|  |  |  |
| --- | --- | --- |
| 发文机关  Promulgator | ：  : | 全国人民代表大会常务委员会  The Standing Committee of the National People's Congress |
| 发布日期  Date of Issue | ：  : | 2018.10.26  2018.10.26 |
| 生效日期  Effective Date | ：  : | 2018.10.26  2018.10.26 |
| 时效性  Effectiveness | ：  : | 现行有效  Current |

# 中华人民共和国广告法（2018修正）

# Advertising Law of the People's Republic of China (2018 Revision)

中华人民共和国广告法（2018修正）

Advertising Law of the People's Republic of China (2018 Revision)

（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）

(Adopted at the 10th Session of the Standing Committee of the 8th National People's Congress of the People's Republic of China on October 27, 1994, and revised at the 14th Session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on April 24, 2015; and revised according to the Decision on Revising 15 Laws including the Law of the People's Republic of China on the Protection of Wildlife at the 6th Session of the Standing Committee of the 13th National People's Congress on October 26, 2018)

第一章 总 则

Chapter 1 General Provisions

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。

Article 1 This Law is formulated for the purposes of standardising advertising activities, protecting the legitimate rights and interests of consumers, promoting healthy development of the advertising industry, and safeguarding social and economic order.

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。

Article 2 This Law shall apply to commercial advertising activities in the People's Republic of China by sellers of goods or service providers to promote their goods or services directly or indirectly through certain media and forms.

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。

For the purpose of the Law, the term "Advertiser" refers to any natural person, legal person or other organization that designs, produces, or publishes, or appoints others to design, produce, or publish an advertisement to promote his/her/its goods or services.

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。

Advertising agencies referred to in this Law shall mean natural persons, legal persons or other organisations that are entrusted to provide advertising design, production or agency services.

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。

For the purpose of the Law, the term "advertisement publisher" refers to any natural person, legal person or other organization that publishes advertisements for advertisers or for advertising agents commissioned by advertisers.

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。

For the purpose of the Law, the term "advertisement endorser" refers to any natural person, legal person or other organization other than an advertiser that uses his or her own name or image to make endorsements or testimonials for a product or service in an advertisement.

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 3 An advertisement shall be true to facts and lawful, contain its content in a healthy form of expression, and comply with the requirements for the development of socialist spiritual civilization and the promotion of the fine traditional culture of the Chinese nation.

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。

Article 4 Advertisements shall not contain false or misleading contents, and shall not deceive or mislead consumers.

广告主应当对广告内容的真实性负责。

Advertisers shall be responsible for the veracity of their advertisement contents.

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，诚实信用，公平竞争。

Article 5 Advertisers, advertising agencies and advertising publishers engaging in advertising activities shall comply with laws and regulations, act with honesty and integrity, and engage in fair competition.

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。

Article 6 The market regulatory department of the State Council shall be in charge of supervision and administration of advertisements nationwide, and the relevant departments of the State Council shall be responsible for the relevant tasks of administration of advertisements within the scope of their respective duties.

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。

The market regulatory authorities at county level and above shall be in charge of supervision and administration of advertisements within their administrative region, and the relevant authorities of local People's Governments at county level and above shall be responsible for the relevant tasks of administration of advertisements within the scope of their respective duties.

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。

Article 7 Advertising industry organizations shall, in accordance with the provisions of the laws, regulations and articles of association, formulate industry standards, strengthen self-regulation in the industry, promote the development of the industry, guide their members to engage in advertising activities in accordance with the law, and promote the integrity in the advertising industry.

第二章 广告内容准则

Chapter 2 Rules on the Content of Advertisements

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。

Article 8 An advertisement shall be accurate, clear and explicit if it contains information on the performance, function, place of origin, purpose, quality, ingredients, price, manufacturer, validity period or guarantees of goods, or on the content, provider, form, quality, price or guarantees of services.

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 it is stated in an advertisement that the goods or services come with a gift, the type, specifications, quantity, period and method of such goods or services which are attached as gift shall be specified.

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。

Contents to be included in advertisements as stipulated by laws and administrative regulations shall be stated prominently and clearly.

第九条   广告不得有下列情形：

Article 9 Any advertisement shall not involve any of the following circumstances:

（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；

1. using or using in disguised form the National Flag, the National Anthem or the National Emblem, or the Army Flag, the Army Anthem or the Army Emblem of the People's Republic of China;

（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；

2. using or using in disguised form the names or images of state organs or their functionaries;

（三）使用“国家级”、“最高级”、“最佳”等用语；

(III) using "national", "the highest grade", "the best" or other similar words;

（四）损害国家的尊严或者利益，泄露国家秘密；

(IV) damaging the dignity or interests of the State, or revealing State secrets;

（五）妨碍社会安定，损害社会公共利益；

(V) compromising social stability or public interests;

（六）危害人身、财产安全，泄露个人隐私；

(VI) damaging personal or property safety, or revealing personal privacy;

（七）妨碍社会公共秩序或者违背社会良好风尚；

(VII) hampering the social public order or going against good social customs;

（八）含有淫秽、色情、赌博、迷信、恐怖、暴力的内容；

(VIII) containing any pornographic, gambling, superstition, terror or violence content;

（九）含有民族、种族、宗教、性别歧视的内容；

(IX) containing any information of ethnic, racial, religious or sexual discrimination;

（十）妨碍环境、自然资源或者文化遗产保护；

(X) hindering the protection of the environment, natural resources or cultural heritage; or

（十一）法律、行政法规规定禁止的其他情形。

(XI) other situations prohibited by laws and administrative regulations.

第十条   广告不得损害未成年人和残疾人的身心健康。

Article 10 No advertisement shall damage the physical and mental health of minors and disabled persons.

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。

Article 11 Where any item involved in the content of an advertisement requires administrative licensing, such item shall be consistent with the content of the licensing.

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。

Data, statistics, survey findings, abstracts, quotes and citation contents used in advertisements shall be true and accurate, and the sources thereof shall be stated. The applicable scope and validity period of such citations, if any, shall be clearly indicated.

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。

Article 12 An advertisement involving patented products or patented methods shall clearly indicate the patent number and category.

未取得专利权的，不得在广告中谎称取得专利权。

An advertisement shall not lie about the patent right of any product for which a patent right has not been obtained.

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。

It is prohibited to use any unapproved patent application or terminated, cancelled or invalid patent in an advertisement.

第十三条   广告不得贬低其他生产经营者的商品或者服务。

Article 13 An advertisement shall not contain any content which denigrates the goods or services of other producers or operators.

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。

Article 14 An advertisement shall be readily recognizable as an advertisement by consumers.

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。

The mass media shall not publish advertisements in disguise in the form of news report. An advertisement published through the mass media of communication shall be marked conspicuously as "advertisement" so as to distinguish it from other non-advertisement information and avoid misleading the consumers.

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。

Radio and television stations publishing advertisements shall comply with the provisions of the relevant departments of the State Council on duration and method, and shall make obvious prompts on the duration of advertisements.

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。

Article 15 No advertisement may be made concerning narcotic drugs, psychotropic drugs, toxic drugs for medical use, radioactive drugs or other special drugs, pharmaceutical precursor chemicals, as well as drug addiction treatment drugs, medical devices and treatment methods.

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。

For prescription drugs other than those set out in the preceding paragraph, advertisements can be made only on medical or pharmaceutical journals jointly designated by the health administrative department under the State Council and the drug regulatory department under the State Council.

第十六条   医疗、药品、医疗器械广告不得含有下列内容：

Article 16 Any advertisement for medical treatment, pharmaceuticals or medical devices shall not contain any of the following items:

（一）表示功效、安全性的断言或者保证；

1. any assertion or guarantee for efficacy and safety;

（二）说明治愈率或者有效率；

(II) Statement on cure rate or effective rate;

（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；

(III) comparison with the efficacy and safety of other drugs or medical devices or with other medical institutions;

（四）利用广告代言人作推荐、证明；

4. use of the advertisement endorsers to make endorsements or testimonials; or

（五）法律、行政法规规定禁止的其他内容。

(V) other contents prohibited by laws and administrative regulations.

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”。

The contents of a drug advertisement shall not be inconsistent with the package insert approved by the drug regulatory department of the State Council, and shall state prominently the contraindications and adverse reactions. Any advertisement for prescription drugs shall indicate the words "the advertisement is intended for medical and pharmaceutical professionals only" conspicuously, and any advertisement for non-prescription drugs shall indicate the words "please follow the instructions or purchase and use the medicine according to a pharmacist's suggestions" conspicuously.

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”。

Any advertisement for medical devices intended for personal use shall indicate the words "please read the product specifications carefully or purchase and use the product according to the suggestions of medical personnel" conspicuously. If any registered certificate of a medical device product contains any contraindication and precaution, the advertisement for the product shall indicate the words "for the contraindication and precaution, please refer to the specifications" conspicuously.

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。

Article 17 Except for advertisements for pharmaceuticals, medical devices, and medical treatment, no other advertisement shall involve disease treatment function, or use medical terms or terms that are easy to cause confusion between the products promoted and pharmaceuticals and medical devices.

第十八条   保健食品广告不得含有下列内容：

Article 18 Health food ads may not contain the following content:

（一）表示功效、安全性的断言或者保证；

1. any assertion or guarantee for efficacy and safety;

（二）涉及疾病预防、治疗功能；

2. any involvement of functions of disease prevention or treatment;

（三）声称或者暗示广告商品为保障健康所必需；

3. any claim or implication that the product advertised is necessary to safeguard health;

（四）与药品、其他保健食品进行比较；

(IV) comparison with medicines and other healthcare food;

（五）利用广告代言人作推荐、证明；

5. use of the advertisement endorsers to make endorsements or testimonials; or

（六）法律、行政法规规定禁止的其他内容。

(VI) other contents prohibited by laws and administrative regulations.

保健食品广告应当显著标明“本品不能代替药物”。

Health food advertisements shall state prominently that "this product does not serve as a substitute for medicine".

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 19 Radio and television stations, newspaper and audio-visual product publishers and Internet information service providers shall not publish medical, drugs, medical machinery or health food advertisements covertly in the form of introduction of health or youth preservation knowledge.

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 20 Publishing through mass media or public premises of advertisements of baby dairy products, beverages and other food asserted to be full or partial substitute for breast milk shall be prohibited.

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：

Article 21 Any advertisement for agricultural pesticides, veterinary medicines, feed and feed additives shall not contain any of the following items:

（一）表示功效、安全性的断言或者保证；

1. any assertion or guarantee for efficacy and safety;

（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；

(II) use of the names or images of research institutes, academic institutions, technology promotion institutions, industry associations or professionals and users for recommendation or as proof;

（三）说明有效率；

3. stating the efficiency;

（四）违反安全使用规程的文字、语言或者画面；

4. words, oral assertion or images that violate the safe use procedures; and

（五）法律、行政法规规定禁止的其他内容。

(V) other contents prohibited by laws and administrative regulations.

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。

Article 22 Publishing of tobacco advertisements through mass media or public premises, public transportation vehicles or outdoor shall be prohibited. It is prohibited to send tobacco advertisements in any form to minors.

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。

It is prohibited to use the advertisements or public service advertisements for other products or services to publicize the names, trademarks, packages, decorations or other similar contents of tobacco products.

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。

No names, trademarks, packages, decorations or other similar contents of tobacco products shall be contained in the notices on relocation, change of the name or recruitment published by the producers or sellers of such tobacco products.

第二十三条   酒类广告不得含有下列内容：

Article 23 Any advertisement for alcohol shall not contain any of the following items:

（一）诱导、怂恿饮酒或者宣传无节制饮酒；

1. seduction or instigation to drink or promotion of excessive drinking;

（二）出现饮酒的动作；

(II) appearance of the act of drinking;

（三）表现驾驶车、船、飞机等活动；

(III) Showing activities of driving vehicles, ships or airplanes;

（四）明示或者暗示饮酒有消除紧张和焦虑、增加体力等功效。

(IV) express or implied statement that drinking has the effect of eliminating stress and anxiety or enhancing strength.

第二十四条   教育、培训广告不得含有下列内容：

Article 24 An advertisement for education or training shall not contain any of the following items:

（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；

1. any promise related to progression, passing examinations, or obtaining a degree or qualification certificate, or any express or implied warranty about the effect of education or training;

（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；

(II) explicitly or impliedly stating that the relevant examination agency or its personnel or any examination test designer has participated in the education or training; and

（三）利用科研单位、学术机构、教育机构、行业协会、专业人士、受益者的名义或者形象作推荐、证明。

3. use of the names or images of research institutes, academic institutions, educational institutions, industry associations, professionals or beneficiaries for recommendation or as proof.

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：

Article 25 An advertisement for a product or service with anticipated investment returns shall provide a reasonable prompt or warning of any possible risk and the assumption of the responsibility for any involved risk, and shall not contain any of the following items:

（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；

1. any guaranteed promise of any future effects, proceeds or other relevant situations, and any express or implied promise for breaking even, zero risk or assured proceeds, unless otherwise provided by the State; and

（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。

(II) use of the names or images of academic institutions, industry associations, professionals or beneficiaries for recommendation or as proof.

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：

Article 26 Real estate advertisements shall provide authentic housing resource information and indicate the gross floor area or usable floor area, and shall not contain the following content:

（一）升值或者投资回报的承诺；

1. any promise of appreciation or investment return;

（二）以项目到达某一具体参照物的所需时间表示项目位置；

(II) indicate the project location by the time required between the project and a specific reference;

（三）违反国家有关价格管理的规定；

(III) Violating the relevant provisions of the state on price administration; or

（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。

(IV) misleading publicity on any traffic, commercial, cultural and education facilities, and other municipal amenities that are planned or under construction.

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：

Article 27 Advertisements for crop seeds, forest seeds, grass seeds, breeding livestock and poultry, aquatic fingerlings, planting, and breeding shall provide authentic, clear, and explicit expressions in terms of the variety name, production performance, growth volume or output, quality, resistance, special use value, economic value, scope, and conditions within which it is suitable for planting or breeding, and shall not contain any of the following items:

（一）作科学上无法验证的断言；

1. any assertion that cannot be proved in science;

（二）表示功效的断言或者保证；

(II) any assertion or guarantee for efficacy;

（三）对经济效益进行分析、预测或者作保证性承诺；

(III) analysis, forecast or guaranteed promise of the economic benefits; and

（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。

(IV) use of the names or images of research institutes, academic institutions, technology promotion institutions, industry associations, professionals and users for recommendation or as proof.

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。

Article 28 Advertisements which deceive or mislead consumers with false or misleading contents shall constitute false advertisements.

广告有下列情形之一的，为虚假广告：

An advertisement is a false advertisement if it falls within any of the following circumstances:

（一）商品或者服务不存在的；

1. the goods or services do not exist;

（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情况不符，对购买行为有实质性影响的；

(II) the information on the performance, functions, place of origin, purpose, quality, specifications, ingredients, price, producer, useful life, sales or rewards received, of the goods, or on the content, provider, form, quality, price, sales or rewards received, of the service, or on any promise relating to the goods or services is inconsistent with the actual conditions, thereby having a substantial impact on purchase;

（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；

3. using scientific achievements, statistics, survey results, abstracts, quotations and other information that are false or forged or cannot be verified as evidentiary materials; or

（四）虚构使用商品或者接受服务的效果的；

(IV) claiming false effects of the use of the goods or services;

（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。

(V) other circumstances in which consumers are deceived or misled by false or misleading contents.

第三章 广告行为规范

Chapter 3 Regulation of Advertising Conduct

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。

Article 29 Radio and television stations and newspaper publishers engaging in publishing of advertisements shall set up a designated department to undertake advertising business, employ the requisite personnel, possess premises and equipment corresponding to publishing of advertisements, and complete registration formalities for publishing of advertisements with the local market supervision and administration authorities of county level and above.

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。

Article 30 In their advertisement activities, advertisers, advertisement agents and advertisement publishers shall sign written contracts by law.

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。

Article 31 In their advertising activities, advertisers, advertising agents, and advertisement publishers shall not engage in any form of unfair competition.

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。

Article 32 Advertisers shall entrust the design, production and publishing of advertisements to advertising agents or advertisement publishers that have the statutory business qualifications.

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。

Article 33 Where advertisers or advertising agents use the names or images of others for advertising, they shall obtain the prior written consent of the persons concerned; where the names or images of persons without the capacity for civil conduct or with limited capacity for civil conduct in advertisements are used, the advertisers or advertising agents shall obtain the prior written consent of the guardians of such persons concerned.

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。

Article 34 Advertising agents and advertisement publishers shall, in accordance with the relevant provisions of the State, establish and improve their systems of registration, review and file management concerning advertising business.

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。

Advertising agents and advertisement publishers shall, in accordance with the law and administrative regulations, verify relevant documents of certification, and check the contents of advertisements. For advertisements with contents which are inconsistent with the proof documents or the proof documents are incomplete, advertising agencies shall not provide design, production or agency services, and advertisement publishers shall not publish such advertisements.

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 35 Advertising agents and advertisement publishers shall make public their standards and methods for charging fees.

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。

Article 36 The rate of media coverage, audience rating, click-through rate and size of distribution provided by advertisement publishers to advertisers or advertising agents shall be truthful.

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。

Article 37 No entity or individual may design, produce, provide agency or publish advertisements for products or services which are prohibited by laws or administrative regulations from being produced or sold, or for products or services whose advertising is prohibited.

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。

Article 38 Recommendation and/or endorsement for goods or services by advertising spokespersons in advertisements shall be based on facts, comply with the provisions of this Law and the relevant laws and administrative regulations, and advertising spokespersons shall not make recommendation and/or endorsement for goods or services they have not used or accepted.

不得利用不满十周岁的未成年人作为广告代言人。

Minors below 10 years of age shall not act as an advertising spokesperson.

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。

Natural persons, legal persons or other organisations for which a three-year period has not elapsed since the imposition of administrative punishment on them for providing recommendation and/or endorsement in false advertisements, shall not act as an advertising spokesperson.

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。

Article 39 It is prohibited to carry out advertising activities within elementary and secondary schools and kindergartens, or make use of teaching materials, supplementary teaching materials, exercise books, stationery, teaching tools, school uniforms, school buses, etc. of elementary and secondary schools and kindergartens to publish or publish in disguised form advertisements, except for public service advertisements.

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。

Article 40 It is prohibited to publish advertisements for medical treatment, pharmaceuticals, healthcare food, medical devices, cosmetics, alcohol, beauty products, and online games detrimental to the physical and mental health of the minors in the mass media of communication targeted at minors.

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：

Advertisements for goods or services targeted at the minors under the age of 14 shall not contain any of the following items:

（一）劝诱其要求家长购买广告商品或者服务；

1. Persuading them to ask their parents to buy the products or services advertised;

（二）可能引发其模仿不安全行为。

(II) likely to cause such minors to imitate unsafe acts.

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。

Article 41 Local People's Governments of county level and above shall organise the relevant authorities to strengthen supervision and administration on publishing of outdoor advertisements using outdoor premises, space, facilities etc, and formulate planning and safety requirements for installation of outdoor advertisements.

户外广告的管理办法，由地方性法规、地方政府规章规定。

Administrative measures on outdoor advertisements shall be stipulated by local regulations and local government rules.

第四十二条   有下列情形之一的，不得设置户外广告：

Article 42 Outdoor advertisements shall not be posted in any of the following circumstances:

（一）利用交通安全设施、交通标志的；

1. the outdoor advertisements would use traffic safety facilities or traffic signs;

（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；

2. the outdoor advertisements would affect the normal use of municipal public utilities, traffic safety facilities, traffic signs, firefighting facilities, or fire safety signs;

（三）妨碍生产或者人民生活，损害市容市貌的；

3. the outdoor advertisements would affect production or people's life or be detrimental to the image of the city;

（四）在国家机关、文物保护单位、风景名胜区等的建筑控制地带，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。

(IV) The outdoor advertisements would be posted in construction control areas of government organs, protected cultural relics or scenic spots, or areas where outdoor advertisements are prohibited by people's governments above the county level.

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。

Article 43 No organisation or individual shall distribute advertisements to the residence or transportation vehicle of a party concerned without his/her consent or request, or distribute advertisements to him/her via electronic means.

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方式，并向接收者提供拒绝继续接收的方式。

Advertisements distributed via electronic means shall state the true identity and contact details of the sender, and the method for the recipient to refuse acceptance of subsequent advertisements.

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。

Article 44 The provisions of this Law shall apply to advertising activities carried out using the Internet.

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。

The use of the Internet to publish or distribute advertisements shall not affect the normal use of the Internet by users. Advertisements published on internet pages in the form of pop-up or other forms shall be marked with conspicuous mark for close to ensure the close by one click.

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。

Article 45 Where administrators of public places, telecommunication service operators or internet information service providers know or should know that illegal advertisements are published or distributed using their places or information transmission or releasing platforms, they shall stop such advertisements.

第四章 监督管理

Chapter 4 Supervision and Administration

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。

Article 46 Advertisements for medical treatment, pharmaceuticals, medical devices, pesticides, veterinary drugs and healthcare food, and other advertisements required to be reviewed by laws and administrative regulations shall be reviewed by the relevant authorities (hereinafter referred to as the "advertisement review authorities") before they are published. No such advertisement shall be published without being reviewed.

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。

Article 47 Advertisers applying for review of their advertisements shall submit the relevant certification documents to the advertisement review authorities in accordance with laws and administrative regulations.

广告审查机关应当依照法律、行政法规规定作出审查决定，并应当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。

Advertisement review authorities shall, in accordance with the provisions of laws and administrative regulations, make their review decisions, and copy the review approval documents to the market regulatory authority at the same level. Advertisement review authorities shall make public the advertisements they have approved in a timely manner.

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。

Article 48 No organisation or individual shall forge, alter or transfer approval documents for review of advertisement.

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：

Article 49 A market regulatory authority may exercise the following functions and powers when performing the duties of advertising supervision and administration:

（一）对涉嫌从事违法广告活动的场所实施现场检查；

1. conduct on-site inspections of the places which have been suspected of being used for carrying out illegal advertising activities;

（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；

(II) making inquiries parties suspected of violating the law or their legal representatives, chief persons-in-charge and other relevant personnel, and investigating the relevant entities or individuals;

（三）要求涉嫌违法当事人限期提供有关证明文件；

(III) requiring the party who is suspected of violating the law to provide the relevant certification documents within a time limit;

（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；

(IV) reviewing and copying contracts, bills, account books, advertisement works and other relevant materials relating to advertisements which are suspected of violating the law; and

（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；

(V) seizing or detaining advertising articles, operational tools, equipment and other property directly related to advertisements which are suspected of violating the law;

（六）责令暂停发布可能造成严重后果的涉嫌违法广告；

(VI) ordering suspension of the publishing of suspected illegal advertisements that may cause serious consequences; or

（七）法律、行政法规规定的其他职权。

(VII) other functions and powers stipulated by laws and administrative regulations.

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。

The market regulatory authorities shall establish and improve upon an advertising monitoring system, improve upon monitoring measures, promptly discover and deal with illegal advertisements pursuant to the law.

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。

Article 50 The market supervision and administration department of the State Council shall, jointly with the relevant departments of the State Council, formulate the code of conduct for publishing of advertisements on mass media.

第五十一条   市场监督管理部门依照本法规定行使职权，当事人应当协助、配合，不得拒绝、阻挠。

Article 51 When market supervision and administration authorities exercise their powers pursuant to the provisions of this Law, the parties concerned shall assist and cooperate, and shall not refuse or hinder.

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。

Article 52 The market supervision and administration authorities and the relevant authorities and their personnel shall be obligated to keep confidentiality of commercial secrets which have come into their knowledge during supervision and administration of advertisements.

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。

Article 53 Any organisation or individual shall have the right to lodge a complaint or report to the market supervision and administration authorities and the relevant authorities. The market supervision and administration authorities and the relevant authorities shall announce the telephone number, mailbox or email address for acceptance of complaints or reports to the public; the authorities which receive a complaint or report shall handle the complaint or report within seven working days from receipt of the complaint or report, and notify the complainant or informant.

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。

Any entity or individual has the right to report any market regulatory authority or relevant department's failure to perform duties in accordance with the law to the said authority's superior organ or the supervisory organ. The authorities which receive the report shall handle the matter pursuant to the law and promptly notify the whistleblower of the handling outcome.

有关部门应当为投诉、举报人保密。

The relevant authorities shall keep confidentiality of complainants and whistleblowers.

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。

Article 54 Consumer associations and other consumer organisations shall implement public supervision pursuant to the law for publishing of false advertisements against the provisions of this Law which harm the legitimate rights and interests of consumers, as well as other acts which harm public interest.

第五章 法律责任

Chapter 5 Legal Liabilities

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。

Article 55 For publishing of false advertisements against the provisions of this Law, the market supervision and administration authorities shall order the offender to stop publishing of advertisement, order the advertiser to eliminate impact within the corresponding scope, and impose a fine ranging from three to five times the amount of the advertising fee, however where it is impossible to compute the advertising fee or the advertising fee is evidently low, a fine ranging from RMB200,000 to RMB1 million shall be imposed; where the offender has committed more than three illegal acts within two years or the case is serious, a fine ranging from five to ten times the amount of the advertising fee shall be imposed, however where it is impossible to compute the advertising fee or the advertising fee is evidently low, a fine ranging from RMB1 million to RMB2 million shall be imposed, the business licence may be revoked, the advertisements review authorities shall revoke the approval document for review of advertisement, and shall not accept applications for review of advertisement from the offender within a year.

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。

Where a medical institution has committed an illegal act stipulated in the preceding paragraph and the case is serious, in addition to punishment imposed by the market supervision and administration authorities pursuant to the Law, the health administration authorities may revoke the specialty practice or revoke the practising permit of the medical institution.

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 an advertising agency or advertising publisher provides design, production, agency or publishing services when it is aware or should be aware that the advertisement is false, the market regulatory authorities shall confiscate the advertising fee and impose a fine ranging from three to five times the advertising fee, however where it is impossible to compute the advertising fee or the advertising fee is evidently low, a fine ranging from RMB200,000 to RMB1 million shall be imposed; where the offender has committed more than three illegal acts within two years or the case is serious, a fine ranging from five to ten times the advertising fee shall be imposed, however where it is impossible to compute the advertising fee or the advertising fee is evidently low, a fine ranging from RMB1 million to RMB2 million shall be imposed, and the relevant authorities may also suspend the advertising publishing business, cancel the business licence, and cancel the registration certificate for publishing of advertisements.

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。

Where an advertiser, advertising agency or advertising publisher has committed any of the acts stipulated in the first paragraph and third paragraph of this Article and the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

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。

Article 56 For publishing of false advertisements against the provisions of this Law to defraud or mislead consumers, causing harm to the legitimate rights and interests of consumers who purchase the goods or accept the services, the advertiser shall bear civil liability pursuant to the law. Where the advertising agency and advertisement publisher are unable to provide the true name, address and valid contact details of the advertiser, the consumers may require the advertising agency and advertisement publisher to make compensation beforehand.

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。

For false advertisements of goods or services relating to the life and health of consumers which cause harm to consumers, the advertising agency, advertising publisher and advertising spokesperson shall bear joint and several liability with the advertiser.

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。

For false advertisements of goods or services other than those stipulated in the preceding paragraph which cause harm to consumers, where the advertising agency, advertising publisher or advertising spokesperson are aware or should be aware that the advertisement is false but still undertake the design, production, agency or publishing of the advertisement or undertake recommendation or certification, they shall bear joint and several liability with the advertiser.

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：

Article 57 For any of the following acts, the market supervision and administration authorities shall order the offender to stop publishing of advertisement, impose a fine ranging from RMB200,000 to RMB1 million on the advertiser, and in serious cases, may also cancel the business licence, and the advertising review authorities shall revoke the approval document for review of advertisement and refuse to accept applications for review of advertisement from the advertiser within a year; the market supervision and administration authorities shall confiscate the advertising expenses of the advertising agency and advertising publisher, impose a fine ranging from RMB200,000 to RMB1 million, and in serious cases, may also cancel the business licence and cancel the registration certificate for publishing of advertisement:

（一）发布有本法第九条、第十条规定的禁止情形的广告的；

1. publishing any advertisement falling under any of the circumstances as prohibited by Articles 9 and 10 hereof;

（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；

2. publishing advertisements for prescription drugs, pharmaceutical precursor chemicals, medical devices and methods for drug rehabilitation in violation of the provisions of Article 15 hereof;

（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；

3. publishing advertisements for infant dairy products, beverages or other food that claim full or partial substitution of breast milk in violation of the provisions of Article 20 hereof;

（四）违反本法第二十二条规定发布烟草广告的；

4. publishing advertisements for tobacco products in violation of the provisions of Article 22 hereof;

（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；

(V) using advertisements to promote products or services which are prohibited from being produced or sold, or products or services whose advertising is prohibited in violation of the provisions of Article 37 hereof; or

（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。

(VI) publishing advertisements for medical treatment, pharmaceuticals, healthcare food, medical devices, cosmetics, alcohol, beauty products, and online games detrimental to the physical and mental health of the minors in the mass media of communication targeted at minors in violation of the provisions of Paragraph 1 of Article 40 hereof.

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件、一年内不受理其广告审查申请：

Article 58 For any of the following acts, the market supervision and administration authorities shall order the advertiser to stop publishing of advertisement, order the advertiser to eliminate impact within the corresponding scope, impose a fine ranging from one to three times the amount of the advertising fee, where it is impossible to compute the advertising fee or the advertising fee is evidently low, a fine ranging from RMB100,000 to RMB200,000 shall be imposed; in serious cases, a fine ranging from three to five times the amount of the advertising fee shall be imposed, where it is impossible to compute the advertising fee or the advertising fee is evidently low, a fine ranging from RMB200,000 to RMB1 million shall be imposed, the business licence may be revoked, the advertisements review authorities shall revoke the approval document for review of advertisement, and shall not accept applications for review of advertisement from the advertiser within a year:

（一）违反本法第十六条规定发布医疗、药品、医疗器械广告的；

1. publishing advertisements for medical treatment, pharmaceuticals, or medical devices in violation of the provisions of Article 16 hereof;

（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；

2. publishing advertisements concerning disease treatment function, using medical wording or wording that is easy to cause confusion between the products promoted and medicines or medical devices in violation of the provisions of Article 17 hereof;

（三）违反本法第十八条规定发布保健食品广告的；

3. publishing advertisements for healthcare food in violation of the provisions of Article 18 hereof;

（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；

(IV) publishing advertisements for pesticides, veterinary medicines, feeds and feed additives in violation of the provisions of Article 21 hereof;

（五）违反本法第二十三条规定发布酒类广告的；

(V) publishing advertisements for alcohol in violation of the provisions of Article 23 hereof;

（六）违反本法第二十四条规定发布教育、培训广告的；

(VI) publishing advertisements for education and training in violation of the provisions of Article 24 hereof;

（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；

(VII) publishing advertisements for products or services with anticipated investment returns in violation of the provisions of Article 25 hereof;

（八）违反本法第二十六条规定发布房地产广告的；

(VIII) publishing advertisements for real estate in violation of the provisions of Article 26 hereof;

（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；

(IX) publishing advertisements for crop seeds, forest seeds, grass seeds, breeding livestock and poultry, aquatic fingerlings, planting, and breeding in violation of the provisions of Article 27 hereof;

（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；

(X) using minors under the age of ten as advertisement endorsers in violation of the provisions of Paragraph 2 of Article 38 hereof; or

（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；

11. using natural persons, legal persons or other organizations as advertisement endorsers in violation of the provisions of Paragraph 3 of Article 38 hereof; or

（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学生、幼儿有关的物品发布广告的；

(XII) publishing advertisements in elementary and secondary schools and kindergartens or using articles relating to elementary and secondary school students and infants in violation of the provisions of Article 39 hereof;

（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；

(XIII) publishing advertisements for products or services targeted at minors under the age of 14 in violation of the provisions of Paragraph 2 of Article 40 hereof; or

（十四）违反本法第四十六条规定，未经审查发布广告的。

(XIV) publishing advertisements without being reviewed in violation of the provisions of Article 46 hereof.

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。

Where a medical institution has committed an illegal act stipulated in the preceding paragraph and the case is serious, in addition to punishment imposed by the market supervision and administration authorities pursuant to the Law, the health administration authorities may revoke the specialty practice or revoke the practising permit of the medical institution.

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，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 the advertising agency and advertising publisher provide design, production, agency or publishing services when they are aware or should be aware of an illegal act stipulated in the first paragraph of this Article, the market supervision and administration authorities shall confiscate the advertising expenses and impose a fine ranging from one to three times the amount of the advertising expenses, however where it is impossible to compute the advertising expenses or the advertising expenses are evidently low, a fine ranging from RMB100,000 to RMB200,000 shall be imposed; in serious cases, a fine ranging from three to five times the amount of the advertising expenses shall be imposed, however where it is impossible to compute the advertising expenses or the advertising expenses are evidently low, a fine ranging from RMB200,000 to RMB1 million shall be imposed, and the relevant authorities may also suspend the advertising publishing business, cancel the business licence, and cancel the registration certificate for publishing of advertisements.

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：

Article 59 For any of the following acts, the market supervision and administration authorities shall order the advertisers to stop publishing advertisements, and impose a fine of not more than CNY100 ,000 on the advertisers:

（一）广告内容违反本法第八条规定的；

1. the content of the advertisement does not comply with the provisions of Article 8 hereof;

（二）广告引证内容违反本法第十一条规定的；

2. the content cited in the advertisement violates the provisions of Article 11 hereof;

（三）涉及专利的广告违反本法第十二条规定的；

3. an advertisement in which patents are involved violates the provisions of Article 12 of this Law;

（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。

(IV) the advertisement denigrates the goods or services of other producers or operators in violation of the provisions of Article 13 hereof.

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。

Advertising agencies and advertising publishers which provide design, production, agency or publishing services when they are aware or should be aware of an illegal act stipulated in the preceding paragraph shall be subject to a fine of not more than RMB100,000 imposed by the market supervision and administration authorities.

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。

Where an advertisement, in violation of the provisions of Article 14 hereof, is unidentifiable, or an advertisement for medical treatment, pharmaceuticals, medical devices or healthcare food is published in disguised form in violation of the provisions of Article 19 hereof, the market supervision and administration authority shall order the advertisement to be corrected and impose a fine of not more than CNY100 ,000 on the advertisement publisher.

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。

Article 60 Radio stations, TV stations and newspaper publishers which violate the provisions of Article 29 of this Law in failing to complete registration formalities for publishing of advertisements shall be ordered by the market supervision and administration authorities to make correction, illegal income shall be confiscated, where the amount of illegal income is RMB10,000 or more, a fine ranging from one to three times the amount of illegal income shall be imposed; where the amount of illegal income is less than RMB10,000, a fine ranging from RMB5,000 to RMB30,000 shall be imposed.

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。

Article 61 Advertising agencies or advertising publishers which violate the provisions of Article 34 of this Law in failing to establish and improve upon their advertising business management system pursuant to the relevant provisions of the State or failing to verify the contents of advertisements shall be ordered by the market supervision and administration authorities to make correction and may be subject to a fine of not more than RMB50,000.

违反本法第三十五条规定，广告经营者、广告发布者未公布其收费标准和收费办法的，由价格主管部门责令改正，可以处五万元以下的罚款。

Where advertising agents and advertisement publishers violate the provisions of Article 35 hereof and fail to disclose their charging standards and methods, the price authorities shall order them to make corrections, and may impose upon them a fine of not more than CNY50,000.

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：

Article 62 Where an advertising endorser falls under any of the following circumstances, the market supervision and administration authorities shall confiscate the illegal gains and impose a fine equivalent to the amount or double the amount of the illegal gains:

（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；

1. making endorsements or testimonials in an advertisement for medical treatment, pharmaceuticals, or medical devices in violation of the provisions of Item 4, Paragraph 1 of Article 16 hereof;

（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；

2. making endorsements or testimonials in an advertisement for healthcare food in violation of the provisions of Item 5, Paragraph 1 of Article 18 hereof;

（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；

(III) in violation of the provisions of Paragraph 1 of Article 38 of the Law, making endorsements or testimonials for a product or service that the said endorser has never used or accepted; or

（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。

(IV) making endorsements or testimonials in an advertisement for a product or service even though the said endorser knows or should know the advertisement is false.

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。

Article 63 Persons who distribute advertisements against the provisions of Article 43 of this Law shall be ordered by the relevant authorities to stop the illegal act, and a fine ranging from RMB5,000 to RMB30,000 shall be imposed on the advertiser.

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。

Where an advertiser uses the Internet to publish an advertisement but fails to give a prominently marked "CLOSE" sign to ensure "one-click closure", which violates the provisions of Paragraph 2 of Article 44 hereof, the market supervision and administration authorities shall order the advertiser to make corrections and impose a fine of not less than 5,000 yuan but not more than 30,000 yuan on the advertiser.

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。

Article 64 For managers of public premises, telecommunications business operators and Internet information service providers who violate the provisions of Article 45 of this Law in failing to stop advertisement activities despite being aware or should be aware that the advertisement is illegal, the market supervision and administration authorities shall confiscate the illegal income, and where the illegal income is RMB50,000 or more, a fine ranging from one to three times the amount of the illegal income shall be imposed, where the amount of illegal income is less than RMB50,000, a fine ranging from RMB10,000 to RMB50,000 shall be imposed; in serious cases, the relevant authorities shall stop the relevant businesses pursuant to the law.

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。

Article 65 In the case of persons who violate the provisions of this Law in concealing true information or providing false materials to apply for review of advertisement, the advertisement review authorities shall not accept or approve the application, and shall issue a warning and refuse to accept applications for review of advertisement from the said applicant within a year; approval for review of advertisement obtained through improper means such as fraud, bribery, etc shall be revoked by the advertisement review authorities, a fine ranging from RMB100,000 to RMB200,000 shall be imposed, and the said applicant's application for review of advertisement shall not be accepted within the next three years.

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。

Article 66 For persons who violate the provisions of this Law in forgery, alteration or transfer of approval document for review of advertisement, the market supervision and administration authorities shall confiscate the illegal income, and impose a fine ranging from RMB10,000 to RMB100,000.

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。

Article 67 Market supervision and administration authorities shall record illegal acts stipulated in this Law in the creditworthiness files, and make an announcement pursuant to the provisions of the relevant laws and administrative regulations.

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。

Article 68 Where radio and television stations and newspaper and audio-visual product publishers publish illegal advertisements, or publish advertisements covertly in the form of news reporting, or publish medical, drugs, medical machinery, health food advertisements covertly in the form of introduction of health or youth preservation knowledge, the market supervision and administration authorities shall notify the press and publishing, radio and television administrative authorities and other relevant authorities of the punishment imposed pursuant to this Law. The press, publication, radio, and television administrative authorities and other relevant authorities shall punish the accountable person (s) -in-charge and directly accountable personnel pursuant to the law; in serious cases, the advertisement publishing business of the media may be suspended.

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。

Where the press and publishing, radio and television administrative authorities, and other relevant authorities failed to deal with the radio and television station, newspaper and audio-visual product publisher pursuant to the provisions of the preceding paragraph, the accountable person (s) -in-charge and directly accountable personnel shall be punished pursuant to the law.

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：

Article 69 Advertisers, advertisement agents or advertisement publishers shall bear civil responsibility if they commit any of the following acts of infringement in violation of the provisions of this Law:

（一）在广告中损害未成年人或者残疾人的身心健康的；

1. the content of an advertisement is harmful to the physical and mental health of minors or handicapped persons;

（二）假冒他人专利的；

(II) Counterfeiting other's patent;

（三）贬低其他生产经营者的商品、服务的；

3. denigrating the commodities or services of other producers or operators;

（四）在广告中未经同意使用他人名义或者形象的；

(IV) using the names or images of other parties without the prior authorization thereof; and

（五）其他侵犯他人合法民事权益的。

(V) other acts that infringe upon the civil rights and interests of others.

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 70 Where the legal representative of a company or enterprise whose business licence is revoked due to publishing of false advertisement or committing any other illegal act stipulated in this Law is personally accountable for the illegal act, he/she shall not be appointed as a director, supervisor or senior management personnel of a company or enterprise within three years from revocation of the business licence of the company or enterprise.

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。

Article 71 Persons who violate the provisions of this Law in refusing or hindering supervision and inspection by the market supervision and administration authorities, or commit any other act which constitutes violation of public security administration shall be subject to public security administration punishment pursuant to the law; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

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。

Article 72 Where the advertisement review authorities approve the contents of an illegal advertisement, the accountable person (s) -in-charge and directly accountable personnel shall be punished by the appointing authorities or surveillance authorities pursuant to the law; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

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。

Article 73 Where a market supervision and administration department fails to investigate and punish, in accordance with the law, illegal advertising activities discovered during the course of performing the duty of monitoring advertisements or illegal advertising activities complained about or reported, the persons directly in charge and directly liable shall be punished in accordance with the law.

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。

Personnel of the market supervision and administration authorities and the relevant authorities responsible for administration of advertisements guilty of dereliction of duties, abusing official powers or corruption shall be punished pursuant to the law.

有前两款行为，构成犯罪的，依法追究刑事责任。

Whoever commits any act specified in the preceding two paragraphs, which constitutes a crime, shall be investigated for criminal liability in accordance with the law.

第六章 附 则

Chapter 6 Supplementary Provisions

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。

Article 74 The State encourages and supports launch of promotion activities for public service advertisements, promotion of core values for socialism, advocating of civilised practices.

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。

The mass media is obliged to publish public service advertisements. Radio and television stations and newspaper publishers shall publish public service advertisements pursuant to the stipulated layout, time slot and duration. Administrative measures on public service advertisements shall be formulated by the market supervision and administration department of the State Council jointly with the relevant authorities.

第七十五条   本法自2015年9月1日起施行。

Article 75 The Law shall come into force as of September 1, 2015.