



Measures for Penalties against Infringement upon Consumers' Rights and Interests [Revised]

侵害消费者权益行为处罚办法 [已被修订]

【法宝引证码】CLI.4.241260(EN)

Issuing authority: [Instrumentalities of the State Council, All Administrations, State Administration for Industry & Commerce](#)

Document Number: Order No. 73 of the State Administration for Industry and Commerce

Date issued: 01-05-2015

Effective date: 03-15-2015

Level of Authority: [Departmental Rules](#)

Area of Law: [Industrial and Commercial Management](#)

Revised by: [Decision of the State Administration for Market Regulation to Amend Some Rules \(Issued on 10-23-2020 Effective on 10-23-2020\)](#)

Order of the State Administration for Industry and Commerce
(No. 73)

The Measures for Penalties against Infringement upon Consumers' Rights and Interests, as deliberated and adopted at the executive meeting of the State Administration for Industry and Commerce of the People's Republic of China, are hereby issued and shall come into force on March 15, 2015.

Director of the State Administration for Industry and Commerce: Zhang Mao

January 5, 2015

Measures for Penalties against Infringement upon Consumers' Rights and Interests

中华人民共和国国家工商行政管理总局令
(第73号)

《侵害消费者权益行为处罚办法》已经中华人民共和国国家工商行政管理总局局务会审议通过，现予公布，自2015年3月15日起施行。

局长 张茅

2015年1月5日

侵害消费者权益行为处罚办法

Article 1 For purposes of preventing infringement upon consumers' rights and interests, protecting consumers' lawful rights and interests, and maintaining social and economic order, these Measures are hereby developed in accordance with the [Law on the Protection of Consumers' Rights and Interests](#).

第一条 为依法制止侵害消费者权益行为，保护消费者的合法权益，维护社会经济秩序，根据《[消费者权益保护法](#)》等法律法规，制定本办法。

Article 2 Administrative departments for industry and commerce shall, in accordance with the provisions of the [Law on the Protection of Consumers' Rights and Interests](#), and other laws and regulations, and these Measures, protect consumers' rights and interests of purchasing or using goods or accepting services for living consumption needs, and impose administrative penalties against business operators' infringement upon consumers' rights and interests.

第二条 工商行政管理部门依照《[消费者权益保护法](#)》等法律法规和本办法的规定，保护消费者为生活消费需要购买、使用商品或者接受服务的权益，对经营者侵害消费者权益的行为实施行政处罚。

Article 3 Administrative departments for industry and commerce shall impose administrative penalties against those who infringe upon consumers' rights and interests according to the law, and shall, under the principles of justice, openness, and timeliness, adhere to combination of punishment with education, offer administrative guidance by comprehensively utilizing suggestions, interviews, demonstrations, and other ways, and urge and offer guidance to business operators so that they fulfill their legal obligations.

第三条 工商行政管理部门依法对侵害消费者权益行为实施行政处罚，应当依照公正、公开、及时的原则，坚持处罚与教育相结合，综合运用建议、约谈、示范等方式实施行政指导，督促和指导经营者履行法定义务。

Article 4 In provision of goods or services to consumers, business operators shall adhere to the principles of free will, equality, fairness, and good faith, and fulfill their obligations in accordance with the provisions of the [Law on the Protection of Consumers' Rights and Interests](#), and other laws and regulations, and the agreements reached with consumers, and shall not infringe upon lawful rights and interests of consumers.

第四条 经营者为消费者提供商品或者服务，应当遵循自愿、平等、公平、诚实信用的原则，依照《[消费者权益保护法](#)》等法律法规的规定和与消费者的约定履行义务，不得侵害消费者合法权益。

Article 5 In providing goods or services, a business operator shall not commit any of the following acts:

第五条 经营者提供商品或者服务不得有下列行为：

- (1) It sells or provides goods or services that do not meet the requirements on protection of personal and property safety.
- (2) It sells deteriorated goods or goods whose shelf life has expired.
- (3) It sells goods with forged origins, goods using forged or using under false pretences factory names and addresses of others, and tampered date of production.
- (4) It sells goods using forged or using under false pretences certification marks and other quality marks.
- (5) It sells or provides goods or services that infringe upon others' exclusive right to use registered trade marks.
- (6) It sells goods using forged or using under false pretences specific name, packaging or decoration of famous goods.
- (7) It adulterates goods, passes fake goods off as genuine ones, passes inferior goods off as superior ones, or passes unqualified goods off as qualified ones.
- (8) It sells goods which the state expressly orders to eliminate and stop selling.
- (9) It provides goods or services in which unqualified measuring instruments are deliberately used or for which the accuracy of measuring instrument is damaged.
- (10) It obtains prices or charges by cheating consumers without providing goods or services or failing to provide goods or services as agreed.

Article 6 A business operator shall provide true, complete, and accurate information on relevant goods or services to consumers, and shall not commit any of the following false or misleading publicity acts:

- (1) It fails to provide goods or services in their real name and marks.
- (2) It sells goods or services with false or misleading trade descriptions, product standards, and physical samples, among others.
- (3) It delivers false or misleading on-site description and presentation.
- (4) It makes deceptive inducements to promote sales by using fictitious transactions, virtually marking the trading volume, making fake reviews, employing others, or other ways.
- (5) It sells goods or services by using false "clearance price," "markdown sale," "minimum price," "preferential price," or other deceptive price indications.
- (6) It sells goods or services through "premium sale," "sale with repayment of principal," "experience sale," and other methods.
- (7) It sells "clearance goods," "defective goods," "substandard goods," and other goods by lying that they are quality goods.
- (8) It misleads consumers by exaggerating or concealing the quantity, quality, and performance of the goods or services provided, and other information that is vital to consumers' interests.
- (9) It misleads consumers by other false or misleading publicity means.
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- (一) 销售的商品或者提供的服务不符合保障人身、财产安全要求;
- (二) 销售失效、变质的商品;
- (三) 销售伪造产地、伪造或者冒用他人的厂名、厂址、篡改生产日期的商品;
- (四) 销售伪造或者冒用认证标志等质量标志的商品;
- (五) 销售的商品或者提供的服务侵犯他人注册商标专用权;
- (六) 销售伪造或者冒用知名商品特有的名称、包装、装潢的商品;
- (七) 在销售的商品中掺杂、掺假, 以假充真, 以次充好, 以不合格商品冒充合格商品;
- (八) 销售国家明令淘汰并停止销售的商品;
- (九) 提供商品或者服务中故意使用不合格的计量器具或者破坏计量器具准确度;
- (十) 骗取消费者价款或者费用而不提供或者不按照约定提供商品或者服务。

第六条 经营者向消费者提供有关商品或者服务的信息应当真实、全面、准确, 不得有下列虚假或者引人误解的宣传行为:

- (一) 不以真实名称和标记提供商品或者服务;
- (二) 以虚假或者引人误解的商品说明、商品标准、实物样品等方式销售商品或者服务;
- (三) 作虚假或者引人误解的现场说明和演示;
- (四) 采用虚构交易、虚标成交量、虚假评论或者雇佣他人等方式进行欺骗性销售诱导;
- (五) 以虚假的"清仓价"、"甩卖价"、"最低价"、"优惠价"或者其他欺骗性价格表示销售商品或者服务;
- (六) 以虚假的"有奖销售"、"还本销售"、"体验销售"等方式销售商品或者服务;
- (七) 谎称正品销售"处理品"、"残次品"、"等外品"等商品;
- (八) 夸大或隐瞒所提供的商品或者服务的数量、质量、性能等与消费者有重大利害关系的信息误导消费者;
- (九) 以其他虚假或者引人误解的宣传方式误导消费者。
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