



LAW &
INTELLECTUAL
PROPERTY

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

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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.

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 administrative department for industry and commerce 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 administrative departments for industry and commerce 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.

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.

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.

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:

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

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

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

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

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

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

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

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.

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

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

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

- (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;

- (3) any statement on the response rate;

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

- (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 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;
- (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 personnel, have the places and equipment appropriate for publishing advertisements, and undergo advertisement publishing registration with the local administrative department for industry and commerce 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

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.

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 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 administrative department for industry and commerce at the same level. The advertisement censoring authority shall, in a timely manner, release to the public the approved advertisements.

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

Article 49 The administrative department for industry and commerce 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 administrative department for industry and commerce 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 administrative department for industry and commerce 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 administrative department for industry and commerce to exercise its powers in accordance with this Law, and shall not refuse to do so or obstruct the department's exercise of powers.

Article 52 The administrative department for industry and commerce 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 administrative department for industry and commerce and the relevant departments. The administrative department for industry and commerce 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 administrative department for industry and commerce 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 administrative department for industry and commerce 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 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 administrative department for industry and commerce 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 administrative department for industry and commerce 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 administrative department for 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 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.

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 administrative department for industry and commerce 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 administrative department for industry and commerce 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 administrative department for industry and commerce 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 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 administrative department for industry and

commerce 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 administrative department for industry and commerce 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.

(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 administrative department for industry and commerce 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 administrative department for 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 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 administrative department for industry and commerce 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.

(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 administrative department for industry and commerce 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 administrative department for industry and commerce 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 administrative department for industry and commerce 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 administrative department for industry and commerce shall order it to take corrective action, and may impose a fine of not more than 50,000 yuan on it.

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 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 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 administrative department for industry and commerce 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 advertising activity is illegal but fails to stop it, 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 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 administrative department for industry and commerce 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 administrative department for industry and commerce 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 administrative department for industry and commerce imposes any punishment on it in accordance with this Law, the administrative department for industry and commerce shall notify 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, 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 department of press, publication, radio, film, 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.

Article 71 Where, in violation of this Law, anyone refuses or obstructs a supervisory inspection conducted by the administrative department for industry and commerce 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 administrative department for industry and commerce 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 administrative department for industry and commerce 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 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 administrative department for industry and commerce of the State Council in conjunction with the relevant departments.

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