

Sports Law & Sports Business (Part 3)

Sports Advertising and Marketing (1)

In this column, we provide an overview of how sports advertising and marketing are regulated in Japan.

1. Alcohol advertisements

As is well-known, persons under the age of 20 are prohibited from drinking alcohol in Japan (Article 1 of the Act on Prohibition of Alcohol Consumption by Persons Under 20). There are also laws which aim to prevent the harmful health effects of alcohol, such as the Basic Act on Measures against Alcohol-related Harm to Health. These laws require the producers and distributors of alcohol products to implement measures to prevent alcohol consumption by persons under the age of 20 and the occurrence, progress and recurrence of alcohol-related harm to health. Driving under the influence of alcohol is also subject to strict penalties under the Road Traffic Act.

In light of these statutory regulations, and as part of its efforts to promote corporate social responsibility (CSR) and industry compliance, the Liaison Council on Alcohol Consumption (*Inshu ni Kansuru Renraku Kyogikai*), a major alcoholic beverage industry organization, has established voluntary standards for the advertising and promotion of alcoholic beverages and the labeling of alcoholic beverage containers.¹ These standards apply only to alcoholic beverage businesses that are members of the Council and do not carry penalties for non-compliance. Nevertheless, alcoholic beverage businesses which conduct sports-related advertising or promotional activities, and sports organizations which accept advertising or promotional support from alcoholic beverage businesses, should take these standards into consideration and ensure that such advertising and promotional activities are conducted appropriately.

The key provisions of these standards are as follows.

- Restrictions on advertising media and time: Airing alcohol advertisements on television is generally prohibited between 5:00 a.m. and 6:00 p.m., excluding corporate advertising, advertisements promoting responsible drinking and other advertisements intended to raise awareness of matters related to public welfare. Alcohol advertisements are also prohibited from television programs, radio programs, newspapers, magazines, online media, and flyers aimed at persons under the age of 20, and spot advertising immediately before or after such programming is to be avoided. When sponsoring a television or radio program, consideration should be given so that advertising is limited to programs where at least 70% of the audience is aged 20 or older.
- Restrictions on placement: With respect to outdoor advertising, it is prohibited to place large replaceable billboards within 100m of any elementary, junior high or senior high school.
- Restrictions on use of models and characters: Using persons under the age of 25 as models or expressions which make the model appear under the age of 25 in television advertisements is prohibited. Casting minors, or characters or celebrities who appeal to minors, as models in alcohol advertising is prohibited. For example, sports association mascots are generally intended to expand

¹ <https://www.rcaa.jp/standard/pdf/jishukijun.pdf>

the fan base and may fall under "character which appeals to minors" as provided in these standards. As such, it is preferable to avoid using such mascots in alcohol advertising.

- Restrictions on expressions related to sports: Using expressions related to excessive drinking, binge drinking, or coercive drinking is naturally prohibited. In relation to sports marketing, it is worthy of note that expressions which recommend or encourage alcohol consumption when doing sports or bathing are prohibited. In this context, "when doing sports" includes consumption before, during and after sports. In addition, television advertisements may not use sound effects such as "gulping" sounds of drinking alcohol, or show close-up shots of the throat when depicting someone drinking alcohol (care must be taken to show the person from the shoulders up).
- Warning label: A warning must be displayed, stating that alcohol consumption by minors is prohibited, that there are risks associated with alcohol consumption during pregnancy, and that driving under the influence of alcohol is prohibited. The duration of displaying the warning is stipulated in detail based on the length of the television advertisement (e.g. at least 1.5 seconds for an advertisement up to 15 seconds long), and the font size (in points) for newspaper, poster and other static media is likewise strictly stipulated based on advertisement size.

2. Tobacco advertisements

It is likewise well-known that persons under the age of 20 are prohibited from smoking tobacco in Japan (Article 1 of the Act on Prohibition of Smoking by Persons Under 20). Under the Tobacco Business Act, the advertisers of manufactured tobacco products are required to endeavor to prevent smoking by minors, take into consideration the relationship between smoking and health, and ensure that their advertising is not excessive (Article 40, paragraph (1) of the Act).

Based on these, the Ministry of Finance has issued guidelines² for advertising manufactured tobacco products, and the Tobacco Institute of Japan has established more detailed voluntary standards.³⁴⁵⁶ These rules apply not only to traditional paper-wrapped tobacco, but also to the heated tobacco products and related non-tobacco devices, which have become increasingly widespread in recent years. These standards apply to tobacco manufacturers who advertise tobacco products and do not carry penalties for non-compliance. Nevertheless, from a CSR perspective, tobacco businesses which conduct sports-related advertising or promotional activities, and sports organizations which accept advertising or promotional support from tobacco businesses, should take these standards into consideration and ensure that such advertising and promotional activities are conducted appropriately.

The key provisions of these standards are as follows.

- Strict restrictions on sponsorships: When supporting or sponsoring a sports event or team, all participants and individuals involved in event operation must be aged 20 or older, and at least 75% of the audience must be aged 20 or older. Sponsoring any event intended for broadcasting (including over the internet, except where technology allows limiting viewership to those who are aged 20 or older) is prohibited. With respect to sponsoring a sport, it is also a requirement that it is a sport where "competitive success does not require strong physical fitness."
- Restrictions on advertising media and placement: Product advertising is completely prohibited on television and radio programs, in movies, on recording media such as CDs and DVDs, and on the exteriors of vehicles used for transportation, such as trains, buses, and taxis. In newspapers, in addition to the front page and other sections, product advertisements are explicitly prohibited from appearing on the sports page. Product advertisements in magazines and other publications are also limited to

² https://www.mof.go.jp/policy/tab_salt/tobacco/koukoku20220401.pdf

³ Tobacco Institute of Japan: Voluntary Standards on Advertisements, Sales Promotion and Packaging of Manufactured Tobacco Products: <https://www.tioj.or.jp/activity/pdf/230401-self-standards-01.pdf>

⁴ Tobacco Institute of Japan: Voluntary Standards on Advertisements, Sales Promotion and Packaging of the Manufactured Tobacco Parts of Heated Tobacco Products: <https://www.tioj.or.jp/activity/pdf/260401-self-standards-02.pdf>

⁵ Tobacco Institute of Japan: Voluntary Standards on Advertisements and Sales Promotion of Non-Tobacco Parts of Heated Tobacco Products: <https://www.tioj.or.jp/activity/pdf/230401-self-standards-03.pdf>

⁶ Tobacco Institute of Japan: Voluntary Standards on Corporate Activities and Television Advertisements Promoting Smoking Etiquette: <https://www.tioj.or.jp/activity/pdf/230401-self-standards-04.pdf>

media where at least 90% of the readership is aged 20 or older. The placement of posters, signs, and the like is limited to tobacco retail locations and smoking areas. There are also strict limits on size (up to two square meters per advertisement, etc.), and in case of smoking areas, placement should be such that the advertisement is not directly and easily visible from the outside.

- Corporate and responsible-smoking advertisements on television: While, as stated above, broadcasting of product advertisements on television is prohibited, advertisements of corporate activities that do not evoke any specific product brand, advertisements promoting responsible smoking, and advertisements aimed at preventing smoking by those under 20 years of age are allowed. However, even those advertisements cannot be broadcast during programming slots which clearly target persons under the age of 20, and depictions that promote smoking, such as scenes showing a tobacco held in the mouth or the act of exhaling smoke (including vapor), are prohibited.
- Restrictions on models and expressions: Similarly to alcohol, using persons under the age of 25 or depictions of persons who appear under the age of 25 in product advertisements is prohibited. In addition, the use of celebrities (those with a popularity rating of 50% or higher), characters who are primarily popular among people under the age of 20, and public figures⁷ is prohibited. In terms of expressions, it is clearly stipulated that "smoking should not be portrayed as contributing to success in sports or professional life, or as enhancing popularity or sexual appeal." Advertisers should also provide accurate information regarding the relationship between smoking and health.
- Age verification for online advertisements: Online product advertisements should only be displayed upon verifying that the person attempting to view the page displaying the product advertisement is at least 20 years of age. For example, such verification could be achieved by first verifying the user's age using official identification documents, a TASPO card, or similar means, then issuing a unique identifier, such as a combination of a user ID or customer number and a password, to identify the user requesting access, and only displaying the product advertisements after that identifier has been entered.

3. Gambling and betting advertisements

Under the Japanese Penal Code, gambling and running a place for gambling is prohibited (Articles 185 and 186 of the Penal Code).

However, as an exception, government-sanctioned wagering competitions such as horse racing, bicycle racing, boat racing and "auto race" motorcycle racing and sports promotion lotteries (WINNER, toto, and BIG) are legal under special legislation.

Other than these exceptions, it is illegal to engage in gambling or to provide a gambling platform. It is important to note that even online gambling operated legally overseas is illegal when accessed from within Japan.

As such, with regard to advertising or promoting a service which may fall under illegal gambling, the provider of such illegal gambling (the advertiser) may be charged with the offense of running a gambling place for the purpose of profit (Article 186, paragraph (2) of the Penal Code), and the media in which such advertisement was posted may be charged with inducing or aiding the commission of the said offense or the offense of gambling.

Japanese sports associations and athletes must also take care not to become involved in illegal gambling advertising or promotion in connection with sponsorships.

⁷ Whether or not a given individual is a public figure is determined based on third-party data regarding recognition and other factors.

(1) Strict rules for advertising and promotion guidelines for government-sanctioned wagering

Strict advertising rules apply even to legal government-sanctioned wagering. The Self-Regulatory Guidelines of the National Association of Government-Sanctioned Competition Organizers⁸ sets forth detailed provisions regarding the requirements that government-sanctioned wagering competition organizers and businesses entrusted with operations or projects related to the conduct of such competitions should comply with, with the aim of preventing gambling addiction and other forms of addiction. These guidelines include the following provisions.

- Prohibition of expressions that excessively encourage gambling impulses: Advertisements may not use expressions that evoke the prospect of large payouts or financial gain, imply that obtaining a payout is exceptionally easy, or place excessive emphasis on whether a betting ticket wins or loses.
- Protection of persons under the age of 20: Advertisements using models who are under the age of 20, and advertisements and promotion in television and radio programs, magazines and other media aimed at children are prohibited. All advertising media are required to clearly display warnings such as "You must be 20 years of age or older to purchase [XX] betting tickets."
- Restrictions on awarding points: Because awarding points based on the purchase of betting tickets or similar transactions is regarded as equivalent to providing funds for such purchases, restrictions apply, including, in principle, a cap of 1% of the amount spent on betting tickets.

(2) Amendment of the Basic Act on Measures Against Gambling Addiction

The 2025 amendment of the Basic Act on Measures Against Gambling Addiction clearly prohibits the online dissemination of information that directs users to illegal online gambling to unspecified persons in Japan (Article 9-2). In connection with the amendment, guidelines on responding to illegal information online⁹ were also revised.¹⁰ Specifically, dissemination of such information will be deemed to have occurred if the requirements of both (1) and (2) below are satisfied.

- i. The information is found to direct users to illegal online gambling.

Specifically, this means cases where either:

- ✓ a URL to an illegal gambling site or an app download is provided; or
- ✓ expressions which encourage use or indicate availability (e.g. "let's bet", "let's play", "register here", "free bonus, no deposit", "newest online casino", etc.) are used in conjunction with the name of a site.

Even if a statement such as "online casinos are illegal, and this posting does not recommend their use" is included, information can be found to direct users to illegal online gambling based on the preceding and subsequent content and related information (such as account name), in which case the Act will apply.

- ii. The information directing users is found to be disseminated to unspecified users in Japan:

If (a) the site is accessible by unspecified users, and (b) the content is in Japanese, or even if not in Japanese, is understandable to unspecified persons in Japan, then the information is found to be targeted at persons in Japan and this requirement is satisfied.

Under the above guidelines, if the controller of an electronic messaging board or a social media operator/provider detects illegal information (such as information directing users to online gambling), or if a request is received from the police or a similar agency, and the

⁸ National Association of Government-Sanctioned Competition Organizers (*Zenkoku Koekikyogi Shikosha Renraku Kyogikai*): Advertising and Promotion Guidelines for Government-Sanctioned Wagering Competitions: <https://www.koeikyogi.jp/addiction/pdf/pr-guideline.pdf>

⁹ Telecommunication Carriers Association et al.: Guidelines on Responding to Illegal Information Online: <https://telesa.or.jp/vc-files/consortium/20250925guideline.pdf>

¹⁰ For the background to the amendment, see Information Distribution Promotion Division, Ministry of Internal Affairs and Communications: Revision of Guidelines on Illegal Information based on Amendment of Act on Illegal Online Gambling, Etc.: https://www.soumu.go.jp/main_content/001029943.pdf

information in question is found to be illegal, platform operators are required to promptly delete such information and take measures to prevent its transmission.¹¹

4. Summary

As discussed above, sports advertising and marketing in Japan is regulated not only by laws but also by various guidelines. While the regulations stipulated in guidelines do not carry penalties, violating them may have negative results, such as reputation damage.

While businesses are generally well-versed in advertising regulations regarding alcohol, tobacco, and similar products, and the likelihood of issues arising is considered low, it is advisable to exercise greater caution when considering betting-related advertisements and promotions.

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Authors

Kenta Nobe

Partner
Dai-Ichi Tokyo Bar Association
E: kenta.nobe@aplaw.jp

Riku Osanai

Associate
Dai-Ichi Tokyo Bar Association
E: riku.osanai@aplaw.jp

Contact

E-mail: cpg_sports_entertainment@aplaw.jp

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¹¹ Telecommunication Carriers Association et al.: Guidelines on Responding to Illegal Information Online, p. 46:
<https://www.telesa.or.jp/vc-files/consortium/20250425guideline.pdf>

Atsumi & Sakaiwww.aplawjapan.com/en/**Tokyo Head Office**

Fukoku Seimei Bldg. (Reception: 16F)
2-2-2 Uchisaiwaicho, Chiyoda-ku,
Tokyo 100-0011 Japan

**Osaka Affiliate Office**

Nakanoshima Festival Tower 16F,
2-3-18 Nakanoshima, Kita-ku,
Osaka City, Osaka 530-0005
Japan

Fukuoka Affiliate Office

Tenjin Bldg. 10F
2-12-1 Tenjin, Chuo-ku,
Fukuoka-shi, Fukuoka 810-0001
Japan

**New York Affiliate Office**

1120 Avenue of the Americas, 4th
Floor, New York, New York 10036

**London Office**

85 Gresham Street, London EC2V
7NQ, United Kingdom

**Frankfurt Affiliate Office**

Barckhausstraße 1 (8th Floor),
60325 Frankfurt am Main,
Germany

**Brussels Office**

CBR Building
Chaussée de la Hulpe 185, 1170,
Brussels, Belgium

**Ho Chi Minh Office**

10F, The NEXUS building
3A-3B Ton Duc Thang Street,
Sai Gon Ward, Ho Chi Minh City,
Vietnam

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