



2024 AVIA Regulating for Growth – Advertising Matrix for **Japan**

	Pay TV	OCC TV	Foreshadowed changes
<b>GENERAL</b>			
<i>Overview of Regulation</i>	<ul style="list-style-type: none"> <li><input type="checkbox"/> The Broadcast Law imposes restrictions on the broadcasting of advertisements. Advertising itself is regulated through legislation, regulations and self-regulation by industry groups.</li> <li><input type="checkbox"/> In respect of self-regulation, advertising companies and other members of the industry form various associations which have their own general codes or principles of advertising.</li> <li><input type="checkbox"/> In addition, the Japan Commercial Broadcasters Association (<i>Nihon Minkan Housou Renmei</i>) (JBA), a self-regulatory organisation of major commercial broadcasters, has a template of standards for television programmes. This template includes standards concerning the broadcasting of advertisements.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> General laws apply (although the applicability of the Broadcast Law depends on the particular OCC service) but there are no regulations specific to advertising on OCC TV.</li> <li><input type="checkbox"/> The industry association, the Japan Interactive Advertising Association (JIAA), issues guidelines to members (online ad media companies) as a means of self-regulation. The JIAA guidelines include (i) basic principles of ethics for and standards of advertising, (ii) recommended standards for native advertising, and (iii) guidelines for targeted advertising.</li> <li><input type="checkbox"/> Applicable advertising rules are not specifically enforced against offshore OCC services.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> None</li> </ul>
<i>Regulatory Bodies</i>	<ul style="list-style-type: none"> <li><input type="checkbox"/> The main regulators include the Ministry of Internal Affairs and Communications in respect of the Broadcast Law, and the Consumer Affairs Agency and the Fair Trade Committee in respect of the Act against Unjustifiable Premiums and Misleading Representations. Other ministries supervise specific industries.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> The JIAA issues guidelines to members (online ad media companies) as a means of self-regulation.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> None.</li> </ul>

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	<input type="checkbox"/> Advertising industry associations participating in self-regulation include: <ul style="list-style-type: none"> <li>○ the Japan Advertising Federation</li> <li>○ the Japan Advertisers Association</li> <li>○ the Japan Advertising Agencies Association</li> <li>○ the Japan Advertising Review Organisation</li> </ul> <input type="checkbox"/> Industry-led organisations also establish, and monitor compliance with, fair competition standards ( <i>kosei kyousou kiyaku</i> ) established by business operators in various industries regarding representations to promote fair trade in the relevant industry.		
<i>Advertising per hour</i>	<input type="checkbox"/> The JBA's standards require broadcasters to ensure that the volume of advertising per week is 18% or less of the total broadcasting hours. Further, the standard specifies the maximum duration of commercials in particular programmes (prime time, non-prime time, programme of certain duration).	<input type="checkbox"/> No restriction on the volume of advertising.	<input type="checkbox"/> None.
<i>Revenue Restrictions</i>	<input type="checkbox"/> No regulations/restrictions exist.	<input type="checkbox"/> No regulations/restrictions exist.	<input type="checkbox"/> None.
<i>Product Placement</i>	<input type="checkbox"/> Allowed.	<input type="checkbox"/> Allowed.	<input type="checkbox"/> None.
<i>Foreign Commercials</i>	<input type="checkbox"/> Japanese versioning (translation) is not required but the JBA's standards template recommends the use of easily understandable words and letters.	<input type="checkbox"/> Japanese versioning (translation) is not required.	<input type="checkbox"/> None.
<i>Govt Levy</i>	<input type="checkbox"/> No regulations/restrictions exist.	<input type="checkbox"/> No regulations/restrictions exist.	<input type="checkbox"/> None.
<i>PSAs</i>	<input type="checkbox"/> No regulations/restrictions exist.	<input type="checkbox"/> No regulations/restrictions exist.	<input type="checkbox"/> None.
<b>PRODUCT-SPECIFIC</b>			
<i>Alcohol</i>	<input type="checkbox"/> Highly regulated by the Act on Securing of Liquor Tax and on Liquor Business	<input type="checkbox"/> Same as pay TV, other than in respect of the JBA's standards. The relevant legislation applies generally (and therefore does not	<input type="checkbox"/> None.

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	<p>Associations, the Food Labelling Act, and fair competition standards.</p> <ul style="list-style-type: none"> <li>□ The Review Committee on Alcohol Advertising, which consists of alcohol industry organisations, on its own initiative, reviews compliance with the alcohol industry’s self-regulatory rules.</li> <li>□ The JBA’s standards require broadcasters not to show or acknowledge underage drinking.</li> </ul>	<p>distinguish between domestic and offshore OCC services) but see “Overview of Regulation” section regarding enforcement against offshore services.</p>	
<i>Pharmaceutical</i>	<ul style="list-style-type: none"> <li>□ Highly regulated by the Pharmaceuticals and Medical Devices Act (previously, Pharmaceutical Affairs Act) and fair competition standards.</li> <li>□ The JBA’s standards contain various restrictions, including the requirement that broadcasters do not advertise pharmaceutical products if the advertisement is likely to violate relevant laws and not use false or exaggerated statements on the efficacy of drugs, quasi-drugs and medical devices, and provides for other restrictions.</li> </ul>	<ul style="list-style-type: none"> <li>□ Same as pay TV, other than in respect of the JBA’s standards. The relevant legislation applies generally (and therefore does not distinguish between domestic and offshore OCC services) but see “Overview of Regulation” section regarding enforcement against offshore services.</li> </ul>	<ul style="list-style-type: none"> <li>□ The Ministry of Health, Labor and Welfare (MHLW), the key regulator of medical businesses, is active in the areas of (i) exaggerated marketing of authorised medical products (such as advertising touting exaggerated effects) and (ii) any marketing of unauthorised or unapproved medical products. Enforcement against exaggerated marketing is expected to be further strengthened by amendments to the Pharmaceuticals and Medical Devices Act which will impose an administrative monetary penalty starting in August 2021. The Act currently</li> </ul>

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			imposes certain penalties for violations, but the administrative monetary penalty that will be imposed from next year is expected to be more useful in preventing violations since the penalty will be calculated based on the sales of the medical products in question.
<i>Gambling</i>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Although there are no specific rules or regulations regarding the advertising of gambling, gambling is generally prohibited (with certain exceptions) under the laws of Japan, including the Criminal Act of Japan.</li> <li><input type="checkbox"/> The JBA’s standards require broadcasters not to give awards or prizes which excessively stir up the viewers’ gambling spirit.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Same as pay TV, other than in respect of the JBA’s standards.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> None.</li> </ul>
<i>Claims</i>	<ul style="list-style-type: none"> <li><input type="checkbox"/> The Act against Unjustifiable Premiums and Misleading Representations, industry or product specific laws and regulations, and industry self-regulatory guidelines prohibit false or exaggerated claims, particularly in relation to the efficacy of drugs, cosmetics, food and beverages, and other products.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Same as pay TV. The relevant legislation applies generally (and therefore does not distinguish between domestic and offshore OCC services), but see “Overview of Regulation” section regarding enforcement against offshore services.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> None.</li> </ul>
<i>Food &amp; Beverages – general</i>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Highly regulated by fair competition standards, the Food Labelling Act, the Health Promotion Act, the Pharmaceuticals and Medical Devices Act, and the Act on Japanese Agricultural Standards.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Same as pay TV. The relevant legislation applies generally (and therefore does not distinguish between domestic and offshore OCC services), but see “Overview of Regulation” section regarding enforcement against offshore services.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> None.</li> </ul>

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<i>Food &amp; Beverages – sugar levels</i>	<input type="checkbox"/> Highly regulated by fair competition standards, the Food Labelling Act, the Health Promotion Act, and the Act on Japanese Agricultural Standards.	<input type="checkbox"/> Same as pay TV. The relevant legislation applies generally (and therefore does not distinguish between domestic and offshore OCC services), but see “Overview of Regulation” section regarding enforcement against offshore services.	<input type="checkbox"/> None.
<i>Personal hygiene/ Sanitary (including condoms)</i>	<input type="checkbox"/> The Pharmaceuticals and Medical Devices Act prohibits misleading or exaggerated statements on the efficacy of products. However, there are no regulations specific to personal hygiene and sanitary products, and condoms.	<input type="checkbox"/> Same as pay TV. The relevant legislation applies generally (and therefore does not distinguish between domestic and offshore OCC services), but see “Overview of Regulation” section regarding enforcement against offshore services.	<input type="checkbox"/> None.
<i>Tobacco</i>	<input type="checkbox"/> The Tobacco Institute of Japan has issued self-regulatory guidelines on the advertising of tobacco. Under the guidelines, tobacco cannot be advertised on media including TV and the internet; and advertisements and promotions of tobacco targeting minors are prohibited unless it is technically ensured that the viewers and audience members are limited to adults. <input type="checkbox"/> The JBA’s standards require broadcasters not to show or acknowledge underage smoking.	<input type="checkbox"/> Same as pay TV, other than the JBA’s standards.	
<i>Children</i>	<input type="checkbox"/> Self-regulated in line with the JBA’s standards.	<input type="checkbox"/> No regulations/restrictions exist.	<input type="checkbox"/> None.
<i>Women</i>	<input type="checkbox"/> Self-regulated in line with the JBA’s standards.	<input type="checkbox"/> No regulations/restrictions exist.	<input type="checkbox"/> None.
<i>Property</i>	<input type="checkbox"/> Highly regulated by the Building Lots and Buildings Transaction Business Act and fair competition standards. <input type="checkbox"/> The JBA’s standards prohibit broadcasters from inducing viewers to make high-risk investments or using misrepresentations	<input type="checkbox"/> Same as pay TV, other than the JBA’s standards. The relevant legislation applies generally (and therefore does not distinguish between domestic and offshore OCC services), but see “Overview of	<input type="checkbox"/> None.

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	regarding real properties and from allowing advertisements that are in violation of laws.	Regulation” section regarding enforcement against offshore services.	
<b>COUNTRY-SPECIFIC INFORMATION</b>	<input type="checkbox"/> The Act against Unjustifiable Premiums and Misleading Representations encourages business operators to establish fair competition standards ( <i>kosei kyousoou kiyaku</i> ) regarding premiums and representations to promote fair trade in their respective industries. The term “representations” under the Act means advertisements and any other representations (a) which the prime minister may separately identify, (b) which a business operator uses as a means to induce customers to purchase goods or services, (c) with respect to the substance of the goods or services supplied by the business operator, the terms and conditions of trading goods or services, and any other matters regarding the trade. As of 24 June 2020, 65 industries had established their own standards regarding representations. There is a consensus that as long as business operators comply with the standards, they would not be in violation of the Act.	<input type="checkbox"/> Same as pay TV. The relevant legislation applies generally (and therefore does not distinguish between domestic and offshore OCC services), but see “Overview of Regulation” section regarding enforcement against offshore services.	<input type="checkbox"/> None.

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Useful Links	<input type="checkbox"/> <a href="#">Broadcast Law</a> (Japanese/English) <input type="checkbox"/> <a href="#">Act against Unjustifiable Premiums and Misleading Representations</a> (Japanese/English) <input type="checkbox"/> <a href="#">Pharmaceuticals and Medical Devices Act</a> (Japanese/English) <input type="checkbox"/> <a href="#">Consumer Affairs Agency, Food labelling</a> (English) <input type="checkbox"/> <a href="#">Federation of Fair Trade Conferences, Fair Competition Code</a> (Japanese) <input type="checkbox"/> <a href="#">Review Committee on Alcohol Advertising</a> (Japanese) <input type="checkbox"/> <a href="#">Ministry of Agriculture, Forestry and Fisheries, JAS</a> (English) <input type="checkbox"/> <a href="#">Tobacco Institute of Japan</a> (Japanese) <input type="checkbox"/> <a href="#">Japan Commercial Broadcasters Association</a> (English)	<input type="checkbox"/> <a href="#">Guidelines of JIAA</a> (Japanese)	<input type="checkbox"/> None.