜种植或者养殖的范围和条件等方面的表述应当真实、清楚、明白，并不得含有下列内容：

（一）作科学上无法验证的断言；

(2) any assertion or assurance on efficacy;

(3) any analysis or prediction of or any commitment to guarantee the economic return; or

(4) any recommendation or certification in the name or image of any scientific research entity, academic institution, technical promotion institution, industry association, professional, or user.

Article 28 Any advertisement that defrauds or misleads consumers with any false or misleading content shall be a false advertisement.

An advertisement that falls under any of the following circumstances shall be a false advertisement:

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

(2) Regarding the good's performance, functions, place of production, uses, quality, specification, ingredient, price, producer, term of validity, sales condition, and honors received, among others, or the service's contents, provider, form, quality, price, sales condition, and honors received, among others, or any commitments, among others, made on the good or service, there is any inconsistency with the actual circumstances, which has a material impact on purchases.

(3) Any scientific research result, statistical data, investigation result, excerpt, quotation, or other information which is fabricated or forged or cannot be validated has been used as a certification material.

(4) The results of using the good or receiving the service are fabricated.

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

Chapter III Code of Conduct of Advertising

Article 29 To engage in the advertisement publishing business, a radio station, television station, or publisher of a newspaper or journal shall establish a specialized department for its advertising business, assign necessary

(二) 表示功效的断言或者保证;

(三) 对经济效益进行分析、预测或者作保证性承诺;

(四) 利用科研单位、学术机构、技术推广机构、行业协会或者专业人士、用户的名义或者形象作推荐、证明。

第二十八条 广告以虚假或者引人误解的内容欺骗、误导消费者的, 构成虚假广告。

广告有下列情形之一的, 为虚假广告:

(一) 商品或者服务不存在的;

(二) 商品的性能、功能、产地、用途、质量、规格、成分、价格、生产者、有效期限、销售状况、曾获荣誉等信息, 或者服务的内容、提供者、形式、质量、价格、销售状况、曾获荣誉等信息, 以及与商品或者服务有关的允诺等信息与实际不符, 对购买行为有实质性影响的;

(三) 使用虚构、伪造或者无法验证的科研成果、统计资料、调查结果、文摘、引用语等信息作证明材料的;

(四) 虚构使用商品或者接受服务的效果的;

(五) 以虚假或者引人误解的内容欺骗、误导消费者的其他情形。

第三章 广告行为规范

第二十九条 广播电台、电视台、报刊出版单位从事广告发布业务的, 应当设有专门从事广告业务的机构, 配备必要的人

personnel, have the places and equipment appropriate for publishing advertisements, and undergo advertisement publishing registration with the local market regulatory department at or above the county level.

Article 30 Advertisers, advertising agents, and advertisement publishers shall, in accordance with the law, enter into written contracts among them in their advertising activities.

Article 31 Advertisers, advertising agents, and advertisement publishers shall not conduct any form of unfair competition in their advertising activities.

Article 32 The advertising agents or advertisement publishers authorized by advertisers to design and produce or publish advertisements shall be legally qualified to engage in such business.

Article 33 To use the name or image of any other person in advertising, an advertiser or advertising agent shall obtain the written consent of the person in advance; or to use the name or image of a person without civil competency or a person with limited civil competency, the advertiser or advertising agent shall obtain the written consent of the person's guardian in advance.

Article 34 Advertising agents and advertisement publishers shall, in accordance with the relevant provisions of the state, establish and improve their management rules for the acceptance registration, examination, and archives of advertising transactions.

Advertising agents and advertisement publishers shall examine the relevant certification documents, and verify the contents of advertisements, in accordance with laws and administrative regulations. Advertising agents shall not provide design, production, and agency services for, and advertisement publishers shall not publish, advertisements with any inconsistent content or with incomplete certification documents.

Article 35 Advertising agents and advertisement publishers shall publish their fee rates and fee collection methods.

员，具有与发布广告相适应的场所、设备，并向县级以上地方市场监督管理部门办理广告发布登记。

第三十条 广告主、广告经营者、广告发布者之间在广告活动中应当依法订立书面合同。

第三十一条 广告主、广告经营者、广告发布者不得在广告活动中进行任何形式的不正当竞争。

第三十二条 广告主委托设计、制作、发布广告，应当委托具有合法经营资格的广告经营者、广告发布者。

第三十三条 广告主或者广告经营者在广告中使用他人名义或者形象的，应当事先取得其书面同意；使用无民事行为能力人、限制民事行为能力人的名义或者形象的，应当事先取得其监护人的书面同意。

第三十四条 广告经营者、广告发布者应当按照国家有关规定，建立、健全广告业务的承接登记、审核、档案管理制度。

广告经营者、广告发布者依据法律、行政法规查验有关证明文件，核对广告内容。对内容不符或者证明文件不全的广告，广告经营者不得提供设计、制作、代理服务，广告发布者不得发布。

第三十五条 广告经营者、广告发布者应当公布其收费标准和收费办法。

Article 36 The coverage rate, audience rating, click rate, circulation, and other data provided by advertisement publishers to advertisers and advertising agents shall be true.

Article 37 Where any law or administrative regulation prohibits the production or sale of a product or the provision of a service or prohibits the advertising of a good or service, no entity or individual may design, produce, serve as an agent for, or publish any advertisement on such product or good or service.

Article 38 An endorser shall, based on facts, recommend or certify goods and services in advertisements in accordance with this Law and the relevant laws and administrative regulations, and shall not recommend or certify any good that has not been used or service that has not been received by the endorser.

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 conduct any advertising activity in middle and primary schools 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 do so in any disguised form, excluding public service advertisements.

Article 40 Advertisements on medical services, drugs, dietary supplements, medical instruments, cosmetic products, liquor, or cosmetic surgery or advertisements on network games adverse to the physical and mental health of the minors shall not be published on mass media targeting the minors.

第三十六条 广告发布者向广告主、广告经营者提供的覆盖率、收视率、点击率、发行量等资料应当真实。

第三十七条 法律、行政法规规定禁止生产、销售的产品或者提供的服务，以及禁止发布广告的商品或者服务，任何单位或者个人不得设计、制作、代理、发布广告。

第三十八条 广告代言人在广告中对商品、服务作推荐、证明，应当依据事实，符合本法和有关法律、行政法规规定，并不得为其未使用过的商品或者未接受过的服务作推荐、证明。

不得利用不满十周岁的未成年人作为广告代言人。

对在虚假广告中作推荐、证明受到行政处罚未满三年的自然人、法人或者其他组织，不得利用其作为广告代言人。

第三十九条 不得在中小学校、幼儿园内开展广告活动，不得利用中小学生和幼儿的教材、教辅材料、练习册、文具、教具、校服、校车等发布或者变相发布广告，但公益广告除外。

第四十条 在针对未成年人的大众传播媒介上不得发布医疗、药品、保健食品、医疗器械、化妆品、酒类、美容广告，以及不利于未成年人身心健康的网络游戏广告。

Advertisements on goods or services that target minors under the age of 14 shall not contain:

(1) any inducement of such minors to ask their parents to purchase the advertised goods or services; or

(2) any unsafe activity that may cause imitation by such minors.

Article 41 Local people's governments at and above the county level shall direct the relevant departments to strengthen the supervision and administration of outdoor advertisements published in outdoor places, spaces, and facilities, among others, and develop general plans on outdoor advertisement placement and safety requirements.

The measures for the administration of outdoor advertisements shall be prescribed by local regulations and local government rules.

Article 42 Placement of outdoor advertisements shall be prohibited under any of the following circumstances:

(1) Using any traffic safety facility or traffic sign.

(2) Affecting the use of any municipal public facility, traffic safety facility, traffic sign, fire protection facility, or fire safety mark.

(3) Obstructing production or the people's life or damaging the city image.

(4) Placement of advertisements in construction-controlled zones where state authorities, protected cultural relics entities, and scenic spots, among others, are located or in areas prohibited by local people's governments at or above the county level from placement of outdoor advertisements.

Article 43 Without the consent or request of a party, no entity or individual may send advertisements to the party's residence or means of transportation, among others, or send advertisements in the form of electronic information to the party.

Where an advertisement is sent in the form of electronic information, the sender's true identity and contact information shall be explicitly indicated, and the sender

针对不满十四周岁的未成年人的商品或者服务的广告不得含有下列内容:

(一) 劝诱其要求家长购买广告商品或者服务;

(二) 可能引发其模仿不安全行为。

第四十一条 县级以上地方人民政府应当组织有关部门加强对利用户外场所、空间、设施等发布户外广告的监督管理, 制定户外广告设置规划和安全要求。

户外广告的管理办法, 由地方性法规、地方政府规章规定。

第四十二条 有下列情形之一的, 不得设置户外广告:

(一) 利用交通安全设施、交通标志的;

(二) 影响市政公共设施、交通安全设施、交通标志、消防设施、消防安全标志使用的;

(三) 妨碍生产或者人民生活, 损害市容市貌的;

(四) 在国家机关、文物保护单位、风景名胜区的建筑控制地带, 或者县级以上地方人民政府禁止设置户外广告的区域设置的。

第四十三条 任何单位或者个人未经当事人同意或者请求, 不得向其住宅、交通工具等发送广告, 也不得以电子信息方式向其发送广告。

以电子信息方式发送广告的, 应当明示发送者的真实身份和联系

shall provide the recipient with a method for the recipient to discontinue receiving such advertisements.

Article 44 Advertising activities conducted over the Internet shall be governed by all the provisions of this Law.

Publishing or sending advertisements over the Internet shall not affect users' normal use of the Internet. In an advertisement published on the Internet in the pop-up and other forms, a close mark shall be conspicuously indicated, and closing the advertisement by only one click shall be ensured.

Article 45 The administrator of a public place, an operator of telecommunications business, or an Internet information service provider shall stop the sending or publishing of illegal advertisements through the public place or information transmission or release platform that it knows or should have known.

Chapter IV Supervision and Administration

Article 46 Before any advertisement on a medical service, drug, medical instrument, pesticide, veterinary drug, or dietary supplement or any other advertisement subject to censorship in accordance with the provisions of laws and administrative regulations is published, the relevant department (hereinafter referred to as the "advertisement censoring authority") shall censor the contents of the advertisement; and the advertisement shall not be published without undergoing censorship.

Article 47 An advertiser applying for advertisement censorship shall submit the relevant certification documents to the advertisement censoring authority in accordance with laws and administrative regulations.

The advertisement censoring authority shall, in accordance with the provisions of laws and administrative regulations, make a decision after conducting censorship, and send a copy of the censorship approval document to the market regulatory department at the same level. The advertisement censoring authority shall, in a timely manner, release to the public the approved advertisements.

方式，并向接收者提供拒绝继续接收的方式。

第四十四条 利用互联网从事广告活动，适用本法的各项规定。

利用互联网发布、发送广告，不得影响用户正常使用网络。在互联网页面以弹出等形式发布的广告，应当显著标明关闭标志，确保一键关闭。

第四十五条 公共场所的管理者或者电信业务经营者、互联网信息服务提供者对其明知或者应知的利用其场所或者信息传输、发布平台发送、发布违法广告的，应当予以制止。

第四章 监督管理

第四十六条 发布医疗、药品、医疗器械、农药、兽药和保健食品广告，以及法律、行政法规规定应当进行审查的其他广告，应当在发布前由有关部门（以下称广告审查机关）对广告内容进行审查；未经审查，不得发布。

第四十七条 广告主申请广告审查，应当依照法律、行政法规向广告审查机关提交有关证明文件。

广告审查机关应当依照法律、行政法规规定作出审查决定，并将审查批准文件抄送同级市场监督管理部门。广告审查机关应当及时向社会公布批准的广告。

Article 48 No entity or individual may forge, alter, or transfer any advertisement censorship approval documents.

Article 49 The market regulatory department may exercise the following powers in performing its advertisement supervision and administration functions:

(1) Conducting an on-site inspection of a place suspected of any illegal advertising activity.

(2) Interviewing a party suspected of any violation of law or the legal representative, primary person in charge, and other relevant persons of the party and investigating the relevant entities or individuals.

(3) Requiring a party suspected of any violation of law to provide the relevant certification documents during a specified period.

(4) Consulting or duplicating the contracts, negotiable instruments, account books, works of advertising, and other relevant materials related to the advertisement suspected of any violation of law.

(5) Seizing or impounding the advertising items, the tools and equipment used for operations, and other property directly related to the advertisement suspected of any violation of law.

(6) Ordering the suspension of publishing an advertisement which is suspected of any violation of law and may have any serious consequence.

(7) Other powers as set out by laws and administrative regulations.

The market regulatory department shall establish and improve advertisement monitoring rules and enhance monitoring measures to discover in a timely manner and legally investigate and punish illegal advertising activities.

Article 50 The market regulatory department of the State Council shall, in conjunction with the relevant departments of the State Council, develop a code of conduct for the publishing of advertisements on mass media.

Article 51 A party shall provide assistance and cooperation for the market regulatory department to exercise its powers

第四十八条 任何单位或者个人不得伪造、变造或者转让广告审查批准文件。

第四十九条 市场监督管理部门履行广告监督管理职责，可以行使下列职权：

（一）对涉嫌从事违法广告活动的场所实施现场检查；

（二）询问涉嫌违法当事人或者其法定代表人、主要负责人和其他有关人员，对有关单位或者个人进行调查；

（三）要求涉嫌违法当事人限期提供有关证明文件；

（四）查阅、复制与涉嫌违法广告有关的合同、票据、账簿、广告作品和其他有关资料；

（五）查封、扣押与涉嫌违法广告直接相关的广告物品、经营工具、设备等财物；

（六）责令暂停发布可能造成严重后果的涉嫌违法广告；

（七）法律、行政法规规定的其他职权。

市场监督管理部门应当建立健全广告监测制度，完善监测措施，及时发现和依法查处违法广告行为。

第五十条 国务院市场监督管理部门会同国务院有关部门，制定大众传播媒介广告发布行为规范。

第五十一条 市场监督管理部门依照本法规定行使职权，当

in accordance with this Law, and shall not refuse to do so or obstruct the department's exercise of powers.

Article 52 The market regulatory department and the relevant departments, as well as their staff members, shall have the obligation to keep confidential the trade secrets known by them in their advertising supervision and administration activities.

Article 53 Any entity or individual shall have the right to file a complaint or report on a violation of this Law with the market regulatory department and the relevant departments. The market regulatory department and the relevant departments shall release to the public the hotline and mailbox or e-mail address for receiving complaints and reports, and the department receiving a complaint or report shall, within seven working days of receipt of the complaint or report, process it and notify the person filing the complaint or report of the processing result.

Where the market regulatory department or the relevant department fails to perform its functions in accordance with the law, any entity or individual shall have the right to report the non-performance to the superior authority of the department or the supervisory authority. The authority receiving the report shall process it in accordance with the law, and notify the person filing the report of the processing result in a timely manner.

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

Article 54 Consumers' associations and other consumer organizations shall, in accordance with the law, conduct social supervision against the publishing of false advertisements to damage consumers' lawful rights and interests and other activities damaging the public interest in violation of this Law.

Chapter V Legal Liability

Article 55 Where a false advertisement is published in violation of the provisions of this Law, the market regulatory department shall order cessation of publishing the advertisement, order the advertiser to eliminate adverse effects within the corresponding extent, and impose a fine of not less than three nor more than five times the advertising expenses on it or if the advertising

person should assist, cooperate, and not refuse, obstruct, or evade.

第五十二条 市场监督管理部门和有关部门及其工作人员对其在广告监督管理活动中知悉的商业秘密负有保密义务。

第五十三条 任何单位或者个人有权向市场监督管理部门和有关部门投诉、举报违反本法的行为。市场监督管理部门和有关部门应当向社会公开受理投诉、举报的电话、信箱或者电子邮件地址，接到投诉、举报的部门应当自收到投诉之日起七个工作日内，予以处理并告知投诉、举报人。

市场监督管理部门和有关部门不依法履行职责的，任何单位或者个人有权向其上级机关或者监察机关举报。接到举报的机关应当依法作出处理，并将处理结果及时告知举报人。

有关部门应当为投诉、举报人保密。

第五十四条 消费者协会和其他消费者组织对违反本法规定，发布虚假广告侵害消费者合法权益，以及其他损害社会公共利益的行为，依法进行社会监督。

第五章 法律责任

第五十五条 违反本法规定，发布虚假广告的，由市场监督管理部门责令停止发布广告，责令广告主在相应范围内消除影响，处广告费用三倍以上五倍以下的罚款，广告费用无法计算或者明显偏低的，处二十万元以上

expenses are incalculable or evidently low, a fine of not less than 200,000 yuan nor more than one million yuan on it; or provided that the advertiser has committed three or more violations of law in the past two years or falls under any other serious circumstance, impose a fine of not less than five nor more than ten times the advertising expenses on it or if the advertising expenses are incalculable or evidently low, a fine of not less than one million yuan nor more than two million yuan on it. If there is any serious circumstance, the market regulatory department may revoke its business license, and the advertisement censoring authority shall revoke the advertisement censorship approval document and decline to accept the advertiser's advertisement censorship application within one year.

Where a medical institution commits a violation of law as described in the preceding paragraph, if there is any serious circumstance, the market regulatory department shall punish it in accordance with this Law, and the health administrative department may revoke the involved medical service item or the medical institution's practicing license.

Where an advertising agent or advertisement publisher knows or should have known that an advertisement is false but still designs, produces, serves as an agent for, or publishes the advertisement, the market regulatory department shall confiscate the advertising expenses and 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 evidently low, a fine of not less than 200,000 yuan nor more than one million yuan on it; or provided that the advertising agent or advertisement publisher has committed three or more violations of law in the past two years or falls under any other serious circumstance, impose a fine of not less than five times nor more than ten times the advertising expenses on it or if the advertising expenses are incalculable or evidently low, a fine of not less than one million yuan nor more than two million yuan on it. If there is any serious circumstance, the relevant department may suspend its advertisement publishing business, revoke its business license, or revoke its advertisement publishing registration certificate.

一百万元以下的罚款；两年内有三次以上违法行为或者有其他严重情节的，处广告费用五倍以上十倍以下的罚款，广告费用无法计算或者明显偏低的，处一百万元以上二百万元以下的罚款，可以吊销营业执照，并由广告审查机关撤销广告审查批准文件、一年内不受理其广告审查申请。

医疗机构有前款规定违法行为，情节严重的，除由市场监督管理部门依照本法处罚外，卫生行政部门可以吊销诊疗科目或者吊销医疗机构执业许可证。

广告经营者、广告发布者明知或者应知广告虚假仍设计、制作、代理、发布的，由市场监督管理部门没收广告费用，并处广告费用三倍以上五倍以下的罚款，广告费用无法计算或者明显偏低的，处二十万元以上一百万元以下的罚款；两年内有三次以上违法行为或者有其他严重情节的，处广告费用五倍以上十倍以下的罚款，广告费用无法计算或者明显偏低的，处一百万元以上二百万元以下的罚款，并可以由有关部门暂停广告发布业务、吊销营业执照、吊销广告发布登记证件。

Where any conduct of an advertiser, advertising agent, or advertisement publisher as set out in paragraphs 1 and 3 of this article is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Article 56 Where a false advertisement is published in violation of this Law to defraud or mislead consumers, causing any damage to the lawful rights and interests of consumers who purchase goods or receive services, the advertiser shall assume civil liability in accordance with the law. If the advertising agent or advertisement publisher is unable to provide the advertiser's true name and address or valid contact information, consumers may require the advertising agent or advertisement publisher to make compensation in advance.

Where a false advertisement on a good or service involving the life or health of consumers causes any damage to consumers, the advertising agent, advertisement publisher, and endorser of the false advertisement shall assume joint and several liability with the advertiser.

Where a false advertisement on a good or service other than one as mentioned in the preceding paragraph causes any damage to consumers, if the advertising agent, advertisement publisher, or endorser of the false advertisement knew or should have known that the advertisement was false but still designed, produced, served as an agent for, or published the advertisement or provided recommendation or certification, it shall assume joint and several liability with the advertiser.

Article 57 For any of the following conduct, the market regulatory department shall order cessation of 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 any serious circumstance, the market regulatory department may revoke its business license, and the advertisement censoring authority shall revoke its advertisement censorship approval document and decline to accept its advertisement censorship application within one year; and the market regulatory department shall confiscate the advertising expenses received by the advertising agent or advertisement publisher and impose a fine of not less than 200,000 yuan nor more than one million yuan on it, and if there is any

广告主、广告经营者、广告发布者有本条第一款、第三款规定行为，构成犯罪的，依法追究刑事责任。

第五十六条 违反本法规定，发布虚假广告，欺骗、误导消费者，使购买商品或者接受服务的消费者的合法权益受到损害的，由广告主依法承担民事责任。广告经营者、广告发布者不能提供广告主的真实名称、地址和有效联系方式的，消费者可以要求广告经营者、广告发布者先行赔偿。

关系消费者生命健康的商品或者服务的虚假广告，造成消费者损害的，其广告经营者、广告发布者、广告代言人应当与广告主承担连带责任。

前款规定以外的商品或者服务的虚假广告，造成消费者损害的，其广告经营者、广告发布者、广告代言人，明知或者应知广告虚假仍设计、制作、代理、发布或者作推荐、证明的，应当与广告主承担连带责任。

第五十七条 有下列行为之一的，由市场监督管理部门责令停止发布广告，对广告主处二十万元以上一百万元以下的罚款，情节严重的，并可以吊销营业执照，由广告审查机关撤销广告审查批准文件、一年内不受理其广告审查申请；对广告经营者、广告发布者，由市场监督管理部门没收广告费用，处二十万元以上一百万元以下的罚款，情节严重的，并可以吊销营业执照、吊销广告发布登记证件：

serious circumstance, may revoke its business license or advertisement publishing registration certificate.

(1) An advertisement falling under the prohibitive circumstances as set out in Article 9 or 10 of this Law is published.

(2) An advertisement on 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 on an infant dairy product, a beverage, or any other food which claims to substitute for breast milk in whole or in part is published in violation of Article 20 of this Law.

(4) An 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 provision is marketed by advertising, or any good or service prohibited from being advertised is marketed by advertising, in violation of Article 37 of this Law.

(6) An advertisement on a medical service, a drug, a dietary supplement, a medical instrument, a cosmetic product, liquor, or a cosmetic surgery or an advertisement on a network game adverse to the physical and mental health of the minors is published on mass media targeting the minors, in violation of paragraph 1 of Article 40 of this Law.

Article 58 For any of the following conduct, the market regulatory department shall order cessation of publishing the advertisement, order the advertiser to eliminate adverse effects within the corresponding extent, 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 evidently low, a fine of not less than 100,000 yuan nor more than 200,000 yuan on it; or provided that there is any 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 evidently low, a fine of not less than 200,000 yuan nor more than one million yuan on it. If there is any serious circumstance, the market

(一) 发布有本法第九条、第十条规定的禁止情形的广告的；

(二) 违反本法第十五条规定发布处方药广告、药品类易制毒化学品广告、戒毒治疗的医疗器械和治疗方法广告的；

(三) 违反本法第二十条规定，发布声称全部或者部分替代母乳的婴儿乳制品、饮料和其他食品广告的；

(四) 违反本法第二十二条规定发布烟草广告的；

(五) 违反本法第三十七条规定，利用广告推销禁止生产、销售的产品或者提供的服务，或者禁止发布广告的商品或者服务的；

(六) 违反本法第四十条第一款规定，在针对未成年人的大众传播媒介上发布医疗、药品、保健食品、医疗器械、化妆品、酒类、美容广告，以及不利于未成年人身心健康的网络游戏广告的。

第五十八条 有下列行为之一的，由市场监督管理部门责令停止发布广告，责令广告主在相应范围内消除影响，处广告费用一倍以上三倍以下的罚款，广告费用无法计算或者明显偏低的，处十万元以上二十万元以下的罚款；情节严重的，处广告费用三倍以上五倍以下的罚款，广告费用无法计算或者明显偏低的，处二十万元以上一百万元以下的罚款，可以吊销营业执照，并由广告审查机关撤销广告审查批准文

regulatory department may revoke its business license, and the advertisement censoring authority shall revoke its advertisement censorship approval document and decline to accept its advertisement censorship application 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) An advertisement involves disease treatment functions or uses medical terms or terms that may result in confusion between the marketed products and any drugs or medical instruments, in violation of Article 17 of this Law.

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

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

(5) An advertisement on liquor is published in violation of Article 23 of this Law.

(6) An advertisement on education or training is published in violation of Article 24 of this Law.

(7) An advertisement on a good or service to provide a business opportunity or any other expectation of investment return is published in violation of Article 25 of this Law.

(8) An advertisement on real estate is published in violation of Article 26 of this Law.

(9) An advertisement on crop seeds, tree seeds, grass seeds, breeding livestock or poultry, aquatic fries or fingerlings, planting, or breeding is published in violation of Article 27 of this Law.

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

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

件、一年内不受理其广告审查申请：

（一）违反本法第十六条规定发布医疗、药品、医疗器械广告的；

（二）违反本法第十七条规定，在广告中涉及疾病治疗功能，以及使用医疗用语或者易使推销的商品与药品、医疗器械相混淆的用语的；

（三）违反本法第十八条规定发布保健食品广告的；

（四）违反本法第二十一条规定发布农药、兽药、饲料和饲料添加剂广告的；

（五）违反本法第二十三条规定发布酒类广告的；

（六）违反本法第二十四条规定发布教育、培训广告的；

（七）违反本法第二十五条规定发布招商等有投资回报预期的商品或者服务广告的；

（八）违反本法第二十六条规定发布房地产广告的；

（九）违反本法第二十七条规定发布农作物种子、林木种子、草种子、种畜禽、水产苗种和种养殖广告的；

（十）违反本法第三十八条第二款规定，利用不满十周岁的未成年人作为广告代言人的；

（十一）违反本法第三十八条第三款规定，利用自然人、法人或者其他组织作为广告代言人的；

(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 on a good or service that targets minors under the age of 14 is published in violation of paragraph 2 of Article 40 of this Law.

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

Where a medical institution commits a violation of law as described in the preceding paragraph, if there is any serious circumstance, the market regulatory department shall punish it in accordance with this Law, and the health administrative department may revoke the involved medical service item or the medical institution's practicing license.

Where an advertising agent or advertisement publisher knows or should have known a violation of law as set out in paragraph 1 of this article but still designs, produces, serves as an agent for, or publishes the advertisement, the market regulatory department 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 evidently low, a fine of not less than 100,000 yuan nor more than 200,000 yuan on it; or provided that there is any 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 evidently low, a fine of not less than 200,000 yuan nor more than one million yuan on it. If there is any serious circumstance, the relevant department may suspend its advertisement publishing business, revoke its business license, or revoke its advertisement publishing registration certificate.

Article 59 For any of the following conduct, the market regulatory department shall order cessation of publishing the advertisement and impose a fine of not more than 100,000 yuan on the advertiser.

(1) Any content of an advertisement is in violation of Article 8 of this Law.

(十二) 违反本法第三十九条规定，在中小学校、幼儿园内或者利用与中小學生、幼兒有关的物品发布广告的；

(十三) 违反本法第四十条第二款规定，发布针对不满十四周岁的未成年人的商品或者服务的广告的；

(十四) 违反本法第四十六条规定，未经审查发布广告的。

医疗机构有前款规定违法行为，情节严重的，除由市场监督管理部门依照本法处罚外，卫生行政部门可以吊销诊疗科目或者吊销医疗机构执业许可证。

广告经营者、广告发布者明知或者应知有本条第一款规定违法行为仍设计、制作、代理、发布的，由市场监督管理部门没收广告费用，并处广告费用一倍以上三倍以下的罚款，广告费用无法计算或者明显偏低的，处十万元以上二十万元以下的罚款；情节严重的，处广告费用三倍以上五倍以下的罚款，广告费用无法计算或者明显偏低的，处二十万元以上一百万元以下的罚款，可以由有关部门暂停广告发布业务、吊销营业执照、吊销广告发布登记证件。

第五十九条 有下列行为之一的，由市场监督管理部门责令停止发布广告，对广告主处十万元以下的罚款：

(一) 广告内容违反本法第八条规定的；

(2) Any citation in an advertisement is in violation of Article 11 of this Law.

(3) An advertisement involving a patent is in violation of Article 12 of this Law.

(4) An advertisement disparages the goods or services of any other producer or trader in violation of Article 13 of this Law.

Where an advertising agent or advertisement publisher knows or should have known a violation of law as set out in the preceding paragraph but still designs, produces, serves as an agent for, or publishes the advertisement, the market regulatory department shall impose a fine of not more than 100,000 yuan on it.

Where an advertisement is unidentifiable in violation of Article 14 of this Law, or an advertisement on a medical service, a drug, a medical instrument, or a dietary supplement is published in any disguised form in violation of Article 19 of this Law, the market regulatory department shall order the violator to take corrective action, and impose a fine of not more than 100,000 yuan on the advertisement publisher.

Article 60 Where a radio station, television station, or newspaper or journal publisher fails to undergo advertisement publishing registration and conducts the advertisement publishing business without approval in violation of Article 29 of this Law, the market regulatory department shall order it to take corrective action, confiscate its illegal income, and impose a fine of not less than one time nor more than three times the illegal income on it if the illegal income is 10,000 yuan or more or a fine of not less than 5,000 yuan nor more than 30,000 yuan on it if the illegal income is less than 10,000 yuan.

Article 61 Where, in violation of Article 34 of this Law, an advertising agent or advertisement publisher fails to establish and improve the management rules for its advertising business in accordance with the relevant provisions of the state or fails to verify the contents of advertisements, the market regulatory department shall order it to take corrective action, and may impose a fine of not more than 50,000 yuan on it.

(二) 广告引证内容违反本法第十一条规定的;

(三) 涉及专利的广告违反本法第十二条规定的;

(四) 违反本法第十三条规定, 广告贬低其他生产经营者的商品或者服务的。

广告经营者、广告发布者明知或者应知有前款规定违法行为仍设计、制作、代理、发布的, 由市场监督管理部门处十万元以下的罚款。

广告违反本法第十四条规定, 不具有可识别性的, 或者违反本法第十九条规定, 变相发布医疗、药品、医疗器械、保健食品广告的, 由市场监督管理部门责令改正, 对广告发布者处十万元以下的罚款。

第六十条 违反本法第二十九条规定, 广播电台、电视台、报刊出版单位未办理广告发布登记, 擅自从事广告发布业务的, 由市场监督管理部门责令改正, 没收违法所得, 违法所得一万元以上的, 并处违法所得一倍以上三倍以下的罚款; 违法所得不足一万元的, 并处五千元以上三万元以下的罚款。

第六十一条 违反本法第三十四条规定, 广告经营者、广告发布者未按照国家有关规定建立、健全广告业务管理制度的, 或者未对广告内容进行核对的, 由市场监督管理部门责令改正, 可以处五万元以下的罚款。

Where, in violation of Article 35 of this Law, an advertising agent or advertisement publisher fails to publish its fee rates and fee collection methods, the competent price department shall order it to take corrective action, and may impose a fine of not more than 50,000 yuan on it.

Article 62 Where an endorser falls under any of the following circumstances, the market regulatory department 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 any recommendation or certification in an advertisement on a medical service, a drug, or a medical instrument in violation of item (4), paragraph 1 of Article 16 of this Law.

(2) Providing any 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 by it in violation of paragraph 1 of Article 38 of this Law.

(4) Providing any recommendation or certification of a good or service in an advertisement even if it knows or should have known that the advertisement is false.

Article 63 Where any advertisement is sent in violation of Article 43 of this Law, the relevant department shall order cessation of the violation of 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 close mark conspicuously indicated to ensure one-click close, the market regulatory department shall order the violator to take corrective action, and may impose a fine of not less than 5,000 yuan nor 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 telecommunications business, or an Internet information service provider knows or should have known that an

violates Article 35 of this Law, the advertising operator, advertisement publisher, or advertiser who fails to publish its fee rates and fee collection methods, the competent price department shall order it to take corrective action, and may impose a fine of not more than 50,000 yuan on it.

第六十二条 广告代言人有下列情形之一的，由市场监督管理部门没收违法所得，并处违法所得一倍以上二倍以下的罚款：

（一）违反本法第十六条第一款第四项规定，在医疗、药品、医疗器械广告中作推荐、证明的；

（二）违反本法第十八条第一款第五项规定，在保健食品广告中作推荐、证明的；

（三）违反本法第三十八条第一款规定，为其未使用过的商品或者未接受过的服务作推荐、证明的；

（四）明知或者应知广告虚假仍在广告中对商品、服务作推荐、证明的。

第六十三条 违反本法第四十三条规定发送广告的，由有关部门责令停止违法行为，对广告主处五千元以上三万元以下的罚款。

违反本法第四十四条第二款规定，利用互联网发布广告，未显著标明关闭标志，确保一键关闭的，由市场监督管理部门责令改正，对广告主处五千元以上三万元以下的罚款。

第六十四条 违反本法第四十五条规定，公共场所的管理者和电信业务经营者、互联网信息服务提供者，明知或者应知广告

advertising activity is illegal but fails to stop it, the market regulatory department shall confiscate its illegal income and impose a fine of not less than one time nor more than three times the illegal income on it if the illegal income 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 income is less than 50,000 yuan; and if there is any serious circumstance, the relevant department shall suspend the relevant business in accordance with the law.

Article 65 Where, in violation of this Law, anyone applies for advertisement censorship by concealing any true information or providing any false material, the advertisement censoring authority shall decline to accept or disapprove the application, issue a warning to it, and decline to accept the applicant's any advertisement censorship application within one year; and where an applicant obtains an advertisement censorship approval by fraud, bribery, or any other illegal means, the advertisement censoring authority shall revoke its approval, impose a fine of not less than 100,000 yuan nor more than 200,000 yuan on it, and decline to accept the applicant's any advertisement censorship application within three years.

Article 66 Where, in violation of this Law, anyone forges, alters, or transfers any advertisement censorship approval document, the market regulatory department shall confiscate its illegal income and impose a fine of not less than 10,000 yuan nor more than 100,000 yuan on it.

Article 67 Where anyone commits any violation of law as set out in this Law, the market regulatory department shall record the violation in the credit archives, and disclose the violation to the public in accordance with the provisions of the relevant laws and administrative regulations.

Article 68 Where a radio station, a television station, or a newspaper, journal, or audio-visual recordings publisher publishes any illegal advertisement, publishes any advertisement in the disguised form of news reporting, or publishes any advertisement on a medical service, a drug, a medical instrument, or a dietary supplement in a disguised form such as introducing health or health care knowledge, if the market regulatory department imposes any punishment on it in accordance with this Law, the market regulatory department shall notify the competent

活动违法不予制止的，由市场监督管理部门没收违法所得，违法所得五万元以上的，并处违法所得一倍以上三倍以下的罚款，违法所得不足五万元的，并处一万元以上五万元以下的罚款；情节严重的，由有关部门依法停止相关业务。

第六十五条 违反本法规定，隐瞒真实情况或者提供虚假材料申请广告审查的，广告审查机关不予受理或者不予批准，予以警告，一年内不受理该申请人的广告审查申请；以欺骗、贿赂等不正当手段取得广告审查批准的，广告审查机关予以撤销，处十万元以上二十万元以下的罚款，三年内不受理该申请人的广告审查申请。

第六十六条 违反本法规定，伪造、变造或者转让广告审查批准文件的，由市场监督管理部门没收违法所得，并处一万元以上十万元以下的罚款。

第六十七条 有本法规定的违法行为的，由市场监督管理部门记入信用档案，并依照有关法律、行政法规规定予以公示。

第六十八条 广播电台、电视台、报刊音像出版单位发布违法广告，或者以新闻报道形式变相发布广告，或者以介绍健康、养生知识等形式变相发布医疗、药品、医疗器械、保健食品广告，市场监督管理部门依照本法给予处罚的，应当通报新闻出版、广播电视主管部门以及其他有关部门。新闻出版、广播电视

department of press and publication and the competent department of radio and television and other relevant departments. The competent department of press and publication and the competent department of radio and television and other relevant departments shall, in accordance with the law, take disciplinary action against the liable supervising executive and directly liable persons; and if there is any serious circumstance, may suspend the advertisement publishing business of the media.

Where the competent department of press and publication and the competent department of radio and television or any other relevant department fails to handle a radio station, a television station, or a newspaper, journal, or audio-visual recordings publisher in accordance with the provisions of the preceding paragraph, disciplinary action shall be taken against the liable supervising official and directly liable persons in accordance with the law.

Article 69 Where any advertiser, advertising agent, or advertisement publisher commits any of the following torts in violation of this Law, it shall assume civil liability in accordance with the law:

- (1) Damaging the physical or mental health of the minors or the disabled in an advertisement.
- (2) Counterfeiting any other person's patent.
- (3) Disparaging the goods or services of any other producer or dealer.
- (4) Using any other person's name or image in an advertisement without approval.
- (5) Otherwise infringing upon the lawful civil rights and interests of any other person.

Article 70 Where the business license of a company or enterprise is revoked for its publishing of any false advertisement or its commission of any other violation of law as set out in this Law, if the legal representative of the company or enterprise is personally liable for the violation of law, he or she shall be prohibited from serving as a director, supervisor, or senior executive of any company or enterprise within three years of the revocation of the business license of the aforesaid company or enterprise.

主管部门以及其他有关部门应当依法对负有责任的主管人员和直接责任人员给予处分；情节严重的，并可以暂停媒体的广告发布业务。

新闻出版、广播电视主管部门以及其他有关部门未依照前款规定对广播电台、电视台、报刊音像出版单位进行处理的，对负有责任的主管人员和直接责任人员，依法给予处分。

第六十九条 广告主、广告经营者、广告发布者违反本法规定，有下列侵权行为之一的，依法承担民事责任：

- （一）在广告中损害未成年人或者残疾人的身心健康的；
- （二）假冒他人专利的；
- （三）贬低其他生产经营者的商品、服务的；
- （四）在广告中未经同意使用他人名义或者形象的；
- （五）其他侵犯他人合法民事权益的。

第七十条 因发布虚假广告，或者有其他本法规定的违法行为，被吊销营业执照的公司、企业的法定代表人，对违法行为负有个人责任的，自该公司、企业被吊销营业执照之日起三年内不得担任公司、企业的董事、监事、高级管理人员。

Article 71 Where, in violation of this Law, anyone refuses or obstructs a supervisory inspection conducted by the market regulatory department or commits any other violation of the law on public security administration, a public security administration punishment shall be imposed on the violator in accordance with the law; and if it is criminally punishable, the offender shall be held criminally liable in accordance with the law.

Article 72 Where an advertisement censoring authority makes a censorship decision to approve any illegal content of an advertisement, the appointment and removal authority or the supervisory authority shall take disciplinary action against the liable supervising official and directly liable persons in accordance with the law; and if it is criminally punishable, the offenders shall be held criminally liable in accordance with the law.

Article 73 Where the market regulatory department fails to investigate and handle in accordance with the law any illegal advertising activity discovered in performing its advertising monitoring functions or any illegal advertising activity on which a complaint or report has been filed, disciplinary action shall be taken against the liable supervising official and directly liable persons in accordance with the law.

Where any staff member of the market regulatory department or a relevant department responsible for relevant advertising management neglects duty, abuses power, practices favoritism, or makes falsification, disciplinary action shall be taken against him or her in accordance with the law.

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

Chapter VI Supplemental Provisions

Article 74 The state encourages and supports public service advertisements to disseminate socialist core values and advocate civilized social climates.

Mass media shall have an obligation to publish public service advertisements. Radio stations, television stations, and newspaper and journal publishers shall publish public

第七十一条 违反本法规定，拒绝、阻挠市场监督管理部门监督检查，或者有其他构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

第七十二条 广告审查机关对违法的广告内容作出审查批准决定的，对负有责任的主管人员和直接责任人员，由任免机关或者监察机关依法给予处分；构成犯罪的，依法追究刑事责任。

第七十三条 市场监督管理部门对在履行广告监测职责中发现的违法广告行为或者对经投诉、举报的违法广告行为，不依法予以查处的，对负有责任的主管人员和直接责任人员，依法给予处分。

市场监督管理部门和负责广告管理相关工作的有关部门的工作人员玩忽职守、滥用职权、徇私舞弊的，依法给予处分。

有前两款行为，构成犯罪的，依法追究刑事责任。

第六章 附 则

第七十四条 国家鼓励、支持开展公益广告宣传活 动，传播社会主义核心价值观，倡导文明风尚。

大众传播媒介有义务发布公益广告。广播电台、电视台、报刊出版单位应当按照规定的版面、时

service advertisements according to the prescribed page, time slot, and length requirements. The measures for the administration of public service advertisements shall be developed by the market regulatory department of the State Council in conjunction with the relevant departments.

Article 75 This Law shall come into force on September 1, 2015.

段、时长发布公益广告。公益广告的管理办法，由国务院市场监督管理部门会同有关部门制定。

第七十五条 本法自 2015 年 9 月 1 日起施行。