

2024 AVIA Regulating for Growth – Advertising Matrix for China¹

	Pay TV	OCC TV	Foreshadowed changes
GENERAL			
<i>Overview of Regulation</i>	<ul style="list-style-type: none"> □ Advertising regulations in China generally operate based on the so-called “misleading” principle, where an advertisement is considered false if it misleads the customer into perceiving the product differently from the actual nature of the product and this ultimately harms consumers. (Art. 4 of the Advertising Law) □ Advertisements must also comply with China’s unfair competition rules, which prohibit advertisements that ultimately disrupt the competitive order of the market or harm the legitimate interests of competitors or customers. However, some common advertising techniques such as comparative advertising are, with certain exceptions and constraints, generally acceptable provided, however, that non-disparaging requirements are met. (Art. 13 and 31 of the Advertising Law and Art. 11 of the Anti-Unfair Competition Law) □ Regulations in respect of advertising on broadcast TV prescribe maximum advertising allotments per hour for on- and off-peak times, the minimum number of public service announcements during peak periods, and forbid ad breaks in a single episode of a TV series. (Art. 15 of the Administrative Measures for the Broadcasting of Radio and Television Advertisements and Art. 1 of the Supplementary Provisions on the 	<ul style="list-style-type: none"> □ Advertising regulations in China generally operate based on the so-called “misleading” principle, where an advertisement is considered false if it misleads the customer into perceiving the product differently from the actual nature of the product and this ultimately harms consumers. (Art. 4 of the Advertising Law) □ Advertisements must also comply with China’s unfair competition rules, which prohibit advertisements that ultimately disrupt the competitive order of the market or harm the legitimate interests of competitors or customers. However, some common advertising techniques such as comparative advertising are, with certain exceptions and constraints, generally acceptable provided, however, that non-disparaging requirements are met. (Art. 13 and 31 of the Advertising Law and Art. 11 of the Anti-Unfair Competition Law) □ Ads on the Internet must be identifiable by customers and not interfere with the normal use of the internet. “Pop-up” ads must contain a conspicuous close button. (Art. 10 of the Administrative Measures for Internet Advertising) □ The regulations in respect of broadcast TV and radio advertising apply specifically to traditional 	<ul style="list-style-type: none"> □ As part of the government’s overall effort to raise governance quality, advertising regulation is becoming increasingly detailed and more precisely targeted, especially focusing on advertising in medical cosmetology, food, dietary supplements, education and training sectors. □ Targeted advertising is expected to be under stringent supervision. For example, under the Personal Information Protection Law, commercial marketing to customers based on automatic decision-making must be accompanied by an option that is not based on the customers’ personal characteristics. Similarly, where algorithmic recommendations are used for internet information services recommendation policies have been required to be disclosed since March 2022.

¹ For the purpose of the matrices, “China” or “PRC” shall mean the People’s Republic of China, excluding the Special Administrative Regions of Hong Kong and Macau, and Taiwan region.

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	<p>Administrative Measures for the Broadcasting of Radio and Television Advertisements)</p>	<p>forms of TV, and therefore do not technically apply to OCC TV services.</p> <ul style="list-style-type: none"> <input type="checkbox"/> While the Advertising Law and relevant related regulations do not expressly state that they have extraterritorial application, they are broad enough, on a literal interpretation, to extend to ads made available in China by offshore entities. However, to date, we are not aware of any published enforcement actions against offshore entities under the Advertising Law or the relevant regulations. 	
<i>Regulatory Bodies</i>	<ul style="list-style-type: none"> <input type="checkbox"/> The National Radio and Television Administration (NRTA) regulates television (replacing the SAPPRFT in 2018). (Art. 5 of the Administrative Measures for the Broadcasting of Radio and Television Advertisements (or NRTA Measures)) <input type="checkbox"/> The State Administration for Market Regulation (SAMR) regulates and supervises ads (subject to special industry regulation, where applicable). (Art.6 of the Advertising Law) 	<ul style="list-style-type: none"> <input type="checkbox"/> Various government regulatory agencies exercise authority over OCC TV, including NRTA, the Ministry of Information and Technology (MIIT) and the Cybersecurity Administration of China (CAC). <input type="checkbox"/> The SAMR regulates and supervises ads (subject to special industry regulation, where applicable). 	None.
<i>Advertising per hour</i>	<ul style="list-style-type: none"> <input type="checkbox"/> For commercial advertisements: 18 mins during the peak viewing period (7:00PM-9:00PM); 12 mins during all other hours. (Art.15 of the NRTA Measures) <input type="checkbox"/> For public services advertisements: please refer to the “PSAs” section. <input type="checkbox"/> In-programme advertising is not allowed, so ads should be broadcast before or after programmes. (Art.17 of the NRTA Measures) <input type="checkbox"/> For TV programmes targeting minors, please refer to the “Children” section. 	<ul style="list-style-type: none"> <input type="checkbox"/> There are no restrictions on advertising frequency for OCC TV services. 	None.
<i>Revenue Restrictions</i>	<ul style="list-style-type: none"> <input type="checkbox"/> No published regulations/restrictions exist. 	<ul style="list-style-type: none"> <input type="checkbox"/> No published regulations/restrictions exist. 	None.

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<i>Product Placement</i>	<input type="checkbox"/> Product placement is subject to the Advertising Law, under which an ad must be clearly recognisable as an advertisement. (Art.14 of the Advertising Law)	<input type="checkbox"/> The same principles set out in the Advertising Law for product placement apply. <input type="checkbox"/> Under Administrative Measures for Internet Advertising (Internet Advertising Measures), internet ads must be distinguishable. Ad that promotes goods or services through knowledge introduction, experience sharing, consumer reviews, etc., shall include purchase methods such as shopping links. Ads must be clearly marked as “AD”. (Art. 9 of Internet Advertising Measures. However, this is not specific legislation for product placement.	None.
<i>Foreign Commercials</i>	<input type="checkbox"/> The standard spoken and written Chinese language shall be used as the basic spoken and written language. (Art. 14 of the Law of the People's Republic of China on the Standard Spoken and Written Chinese Language) <input type="checkbox"/> Foreign language can be used as a supplement to Chinese if necessary but Chinese will prevail.	<input type="checkbox"/> The standard spoken and written Chinese language shall be used as the basic spoken and written language. (Art. 14 of the Law of the People's Republic of China on the Standard Spoken and Written Chinese Language) <input type="checkbox"/> Foreign language can be used as a supplement to Chinese if necessary but Chinese will prevail.	None.
<i>Govt Levy</i>	<input type="checkbox"/> No published regulations/restrictions exist.	<input type="checkbox"/> No published regulations/restrictions exist.	None.
<i>PSAs</i>	<input type="checkbox"/> Minimum 3% of commercial ad time daily. (Art. 16 of the NRTA Measures) <input type="checkbox"/> Between 7:00PM-9:00PM, PSAs should collectively be screened more than 4 times.	<input type="checkbox"/> General obligation to publish PSAs. (Art. 3 of the Interim Measures for Promotion and Administration of Public Services Advertisements) <input type="checkbox"/> Business-related websites should display PSAs every day in accordance with stipulated time and frequency requirements. Telecom operators should make use of mobile media and related businesses to display PSAs regularly. (Art. 9 of the Interim Measures for Promotion and Administration of Public Services Advertisements)	None.

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		<input type="checkbox"/> However, these regulations are understood not to be strictly enforced in practice.	
PRODUCT-SPECIFIC			
<i>Alcohol</i>	<input type="checkbox"/> Conditions apply. May not be screened on channels that target minors under 18. (Art.40 of the Advertising Law) <input type="checkbox"/> Alcohol ads are limited to no more than 12 per day, and not more than 2 between 7:00PM-9:00PM. (Art. 24 of the NRTA Measures) <input type="checkbox"/> Alcohol ads shall not induce or encourage drinking, or advertise excessive drinking, show the act of drinking, contain images of driving a car, boat or plane, or express or imply that drinking can relieve stress and anxiety and in turn increase strength. (Art.23 of the Advertising Law)	<input type="checkbox"/> May not be screened on public media that targets minors under 18. <input type="checkbox"/> Alcohol ads shall not induce or encourage drinking, or advertise excessive drinking, show the act of drinking, contain images of driving a car, boat or plane, or express or imply that drinking can relieve stress and anxiety and in turn increase strength.	None.
<i>Pharmaceutical</i>	<input type="checkbox"/> Pharmaceutical ads are subject to censorship before being released. (Art.2 of the Measures for Reviewing Advertisements on Medicine, Medical Devices, Nourishment and Formula Food for Special Medical Purpose (SAMR Measures) <input type="checkbox"/> Non-prescription only (i.e., not drugs for malignant tumours, liver diseases, venereal diseases or for enhancing sexual functions); highly regulated. (Art. 9 of the NRTA Measures) <input type="checkbox"/> Prohibition of comparative advertisements for drugs, medical devices, medical treatment in terms of efficacy and safety. (Art. 16 of the Advertising Law) <input type="checkbox"/> Should be consistent with the drug instructions approved by the drug administration and contradictions and adverse reactions should be marked clearly. (Art.16 of the Advertising Law)	<input type="checkbox"/> Pharmaceutical ads are subject to censorship before being released. <input type="checkbox"/> Non-prescription only (i.e., not drugs for malignant tumours, liver diseases, venereal diseases or for enhancing sexual functions); highly regulated. <input type="checkbox"/> Should be consistent with the drug instructions approved by the drug administration and contradictions and adverse reactions should be marked clearly. <input type="checkbox"/> Must not assert or guarantee the efficacy or safety, state the recovery rate, or compare with other drugs. <input type="checkbox"/> Medical treatment and cosmetic products cannot be screened on public media that targets minors under 18. <input type="checkbox"/> Pharmaceutical ads and medical devices ads cannot use spokespersons for recommendation	None.

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	<ul style="list-style-type: none"> <input type="checkbox"/> Must not assert or guarantee the efficacy or safety, state the recovery rate, or compare with other drugs. (Art. 16 of the Advertising Law) <input type="checkbox"/> Medical treatment and cosmetic products cannot be screened on channels that target minors under 18. (Art.40 of the Advertising Law) <input type="checkbox"/> Pharmaceutical ads and medical devices ads cannot use spokespersons for recommendation or endorsement. (Art. 16 of the Advertising Law) 	<p>or endorsement. (Art. 16 of the Advertising Law)</p>	
<i>Gambling</i>	<ul style="list-style-type: none"> <input type="checkbox"/> Prohibited, except for Welfare Lottery and Sports Lottery. (Art.12 of the NRTA Measures) 	<ul style="list-style-type: none"> <input type="checkbox"/> Prohibited. (Art.9 of the Advertising Law) 	None.
<i>Claims</i>	<ul style="list-style-type: none"> <input type="checkbox"/> Claims made in ads must be true and accurate with their sources clearly indicated. <input type="checkbox"/> Generally, absolute terms in ads (such as “national-level”, “highest-level”, “best” and other terms with identical or similar meanings) are not allowed. (Art. 9 of the Advertising Law) 	<ul style="list-style-type: none"> <input type="checkbox"/> Claims made in ads must be true and accurate with their sources clearly indicated. <input type="checkbox"/> Generally, absolute terms in ads (such as “national level”, “highest level”, “best” and other terms with identical or similar meanings) are not allowed. (Art. 9 of the Advertising Law) 	None.
<i>Food & Beverages – general</i>	<ul style="list-style-type: none"> <input type="checkbox"/> Advertisers of formula food for special medical purposes must provide food registration/filing and production certificates issued by the relevant health administration. (Art. 14 of the SAMR Measures) <input type="checkbox"/> Prohibition of comparative advertisements for dietary supplements. (Articles 18 of the Advertising Law). <input type="checkbox"/> Ads for “breast milk substitutes” are prohibited. (Art.20 of the Advertising Law) <input type="checkbox"/> Ads for healthcare food are subject to censorship before being released. (Art. 2 of the SAMR Measures) 	<ul style="list-style-type: none"> <input type="checkbox"/> Advertisers of formula food for special medical purposes must provide food registration/filing and production certificates issued by the relevant health administration. <input type="checkbox"/> Ads for “breast milk substitutes” are prohibited. <input type="checkbox"/> Ads for healthcare food are subject to censorship before being released. 	None.
<i>Food & Beverages – sugar levels</i>	<ul style="list-style-type: none"> <input type="checkbox"/> General rules apply. No other specific requirements. 	<ul style="list-style-type: none"> <input type="checkbox"/> General rules apply. No other specific requirements. 	None.

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<i>Personal hygiene/ Sanitary (including Condoms)</i>	<input type="checkbox"/> Such ads may not be broadcast during “public dining time”, that is, from 6:30AM –7:30AM, 11:30 – 12:30PM, and 6:30PM - 8:00PM. (Art.23 of the NRTA Measures)	<input type="checkbox"/> No published restrictions apply to OCC TV.	None.
<i>Tobacco</i>	<input type="checkbox"/> Prohibited. (Art.22 of the Advertising Law)	<input type="checkbox"/> Prohibited.	None.
<i>Children</i>	<input type="checkbox"/> Restrictions apply: ads should not induce minors to commit bad behaviour or dangerous practices or to cultivate unsound values, and alcohol ads cannot target minors. Ads not suitable for minors may not be broadcast during primary and middle school vacation periods or time slots during which minors are the main audience or on channels or during programmes that target minors. (Art.8 & Art.25 of the NRTA Measures) <input type="checkbox"/> TV channels that target minors are prohibited from publishing any advertisement relating to medical treatment, medicine, nourishment, medical equipment, cosmetics, alcohol, beauty advertising and certain online games. (Art.40 of the Advertising Law) <input type="checkbox"/> Any ad targeting minors under 14 years of age is prohibited from: (i) luring the minors to ask their parents to buy products or services; or (ii) including any unsafe act that might be initiated by the minors. (Art.40 of the Advertising Law) <input type="checkbox"/> The advertiser may not use children under age 10 as spokespersons. (Art.38 of the Advertising Law) <input type="checkbox"/> The duration of ads broadcast during TV programmes for minors shall not exceed 12 minutes per hour. (Art. 18 of Regulation on Programs for Minors)	<input type="checkbox"/> OCC TV programmes that target minors are prohibited from publishing any ad relating to medical treatment, medicine, nourishment, medical equipment, cosmetics, alcohol, beauty advertising and certain online games. <input type="checkbox"/> Any ad targeting minors under 14 years of age is prohibited from: (i) luring the minors to ask their parents to buy products or services; or (ii) including any unsafe act that might be initiated by the minors. <input type="checkbox"/> The advertiser may not use children under age 10 as spokespersons. <input type="checkbox"/> During the broadcast or temporary suspension of OCC TV programs for minors, it is prohibited to insert or display ads. Ads are allowed during the transitional periods between content segments of such programs, but the aggregate duration of ads must not exceed 30 seconds. (Article 18 of Regulation on Programs for Minors)	None.
<i>Women</i>	<input type="checkbox"/> No published regulations/restrictions exist.	<input type="checkbox"/> No published regulations/restrictions exist.	None.

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<i>Property</i>	<input type="checkbox"/> Ads for real estate must be true, and the area of the house must be indicated as a construction area or a floor area for real use, and must not contain a promise of appreciation or investment returns, describe the project location by travel time between the project and a specific landmark, violate price control or contain a misleading promotion of municipal services. (Art.26 of the Advertising Law and the Provisions on the Release of Real Estate Advertisements)	<input type="checkbox"/> Ads for real estate must be true, and the area of the house must be indicated as a construction area or a floor area for real use, and must not contain a promise of appreciation or investment returns, describe the project location indicated by travel time between the project and a specific landmark, violate price control or contain a misleading promotion of municipal services.	None.
COUNTRY-SPECIFIC INFORMATION			
Useful Links	Key Regulations <ul style="list-style-type: none"> <input type="checkbox"/> Standing Committee of the NPC, “Advertising Law of the People’s Republic of China (2021)” (Chinese) <input type="checkbox"/> NRTA, "Administrative Measures for the Broadcasting of Radio and Television Advertisements (2011)" (Chinese) <input type="checkbox"/> SAMR, “Measures for Reviewing Advertisements on Medicine, Medical Devices, Nourishment and Formula Food for Special Medical Purpose” (Chinese) 	Key Regulations <ul style="list-style-type: none"> <input type="checkbox"/> Standing Committee of the NPC, “Advertising Law of the People’s Republic of China (2021)” (Chinese) <input type="checkbox"/> SAMR, "Administrative Measures for Internet Advertising (2023)" (Chinese) <input type="checkbox"/> SAMR, “Measures for Reviewing Advertisements on Medicine, Medical Devices, Nourishment and Formula Food for Special Medical Purpose” (Chinese) 	None.