



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

中华人民共和国广告法 (2015)

Standing Committee of the National People's Congress

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

(First passed at the 10th meeting of the Standing Committee of the Eighth NPC on Oct. 27, 1994; Revised at the 14th meeting of the Standing Committee of the Twelfth NPC on Apr. 24, 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 applies 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;



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