



中华人民共和国广告法

Advertisement Law of
the People's Republic of China

中华人民共和国产品质量法

Law of the People's Republic of China
on Product Quality

(中英对照)

(Chinese-English)

294

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中华人民共和国主席令

第三十四号

《中华人民共和国广告法》已由中华人民共和国第八届
全国人民代表大会常务委员会第十次会议于1994年10月
27日通过,现予公布,自1995年2月1日起施行。

中华人民共和国主席 江泽民

1994年10月27日

Order of the President of the People's Republic of China

No. 34

The Advertisement Law of the People's Republic of China , adopted at the 10th Meeting of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on October 27, 1994, is hereby promulgated and shall enter into force as of February 1, 1995.

Jiang Zemin

President of the People's Republic of China

October 27, 1994

中华人民共和国广告法

(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)

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第一章 总 则

第一条 为了规范广告活动,促进广告业的健康发展,保护消费者的合法权益,维护社会经济秩序,发挥广告在社会主义市场经济中的积极作用,制定本法。

Advertisement Law of the People's Republic of China

(Adopted at the Tenth Meeting of the Standing
Committee of the Eighth National People's Congress on
October 27, 1994)

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Chapter I General Provisions

Article 1 This Law is formulated in order to regulate advertising activities, promote the sound development of advertising business, protect the legitimate rights and interests of consumers, maintain the socio-economic order, and enable advertisements to play a positive role in the socialist market economy.

Article 2 Advertisers, advertising agents and advertisement publishers engaged in advertising activities within the territory of the

第二条 广告主、广告经营者、广告发布者在中华人民共和国境内从事广告活动,应当遵守本法。

本法所称广告,是指商品经营者或者服务提供者承担费用,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所提供的服务的商业广告。

本法所称广告主,是指为推销商品或者提供服务,自行或者委托他人设计、制作、发布广告的法人、其他经济组织或者个人。

本法所称广告经营者,是指受委托提供广告设计、制作、代理服务的法人、其他经济组织或者个人。

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法人或者其他经济组织。

第三条 广告应当真实、合法,符合社会主义精神文明建设的

第四条 广告不得含有虚假的内容,不得欺骗和误导消费者。

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、行政法规,遵循公平、诚实信用的原则。

People's Republic of China shall abide by this Law.

The "advertisements" as used in this Law refer to commercial advertisements, for which a commodity producer or dealer or service provider pays, and by which the same, through certain media or forms, directly or indirectly introduces his commodities to be sold or services to be provided.

The "advertisers" as used in this Law refer to the legal persons, other economic organizations or individuals that, for the purpose of promoting the sale of commodities or providing services, design, produce and publish advertisements either by itself or by commissioning others to do so.

The "advertising agents" as used in this Law refer to the legal persons, other economic organizations or individuals that on a commission basis provide advertisement designing and production services and agent service.

The "advertisement publishers" as used in this Law refer to the legal persons or other economic organizations that publish advertisements for advertisers or advertising agents commissioned by advertisers.

Article 3 An advertisement shall be true to facts, lawful, and in compliance with the requirements for the socialist cultural and ideological development.

Article 4 An advertisement shall not contain any false information, and shall not cheat or mislead consumers.

Article 5 Advertisers, advertising agents and advertisement publishers shall, when engaged in advertising activities, abide by laws and administrative rules and regulations, adhere to the principles of fairness, honesty and credibility.

Article 6 The administrative departments for industry and commerce of the people's governments at or above the county level

第六条 县级以上人民政府工商行政管理部门是广告监督管理机关。

第二章 广告准则

第七条 广告内容应当有利于人民的身心健康,促进商品和服务质量的提高,保护消费者的合法权益,遵守社会公德和职业道德,维护国家的尊严和利益。

广告不得有下列情形:

- (一)使用中华人民共和国国旗、国徽、国歌;
- (二)使用国家机关和国家机关工作人员的名义;
- (三)使用国家级、最高级、最佳等用语;
- (四)妨碍社会安定和危害人身、财产安全,损害社会公共利益;
- (五)妨碍社会公共秩序和违背社会良好风尚;
- (六)含有淫秽、迷信、恐怖、暴力、丑恶的内容;
- (七)含有民族、种族、宗教、性别歧视的内容;
- (八)妨碍环境和自然资源保护;
- (九)法律、行政法规规定禁止的其他情形。

shall be the supervisory and administrative organs for advertisements.

Chapter II Norms for Advertisements

Article 7 The contents of an advertisement shall be conducive to the physical and mental health of the people, shall promote the quality of commodities and services, protect the legitimate rights and interests of consumers, be in compliance with social morality and professional ethics, and safeguard the dignity and interests of the State.

An advertisement shall not involve any of the following circumstances:

(1) Using the National Flag, the National Emblem or the National Anthem of the People's Republic of China;

(2) Using the names of State organs or their functionaries;

(3) Using words such as the State-level, the highest-grade or the best;

(4) Hindering social stability or endangering the safety of the person or property, or harming the public interests;

(5) Hindering the public order or violating the sound social morals;

(6) Having information suggesting pornography, superstition, terror, violence or hideousness;

(7) Carrying information of ethnic, racial, religious or sexual discrimination;

(8) Hindering the protection of environment or natural resources;

or

(9) Other circumstances prohibited by laws or administrative rules and regulations.

Article 8 Advertisements shall not impair the physical and

第八条 广告不得损害未成年人和残疾人的身心健康。

第九条 广告中对商品的性能、产地、用途、质量、价格、生产者、有效期限、允诺或者对服务的内容、形式、质量、价格、允诺有表示的，应当清楚、明白。

广告中表明推销商品、提供服务附带赠送礼品的，应当标明赠送的品种和数量。

第十条 广告使用数据、统计资料、调查结果、文摘、引用语，应当真实、准确，并表明出处。

第十一条 广告中涉及专利产品或者专利方法的，应当标明专利号和专利种类。

未取得专利权的，不得在广告中谎称取得专利权。

禁止使用未授予专利权的专利申请和已经终止、撤销、无效的专利做广告。

第十二条 广告不得贬低其他生产经营者的商品或者服务。

第十三条 广告应当具有可识别性，能够使消费者辨明其为广告。

大众传播媒介不得以新闻报道形式发布广告。通过大

mental health of minors or disabled persons.

Article 9 Where there are statements in an advertisement on the performance, place of origin, usage, quality, price, producer or manufacturer, term of validity and promise of a commodity, or on the items, forms, quality, price and promise of a service, they shall be clear and explicit.

Where there are statements in an advertisement about additional presentation of gifts for the purpose of promoting the sale of commodities or providing services, the types and quantities of such gifts shall be clearly indicated.

Article 10 Data, statistical information, results of investigation or survey, digest and quotations used in an advertisement shall be true to facts and accurate, and their sources shall be indicated.

Article 11 Where an advertisement involves a patented product or patented process, it shall clearly indicate the number of patent and the type of patent.

Where a patent right has not been obtained, an advertiser shall not give false information in an advertisement that the patent right has been obtained.

It is prohibited to use a patent application for which the patent right has not been granted or to use a terminated, nullified or invalid patent in an advertisement.

Article 12 An advertisement shall not belittle commodities of other producers and dealers or services of other providers.

Article 13 An advertisement shall be distinguishable and shall enable consumers to identify it as such.

The mass media shall not publish advertisements in the form of news report. Advertisements published through the mass media shall bear advertisement marks so as to differentiate them from other non-advertisement information, and may not mislead consumers.

众传播媒介发布的广告应当有广告标记,与其他非广告信息相区别,不得使消费者产生误解。

第十四条 药品、医疗器械广告不得有下列内容:

- (一)含有不科学的表示功效的断言或者保证的;
- (二)说明治愈率或者有效率的;
- (三)与其他药品、医疗器械的功效和安全性比较的;
- (四)利用医药科研单位、学术机构、医疗机构或者专家、医生、患者的名义和形象作证明的;
- (五)法律、行政法规规定禁止的其他内容。

第十五条 药品广告的内容必须以国务院卫生行政部门或者省、自治区、直辖市卫生行政部门批准的说明书为准。

国家规定的应当在医生指导下使用的治疗性药品广告中,必须注明“按医生处方购买和使用”。

第十六条 麻醉药品、精神药品、毒性药品、放射性药品等特殊药品,不得做广告。

第十七条 农药广告不得有下列内容:

- (一)使用无毒、无害等表明安全性的绝对化断言的;
- (二)含有不科学的表示功效的断言或者保证的;
- (三)含有违反农药安全使用规程的文字、语言或者画面的;

Article 14 An advertisement for pharmaceuticals, medical apparatus and instruments shall not have the following:

- (1) unscientific affirmations or guarantees for efficacy;
- (2) indication of cure rate or efficacious rate;
- (3) comparison of efficacy and safeness with those of other pharmaceuticals, medical apparatus and instruments;
- (4) use of the name or image of a medical research institution, academic organization, medical institution or of an expert, a doctor or patient as proof; or
- (5) other information prohibited by laws or administrative rules and regulations.

Article 15 An advertisement for pharmaceuticals must be based on the directions approved by the administrative department of public health under the State Council or the administrative departments of public health of provinces, autonomous regions or municipalities directly under the Central Government.

An advertisement for therapeutic pharmaceuticals to be used on doctor's advice as prescribed by the State must be marked with "purchase and use on doctor's prescription".

Article 16 Special pharmaceuticals such as narcotics, psychotropic substances, toxic drugs and radioactive drugs shall not be advertised.

Article 17 An advertisement for agricultural pesticides shall not have the following:

- (1) absolute affirmations indicating their safeness such as being non-toxic or non-harmful;
- (2) unscientific affirmations or guarantees for their efficacy;
- (3) written or spoken language or pictures that violate rules on safe use of agricultural pesticides; or
- (4) other information prohibited by laws or administrative rules

(四)法律、行政法规规定禁止的其他内容。

第十八条 禁止利用广播、电影、电视、报纸、期刊发布烟草广告。

禁止在各类等候室、影剧院、会议厅堂、体育比赛场馆等公共场所设置烟草广告。

烟草广告中必须标明“吸烟有害健康”。

第十九条 食品、酒类、化妆品广告的内容必须符合卫生许可的事项,并不得使用医疗用语或者易与药品混淆的用语。

第三章 广告活动

第二十条 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,明确各方的权利和义务。

第二十一条 广告主、广告经营者、广告发布者不得在广告活动中进行任何形式的不正当竞争。

第二十二条 广告主自行或者委托他人设计、制作、发布广告,所推销的商品或者所提供的服务应当符合广告主的经营范围。

第二十三条 广告主委托设计、制作、发布广告,应当