Note: The English text in this document is an AI translation (translated by Kimi, a large language model developed by Moonshot AI) and is provided for reference only. In the interpretation of this Law, the Chinese text shall prevail.

中华人民共和国广告法（2021修正）

Advertising Law of the People's Republic of China (2021 Amendment)

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（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》第一次修正 根据2021年4月29日《全国人民代表大会常务委员会关于修改〈中华人民共和国道路交通安全法〉等八部法律的决定》第二次修正）

(Adopted at the Tenth Meeting of the Standing Committee of the Eighth National People's Congress on October 27, 1994; revised at the 14th Meeting of the Standing Committee of the Twelfth National People's Congress on April 24, 2015; amended for the first time in accordance with the Decision of the Sixth Meeting of the Standing Committee of the Thirteenth National People's Congress on October 26, 2018 on Amending Fifteen Laws including the Law of the People's Republic of China on the Protection of Wildlife; and amended for the second time in accordance with the Decision of the Standing Committee of the National People's Congress on April 29, 2021 on Amending Eight Laws including the Road Traffic Safety Law of the People's Republic of China)

第一章　总　则

Chapter I 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 enacted for the purposes of regulating advertising activities, protecting the lawful rights and interests of consumers, promoting the sound development of the advertising industry, and maintaining the 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 carried out within the territory of the People's Republic of China by commodity operators or service providers to directly or indirectly introduce, through certain media and in certain forms, the commodities or services they promote.

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 purposes of this Law, the term "advertiser" means a natural person, legal person or other organization that, for the purpose of promoting commodities or services, designs, produces and publishes advertisements either by itself or through an entrusted party.

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。

For the purposes of this Law, the term "advertising agent" means a natural person, legal person or other organization that is entrusted to provide advertisement design, production and 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 purposes of this Law, the term "advertisement publisher" means a natural person, legal person or other organization that publishes advertisements for an advertiser or for an advertising agent entrusted by the advertiser.

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 purposes of this Law, the term "advertising endorser" means a natural person, legal person or other organization other than the advertiser that recommends or attests to commodities or services in an advertisement in its own name or image.

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 Advertisements shall be truthful and lawful, present advertising content in a wholesome form of expression, and conform to the requirements for building a socialist spiritual civilization and carrying forward 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 may not contain any false or misleading content, and may 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 truthfulness of advertising content.

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 agents and advertisement publishers engaging in advertising activities shall abide by laws and regulations, act in good faith, and compete fairly.

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 regulation department of the State Council shall be in charge of the advertising supervision and administration work nationwide, and the relevant departments of the State Council shall be responsible for work related to advertising administration within the scope of their respective functions.

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 regulation departments of local people's governments at or above the county level shall be in charge of the advertising supervision and administration work within their respective administrative regions, and the relevant departments of local people's governments at or above the county level shall be responsible for work related to advertising administration within the scope of their respective functions.

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 laws, regulations and their charters, formulate industry norms, strengthen industry self-discipline, promote the development of the industry, guide their members in engaging in advertising activities in accordance with the law, and promote integrity building in the advertising industry.

第二章　广告内容准则

Chapter II Rules for Advertising Content

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 Where an advertisement contains statements on the performance, functions, place of origin, uses, quality, ingredients, price, producer, term of validity, promises and the like of a commodity, or on the content, provider, form, quality, price, promises and the like of a service, such statements shall be accurate, clear and explicit.

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 an advertisement indicates that the promoted commodity or service comes with a gift, the variety, specifications, quantity, time limit and manner of the gift commodity or service shall be explicitly stated.

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。

Content that laws and administrative regulations require to be explicitly stated in advertisements shall be indicated prominently and clearly.

第九条　广告不得有下列情形：

Article 9 No advertisement may fall under 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 a disguised form the national flag, national anthem or national emblem of the People's Republic of China, or the military flag, military anthem or military emblem;

（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 a disguised form the name or image of any State organ or any functionary of a State organ;

（三）使用“国家级”、“最高级”、“最佳”等用语；

(3) using such wording as “national-level”, “highest-level” or “best”;

（四）损害国家的尊严或者利益，泄露国家秘密；

(4) impairing the dignity or interests of the State, or divulging State secrets;

（五）妨碍社会安定，损害社会公共利益；

(5) disrupting social stability, or harming social and public interests;

（六）危害人身、财产安全，泄露个人隐私；

(6) endangering personal or property safety, or infringing upon personal privacy;

（七）妨碍社会公共秩序或者违背社会良好风尚；

(7) disrupting the public order or offending social morality;

（八）含有淫秽、色情、赌博、迷信、恐怖、暴力的内容；

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

（九）含有民族、种族、宗教、性别歧视的内容；

(9) containing content discriminating on the basis of ethnicity, race, religion or gender;

（十）妨碍环境、自然资源或者文化遗产保护；

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

（十一）法律、行政法规规定禁止的其他情形。

(11) other circumstances 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 Advertisements may not impair the physical and mental health of minors or persons with disabilities.

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 a matter covered by advertising content requires an administrative license, the advertisement shall conform to the content of the license.

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。

Where an advertisement uses citations such as data, statistics, survey results, abstracts and quotations, such citations shall be true and accurate, and their sources shall be indicated. Where a citation has a scope of application and a term of validity, they 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 Where an advertisement involves a patented product or a patented method, the patent number and the patent category shall be indicated.

未取得专利权的，不得在广告中谎称取得专利权。

Where a patent right has not been obtained, it is prohibited to falsely claim in an advertisement that a patent right has 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 in an advertisement a patent application for which no patent right has been granted, or a patent that has been terminated, revoked or invalidated.

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 No advertisement may disparage the commodities 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 identifiable so that consumers can recognize it as an advertisement.

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。

Mass media may not publish advertisements in a disguised form of news reporting. An advertisement published through mass media shall be prominently marked as an "advertisement" and distinguished from other non-advertising information, and may not cause misunderstanding among 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 stations and television stations publishing advertisements shall abide by the provisions of the relevant departments of the State Council on duration and manner, and shall give a clear indication of 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 Special drugs such as narcotic drugs, psychotropic drugs, toxic drugs for medical use and radioactive drugs, pharmaceutical precursor chemicals, and drugs, medical devices and treatment methods for drug rehabilitation treatment may not be advertised.

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。

Prescription drugs other than those prescribed in the preceding paragraph may only be advertised in medical or pharmaceutical professional journals jointly designated by the health administrative department 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 An advertisement for medical treatment, drugs or medical devices may not contain any of the following content:

（一）表示功效、安全性的断言或者保证；

(1) any assertion or guarantee of efficacy or safety;

（二）说明治愈率或者有效率；

(2) any statement of 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；

(3) any 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) using an advertising endorser for recommendation or attestation;

（五）法律、行政法规规定禁止的其他内容。

(5) other content 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 content of a drug advertisement may not be inconsistent with the package insert approved by the drug regulatory department under the State Council, and shall prominently indicate contraindications and adverse reactions. An advertisement for prescription drugs shall prominently indicate "This advertisement is for the perusal of medical and pharmaceutical professionals only", and an advertisement for non-prescription drugs shall prominently indicate "Please purchase and use in accordance with the drug package insert or under the guidance of a pharmacist".

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”。

An advertisement for medical devices recommended for personal self-use shall prominently indicate "Please read the product instructions carefully or purchase and use under the guidance of medical personnel". Where the registration certification document of a medical device product contains contraindications or precautions, the advertisement shall prominently indicate "See the instructions for details of contraindications or precautions".

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 medical treatment, drugs and medical devices, no other advertisement may involve the function of treating diseases, or use medical terminology or terminology likely to cause confusion between the promoted commodity and drugs or medical devices.

第十八条　保健食品广告不得含有下列内容：

Article 18 An advertisement for health food may not contain any of the following content:

（一）表示功效、安全性的断言或者保证；

(1) any assertion or guarantee of efficacy or safety;

（二）涉及疾病预防、治疗功能；

(2) any involvement of disease prevention or treatment functions;

（三）声称或者暗示广告商品为保障健康所必需；

(3) claiming or implying that the advertised commodity is necessary for maintaining health;

（四）与药品、其他保健食品进行比较；

(4) any comparison with drugs or other health food;

（五）利用广告代言人作推荐、证明；

(5) using an advertising endorser for recommendation or attestation;

（六）法律、行政法规规定禁止的其他内容。

(6) other content 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”。

An advertisement for health food shall prominently indicate "This product is not a substitute for drugs".

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 stations, television stations, newspaper, periodical, audio and video publishers, and internet information service providers may not publish advertisements for medical treatment, drugs, medical devices or health food in a disguised form such as introducing health or wellness 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 It is prohibited to publish, in mass media or in public places, advertisements for infant dairy products, beverages or other foods that claim to wholly or partially substitute breast milk.

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 An advertisement for pesticides, veterinary drugs, feeds or feed additives may not contain any of the following content:

（一）表示功效、安全性的断言或者保证；

(1) any assertion or guarantee of efficacy or 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；

(2) using the name or image of a scientific research institution, academic institution, technology promotion institution, industry association, professional or user for recommendation or attestation;

（三）说明有效率；

(3) any statement of effective rate;

（四）违反安全使用规程的文字、语言或者画面；

(4) any text, language or image that violates the rules for safe use;

（五）法律、行政法规规定禁止的其他内容。

(5) other content 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 It is prohibited to publish tobacco advertisements in mass media, public places, public transport or outdoors. 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 publicize the names, trademarks, packaging, decoration and similar content of tobacco products by means of advertisements for other commodities or services or public service advertisements.

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。

Notices of relocation, renaming or recruitment published by producers or sellers of tobacco products may not contain the names, trademarks, packaging, decoration or similar content of tobacco products.

第二十三条　酒类广告不得含有下列内容：

Article 23 An advertisement for alcoholic products may not contain any of the following content:

（一）诱导、怂恿饮酒或者宣传无节制饮酒；

(1) inducing or inciting drinking, or promoting immoderate drinking;

（二）出现饮酒的动作；

(2) showing the act of drinking;

（三）表现驾驶车、船、飞机等活动；

(3) showing activities such as driving vehicles, vessels or aircraft;

（四）明示或者暗示饮酒有消除紧张和焦虑、增加体力等功效。

(4) explicitly or implicitly indicating that drinking has effects such as relieving tension and anxiety or increasing physical 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 may not contain any of the following content:

（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) an explicit or implicit guarantee of admission to a higher school, passing an examination, or obtaining a degree, diploma or certificate of qualification, or a guarantee of the effect of the 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；

(2) explicitly or implicitly indicating that a relevant examination body or its staff members, or examination question setters, participate in the education or training;

（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) using the name or image of a scientific research institution, academic institution, educational institution, industry association, professional or beneficiary for recommendation or attestation.

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 commodities or services with an expected return on investment, such as business solicitation, shall contain a reasonable reminder or warning of the possible risks and the assumption of risk liability, and may not contain any of the following content:

（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) a guarantee of future effects, returns or related circumstances, or an explicit or implicit indication of guaranteed principal, no risk or guaranteed returns, unless otherwise provided by the State;

（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。

(2) using the name or image of an academic institution, industry association, professional or beneficiary for recommendation or attestation.

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 In a real estate advertisement, the information on the housing source shall be true, and the area shall be indicated as the floor area or the internal floor area; the advertisement may not contain any of the following content:

（一）升值或者投资回报的承诺；

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

（二）以项目到达某一具体参照物的所需时间表示项目位置；

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

（三）违反国家有关价格管理的规定；

(3) violating State provisions on price administration;

（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。

(4) misleading publicity about transportation, commercial, cultural and educational facilities and other municipal conditions under planning or 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 In an advertisement for crop seeds, forest tree seeds, grass seeds, breeding livestock and poultry, aquatic fry and breeding, statements on the name of the variety, production performance, growth amount or yield, quality, resistance, special use value, economic value, and the suitable scope and conditions for planting or breeding, among others, shall be true, clear and explicit, and the advertisement may not contain any of the following content:

（一）作科学上无法验证的断言；

(1) making assertions that cannot be scientifically verified;

（二）表示功效的断言或者保证；

(2) making assertions or guarantees of efficacy;

（三）对经济效益进行分析、预测或者作保证性承诺；

(3) analyzing or predicting economic benefits or making guarantee commitments;

（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。

(4) using the name or image of a scientific research institution, academic institution, technology promotion institution, industry association, professional or user for recommendation or attestation.

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 An advertisement that deceives or misleads consumers with false or misleading content constitutes a false advertisement.

广告有下列情形之一的，为虚假广告：

An advertisement falling under any of the following circumstances is a false advertisement:

（一）商品或者服务不存在的；

(1) the commodity or service does 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；

(2) information on the performance, functions, place of origin, uses, quality, specifications, ingredients, price, producer, term of validity, sales status or honors received of a commodity, or information on the content, provider, form, quality, price, sales status or honors received of a service, or information on promises related to the commodity or service, is inconsistent with the actual circumstances and has a substantial impact on purchasing behavior;

（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 fabricated, forged or unverifiable scientific research results, statistical data, survey results, abstracts, quotations or other information as supporting materials;

（四）虚构使用商品或者接受服务的效果的；

(4) fabricating the effects of using a commodity or receiving a service;

（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。

(5) other circumstances in which consumers are deceived or misled by false or misleading content.

第三章　广告行为规范

Chapter III Rules of Conduct for Advertising

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。

Article 29 Radio stations, television stations, and newspaper and periodical publishers engaging in the advertisement publishing business shall have a body specialized in the advertising business, be staffed with necessary personnel, and have premises and equipment suitable for publishing advertisements.

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 Advertisers, advertising agents and advertisement publishers shall, in their advertising activities, conclude written contracts with one another in accordance with the 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 Advertisers, advertising agents and advertisement publishers may not engage in any form of unfair competition in advertising activities.

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 An advertiser that entrusts the design, production or publishing of advertisements shall entrust advertising agents or advertisement publishers with lawful 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 An advertiser or advertising agent using the name or image of another person in an advertisement shall obtain that person's prior written consent; where the name or image of a person without or with limited

capacity for civil conduct is used, the prior written consent of the person's guardian shall be obtained.

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 relevant State provisions, establish and improve systems for the registration, review and archive management of the advertising business they undertake.

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 check relevant certification documents and verify advertising content in accordance with laws and administrative regulations. For an advertisement whose content is inconsistent or whose certification documents are incomplete, the advertising agent may not provide design, production or agency services, and the advertisement publisher may not publish it.

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 charging rates and charging methods.

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 information on coverage, audience rating, click-through rate, circulation and the like provided by an advertisement publisher to an advertiser or advertising agent shall be true.

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 For products whose production or sale is prohibited by laws or administrative regulations, services whose provision is prohibited, and commodities or services for which the publishing of advertisements is prohibited, no entity or individual may design, produce, act as agent for, or publish advertisements.

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 An advertising endorser who recommends or attests to commodities or services in an advertisement shall act on the basis of facts and in conformity with this Law and relevant laws and administrative regulations, and may not recommend or attest to a commodity that the endorser has not used or a service that the endorser has not received.

不得利用不满十周岁的未成年人作为广告代言人。

No minor under the age of ten may be used as an advertising endorser.

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。

A natural person, legal person or other organization that has received an administrative penalty for making a recommendation or attestation in a false advertisement may not be used as an advertising endorser within three years.

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 No advertising activities may be carried out within primary or secondary schools or kindergartens, and no advertisements may be published directly or in a disguised form by means of textbooks, teaching aid materials, exercise books, stationery, teaching aids, school uniforms or school buses of primary and secondary school students and preschool children, 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 Advertisements for medical treatment, drugs, health food, medical devices, cosmetics, alcoholic products and beauty treatment, as well as advertisements for online games detrimental to the physical and mental health of minors, may not be published in mass media 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：

An advertisement for commodities or services targeted at minors under the age of fourteen may not contain any of the following content:

（一）劝诱其要求家长购买广告商品或者服务；

(1) inducing the minors to ask their parents to purchase the advertised commodity or service;

（二）可能引发其模仿不安全行为。

(2) being likely to cause the minors to imitate unsafe behavior.

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 at or above the county level shall organize the relevant departments to strengthen the supervision and administration of outdoor advertising published by means of outdoor venues, spaces and facilities, and formulate plans and safety requirements for the placement 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。

The administrative measures for outdoor advertising shall be prescribed by local regulations and rules of local governments.

第四十二条　有下列情形之一的，不得设置户外广告：

Article 42 In any of the following circumstances, no outdoor advertisement may be placed:

（一）利用交通安全设施、交通标志的；

(1) by using 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) where the use of municipal public facilities, traffic safety facilities, traffic signs, fire-fighting facilities or fire safety signs is affected;

（三）妨碍生产或者人民生活，损害市容市貌的；

(3) where production or people's lives are hindered, or the cityscape is damaged;

（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。

(4) in the construction control zones of State organs, cultural relics protection units or scenic spots, or in areas where the placing of outdoor advertisements is prohibited by local people's governments at or 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 entity or individual may, without the consent or request of the party concerned, send advertisements to the party's residence or means of transport, or send advertisements to the party by 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。

Where advertisements are sent by electronic means, the sender's true identity and contact information shall be explicitly indicated, and the recipient shall be provided with a means to refuse to continue receiving them.

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 conducted by means of 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。

Advertisements published or sent by means of the internet may not affect users' normal use of the network. Advertisements published in the form of pop-ups and the like on internet pages shall prominently indicate a close button to ensure one-click closure.

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 A manager of a public place, a telecommunications business operator or an internet information service provider shall stop the sending or publishing of illegal advertisements by means of its venue or information transmission or publishing platform, where it knows or should have known of such advertisements.

第四章　监督管理

Chapter IV 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, drugs, medical devices, pesticides, veterinary drugs and health food, as well as other advertisements that laws and administrative regulations require to be examined, shall be examined by the relevant department (hereinafter referred to as the "advertisement examination authority") before publishing; no such advertisement may be published without examination.

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 An advertiser applying for advertisement examination shall submit the relevant certification documents to the advertisement examination authority 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。

The advertisement examination authority shall make an examination decision in accordance with laws and administrative regulations, and shall send a copy of the examination approval document to the market regulation department at the same level. The advertisement examination authority shall promptly make the approved advertisements available to the public.

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 entity or individual may forge, alter or transfer an advertisement examination approval document.

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 In performing its duties of advertising supervision and administration, the market regulation department may exercise the following powers:

（一）对涉嫌从事违法广告活动的场所实施现场检查；

(1) conducting on-site inspections of venues suspected of engaging in 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；

(2) questioning the parties suspected of violations or their legal representatives, principal responsible persons and other relevant persons, and investigating relevant entities or individuals;

（三）要求涉嫌违法当事人限期提供有关证明文件；

(3) requiring the parties suspected of violations to provide relevant certification documents within a prescribed 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；

(4) consulting and reproducing contracts, bills, account books, advertising works and other relevant materials related to suspected illegal advertisements;

（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；

(5) sealing up or seizing advertising articles, business tools, equipment and other property directly related to suspected illegal advertisements;

（六）责令暂停发布可能造成严重后果的涉嫌违法广告；

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

（七）法律、行政法规规定的其他职权。

(7) other powers prescribed 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 regulation department shall establish and improve an advertising monitoring system, improve monitoring measures, and promptly discover and investigate and punish illegal advertising activities in accordance with 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 regulation department of the State Council shall, in conjunction with the relevant departments of the State Council, formulate rules of conduct for the publishing of advertisements through 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 Where the market regulation department exercises its powers in accordance with the provisions of this Law, the party concerned shall assist and cooperate, and may not refuse or obstruct.

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 regulation department and relevant departments, as well as their staff members, shall have the obligation to keep confidential the trade secrets learned in advertising supervision and administration activities.

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 entity or individual has the right to complain to or report a violation of this Law to the market regulation department and relevant departments. The market regulation department and relevant departments shall make public to society the telephone number, mailbox or e-mail address for accepting complaints and reports, and the department that receives a complaint or report shall, within seven working days of receipt, handle it and inform 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。

Where the market regulation department or a relevant department fails to perform its duties in accordance with the law, any entity or individual has the right to report to the authority at the next higher level or the supervisory organ. The organ that receives the report shall handle it in accordance with the law and promptly inform the informant of the outcome.

有关部门应当为投诉、举报人保密。

The relevant departments shall keep the complainant or informant confidential.

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 organizations shall exercise social supervision, in accordance with the law, over acts that violate the provisions of this Law by publishing false advertisements that infringe upon the lawful rights and interests of consumers, and other acts that harm social and public interests.

第五章　法律责任

Chapter V Legal Liability

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 Where a false advertisement is published in violation of the provisions of this Law, the market regulation department shall order the cessation of the publishing of the advertisement, order the advertiser to eliminate the adverse effects within the corresponding scope, and impose a fine of not less than three times nor more than five times the advertising fee, or, where the advertising fee cannot be computed or is obviously low, a fine of not less than 200,000 yuan nor more than 1,000,000 yuan; where there are three or more violations within two years or other serious circumstances exist, a fine of not less than five times nor more than ten times the advertising fee shall be imposed, or, where the advertising fee cannot be computed or is obviously low, a fine of not less than 1,000,000 yuan nor more than 2,000,000 yuan, the business license may be revoked, and the advertisement examination authority shall revoke the advertisement examination approval document and refuse to accept the party's application for advertisement examination for one 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 commits an illegal act prescribed in the preceding paragraph and the circumstances are serious, in addition to punishment by the market regulation department in accordance with this Law, the health administrative department may revoke the medical treatment subjects or revoke the medical institution's practice license.

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。

Where an advertising agent or advertisement publisher designs, produces, acts as agent for, or publishes an advertisement despite knowing or having reason to know that it is false, the market regulation department shall confiscate the advertising fee and impose a fine of not less than three times nor more than five times the advertising fee, or, where the advertising fee cannot be computed or is obviously low, a fine of not less than 200,000 yuan nor more than 1,000,000 yuan; where there are three or more violations within two years or other serious circumstances exist, a fine of not less than five times nor more than ten times the advertising fee shall be imposed, or, where the advertising fee cannot be computed or is obviously low, a fine of not less than 1,000,000 yuan nor more than 2,000,000 yuan, and the relevant department may suspend the advertisement publishing business and revoke the business license.

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 agent or advertisement publisher commits an act prescribed in the first or third paragraph of this Article that constitutes a crime, 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 Where a false advertisement is published in violation of the provisions of this Law, deceiving or misleading consumers, so that the lawful rights and interests of consumers who purchase the commodities or receive the services are infringed upon, the advertiser shall bear civil liability in accordance with the law. Where the advertising agent or advertisement publisher cannot provide the true name, address and valid contact

information of the advertiser, consumers may demand that the advertising agent or advertisement publisher make compensation first.

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。

Where a false advertisement for a commodity or service concerning the life and health of consumers causes damage to consumers, the advertising agent, advertisement publisher and advertising endorser thereof 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。

Where a false advertisement for a commodity or service other than those prescribed in the preceding paragraph causes damage to consumers, the advertising agent, advertisement publisher and advertising endorser thereof that design, produce, act as agent for, publish, or make a recommendation or attestation, despite knowing or having reason to know that the advertisement is false, 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：

Article 57 In any of the following circumstances, the market regulation department shall order the cessation of the publishing of the advertisement and impose on the advertiser a fine of not less than 200,000 yuan nor more than 1,000,000 yuan; where the circumstances are serious, the business license may be revoked, and the advertisement examination authority shall revoke the advertisement examination approval document and refuse to accept the party's application for advertisement examination for one year; as for an advertising agent or advertisement publisher, the market regulation department shall confiscate the advertising fee and impose a fine of not less than 200,000 yuan nor more than 1,000,000 yuan, and where the circumstances are serious, the business license may be revoked:

（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 an advertisement containing any of the prohibited circumstances prescribed in Article 9 or Article 10 of this Law;

（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, or medical devices and treatment methods for drug rehabilitation treatment in violation of the provisions of Article 15 of this Law;

（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, in violation of the provisions of Article 20 of this Law, advertisements for infant dairy products, beverages or other foods that claim to wholly or partially substitute breast milk;

（四）违反本法第二十二条规定发布烟草广告的；

(4) publishing tobacco advertisements in violation of the provisions of Article 22 of this Law;

（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；

(5) promoting, by means of advertisements, products whose production or sale is prohibited or services whose provision is prohibited, or commodities or services for which the publishing of advertisements is prohibited, in violation of the provisions of Article 37 of this Law;

（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。

(6) publishing, in violation of the provisions of the first paragraph of Article 40 of this Law, advertisements for medical treatment, drugs, health food, medical devices, cosmetics, alcoholic products or beauty treatment, as well as advertisements for online games detrimental to the physical and mental health of minors, in mass media targeted at minors.

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 In any of the following circumstances, the market regulation department shall order the cessation of the publishing of the advertisement, order the advertiser to eliminate the adverse effects within the corresponding scope, and impose a fine of not less than one time nor more than three times the advertising fee, or, where the advertising fee cannot be computed or is obviously low, a fine of not less than 100,000 yuan nor more than 200,000 yuan; where the circumstances are serious, a fine of not less than three times nor more than five times the advertising fee shall be imposed, or, where the advertising fee cannot be computed or is obviously low, a fine of not less than 200,000 yuan nor more than 1,000,000 yuan, the business license may be revoked, and the advertisement examination authority shall revoke the advertisement examination approval document and refuse to accept the party's application for advertisement examination for one 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, drugs or medical devices in violation of the provisions of Article 16 of this Law;

（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) involving disease treatment functions in an advertisement, or using medical terminology or terminology likely to cause confusion between the promoted commodity and drugs or medical devices, in violation of the provisions of Article 17 of this Law;

（三）违反本法第十八条规定发布保健食品广告的；

(3) publishing advertisements for health food in violation of the provisions of Article 18 of this Law;

（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；

(4) publishing advertisements for pesticides, veterinary drugs, feeds or feed additives in violation of the provisions of Article 21 of this Law;

（五）违反本法第二十三条规定发布酒类广告的；

(5) publishing advertisements for alcoholic products in violation of the provisions of Article 23 of this Law;

（六）违反本法第二十四条规定发布教育、培训广告的；

(6) publishing advertisements for education or training in violation of the provisions of Article 24 of this Law;

（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；

(7) publishing advertisements for commodities or services with an expected return on investment, such as business solicitation, in violation of the provisions of Article 25 of this Law;

（八）违反本法第二十六条规定发布房地产广告的；

(8) publishing real estate advertisements in violation of the provisions of Article 26 of this Law;

（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；

(9) publishing advertisements for crop seeds, forest tree seeds, grass seeds, breeding livestock and poultry, aquatic fry and breeding in violation of the provisions of Article 27 of this Law;

（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；

(10) using a minor under the age of ten as an advertising endorser in violation of the provisions of the second paragraph of Article 38 of this Law;

（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 a natural person, legal person or other organization as an advertising endorser in violation of the provisions of the third paragraph of Article 38 of this Law;

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

(12) publishing advertisements within primary or secondary schools or kindergartens, or by means of articles related to primary and secondary school students or preschool children, in violation of the provisions of Article 39 of this Law;

（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；

(13) publishing advertisements for commodities or services targeted at minors under the age of fourteen in violation of the provisions of the second paragraph of Article 40 of this Law;

（十四）违反本法第四十六条规定，未经审查发布广告的。

(14) publishing an advertisement without examination in violation of the provisions of Article 46 of this Law.

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 commits an illegal act prescribed in the preceding paragraph and the circumstances are serious, in addition to punishment by the market regulation department in accordance with this Law, the health administrative department may revoke the medical treatment subjects or revoke the medical institution's practice license.

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。

Where an advertising agent or advertisement publisher designs, produces, acts as agent for, or publishes an advertisement despite knowing or having reason to know of an illegal act prescribed in the first paragraph of this Article, the market regulation department shall confiscate the advertising fee and impose a fine of not less than one time nor more than three times the advertising fee, or, where the advertising fee cannot be computed or is obviously low, a fine of not less than 100,000 yuan nor more than 200,000 yuan; where the circumstances are serious, a fine of not less than three times nor more than five times the advertising fee shall be imposed, or, where the advertising fee cannot be computed or is obviously low, a fine of not less than 200,000 yuan nor more

than 1,000,000 yuan, and the relevant department may suspend the advertisement publishing business and revoke the business license.

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 In any of the following circumstances, the market regulation department shall order the cessation of the publishing of the advertisement and impose on the advertiser a fine of not more than 100,000 yuan:

（一）广告内容违反本法第八条规定的；

(1) the advertising content violates the provisions of Article 8 of this Law;

（二）广告引证内容违反本法第十一条规定的；

(2) the citations in the advertisement violate the provisions of Article 11 of this Law;

（三）涉及专利的广告违反本法第十二条规定的；

(3) an advertisement involving patents 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。

(4) an advertisement disparages the commodities or services of other producers or operators in violation of the provisions of Article 13 of this Law.

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。

Where an advertising agent or advertisement publisher designs, produces, acts as agent for, or publishes an advertisement despite knowing or having reason to know of an illegal act prescribed in the preceding paragraph, the market regulation department shall impose a fine of not more than 100,000 yuan.

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 is not identifiable in violation of the provisions of Article 14 of this Law, or an advertisement for medical treatment, drugs, medical devices or health food is published in a disguised form in violation of the provisions of Article 19 of this Law, the market regulation department shall order rectification and impose on the advertisement publisher a fine of not more than 100,000 yuan.

第六十条　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 60 Where, in violation of the provisions of Article 34 of this Law, an advertising agent or advertisement publisher fails to establish or improve its advertising business management systems in accordance with relevant State provisions, or fails to verify advertising content, the market regulation department shall order rectification and may impose a fine of not more than 50,000 yuan.

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, in violation of the provisions of Article 35 of this Law, an advertising agent or advertisement publisher fails to make public its charging rates and charging methods, the competent pricing department shall order rectification and may impose a fine of not more than 50,000 yuan.

第六十一条　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 61 In any of the following circumstances concerning an advertising endorser, the market regulation department shall confiscate the illegal gains and impose a fine of not less than one time nor more than two times 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 a recommendation or attestation in an advertisement for medical treatment, drugs or medical devices in violation of the provisions of item (4) of the first paragraph of Article 16 of this Law;

（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 a recommendation or attestation in an advertisement for health food in violation of the provisions of item (5) of the first paragraph of Article 18 of this Law;

（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；

(3) making a recommendation or attestation for a commodity that the endorser has not used or a service that the endorser has not received in violation of the provisions of the first paragraph of Article 38 of this Law;

（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。

(4) making a recommendation or attestation for a commodity or service in an advertisement despite knowing or having reason to know that the advertisement is false.

第六十二条　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 62 Where advertisements are sent in violation of the provisions of Article 43 of this Law, the relevant department shall order the cessation of the illegal act and impose on the advertiser a fine of not less than 5,000 yuan nor more than 30,000 yuan.

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, in violation of the provisions of the second paragraph of Article 44 of this Law, an advertisement is published by means of the internet without a prominently indicated close button to ensure one-click closure, the market regulation department shall order rectification and impose on the advertiser a fine of not less than 5,000 yuan nor more than 30,000 yuan.

第六十三条　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 63 Where, in violation of the provisions of Article 45 of this Law, a manager of a public place, a telecommunications business operator or an internet information service provider, despite knowing or having reason to know that an advertising activity is illegal, fails to stop it, the market regulation department shall confiscate the illegal gains; where the illegal gains are 50,000 yuan or more, a fine of not less than one time nor more than three times the illegal gains shall be imposed in addition; where the illegal gains are less than 50,000 yuan, a fine of not less than 10,000 yuan nor more than 50,000 yuan shall be imposed in addition; where the circumstances are serious, the relevant department shall suspend the relevant business in accordance with the law.

第六十四条　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 64 Where, in violation of the provisions of this Law, a party conceals the true circumstances or provides false materials in applying for advertisement examination, the advertisement examination authority shall refuse to accept or approve the application, issue a warning, and refuse to accept the applicant's applications for advertisement examination for one year; where advertisement examination approval is obtained by fraud, bribery or other improper means, the advertisement examination authority shall revoke the approval, impose a fine of not less than 100,000 yuan nor more than 200,000 yuan, and refuse to accept the applicant's applications for advertisement examination for three years.

第六十五条　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 65 Where, in violation of the provisions of this Law, an advertisement examination approval document is forged, altered or transferred, the market regulation department shall confiscate the illegal gains and impose a fine of not less than 10,000 yuan nor more than 100,000 yuan.

第六十六条　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 66 Where a party commits an illegal act prescribed in this Law, the market regulation department shall record it in the credit archives and make it public in accordance with relevant laws and administrative regulations.

第六十七条　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 67 Where a radio station, television station, or newspaper, periodical, audio or video publisher publishes an illegal advertisement, publishes an advertisement in a disguised form of news reporting, or publishes an advertisement for medical treatment, drugs, medical devices or health food in a disguised form such as introducing health or wellness knowledge, the market regulation department imposing punishment in accordance with this Law shall notify the competent departments of press and publication, and radio and television, as well as other relevant departments. The competent departments of press and publication, and radio and television, as well as other relevant departments shall, in accordance with the law, impose sanctions on the responsible persons in charge and directly responsible persons; where the circumstances are serious, they may also suspend the media's advertisement publishing business.

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 competent departments of press and publication, and radio and television, as well as other relevant departments fail to deal with the radio station, television station, or newspaper, periodical, audio or video

publisher in accordance with the provisions of the preceding paragraph, sanctions shall be imposed in accordance with the law on the responsible persons in charge and directly responsible persons.

第六十八条　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 68 Where an advertiser, advertising agent or advertisement publisher, in violation of the provisions of this Law, commits any of the following tortious acts, it shall bear civil liability in accordance with the law:

（一）在广告中损害未成年人或者残疾人的身心健康的；

(1) impairing the physical or mental health of minors or persons with disabilities in an advertisement;

（二）假冒他人专利的；

(2) passing off the patent of another person;

（三）贬低其他生产经营者的商品、服务的；

(3) disparaging 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；

(4) using the name or image of another person in an advertisement without consent;

（五）其他侵犯他人合法民事权益的。

(5) otherwise infringing upon the lawful civil rights and interests of another person.

第六十九条　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 69 Where the legal representative of a company or enterprise whose business license is revoked for publishing false advertisements or committing other illegal acts prescribed in this Law bears personal liability for the illegal act, such person may not serve as a director, supervisor or senior manager of a company or enterprise for three years from the date on which the business license of the company or enterprise is revoked.

第七十条　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 70 Where, in violation of the provisions of this Law, a party refuses or obstructs the supervision and inspection by the market regulation department, or commits another act constituting a violation of public security administration, a public security administration penalty shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

第七十一条　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 71 Where an advertisement examination authority makes an examination approval decision on illegal advertising content, the appointment and removal organ or the supervisory organ shall, in accordance with the law, impose sanctions on the responsible persons in charge and directly responsible persons; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

第七十二条　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 72 Where a market regulation department fails to investigate and punish, in accordance with the law, illegal advertising activities discovered in the performance of its advertising monitoring duties or illegal advertising activities complained of or reported, sanctions shall be imposed in accordance with the law on the responsible persons in charge and directly responsible persons.

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。

Where a staff member of a market regulation department or of a relevant department responsible for work related to advertising administration neglects duties, abuses power or engages in malpractice for personal gain, sanctions shall be imposed in accordance with the law.

有前两款行为，构成犯罪的，依法追究刑事责任。

Where an act prescribed in the preceding two paragraphs constitutes a crime, criminal liability shall be pursued in accordance with the law.

第六章　附　则

Chapter VI Supplementary Provisions

第七十三条　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 73 The State encourages and supports public service advertising activities that disseminate the core socialist values and advocate civilized social conduct.

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。

Mass media have the obligation to publish public service advertisements. Radio stations, television stations, and newspaper and periodical publishers shall publish public service advertisements in the prescribed space, time slots and durations. The administrative measures for public service advertisements shall be formulated by the market regulation department of the State Council in conjunction with the relevant departments.

第七十四条　本法自2015年9月1日起施行。

Article 74 This Law shall come into force on September 1, 2015.