

Protecting Minors from Blind Boxes: Procuratorial Public Interest Litigation as a Supplementary Regulatory Mechanism in China

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INTRODUCTION

Blind boxes are physical gambling-like products sold at retail in which consumers pay to receive a randomly selected prize (Xiao 2022). Nowadays, blind boxes are widely accessible to children in shops surrounding school campuses across China. Despite the existing age-based restrictions on minors' purchases, the broader social harms that blind boxes may cause to children's wellbeing have remained systematically underaddressed by authorities.

This paper argues that China's procuratorial organs serve as a supplementary regulatory mechanism. As constitutionally mandated legal supervisors, they fill the structural gaps in existing blind-box regulation to protect children. The analysis is based on nine cases published by the Supreme People's Procuratorate and provincial procuratorates from 2022 to 2026. These cases were officially designated as typical or guiding examples regarding blind-box sales and the protection of minors. Using a doctrinal legal framework, the paper explores how procuratorial organs convert their legal oversight function into concrete regulatory measures through administrative public interest litigation (APIL). This conversion compensates for the structural weaknesses of the current administrative regulatory regime for blind boxes in the protection of children's interests.

In practice, the APIL pathway encounters two major obstacles when applied to this issue. First, the harm to minors is predominantly psychological. It includes the gradual formation of gambling attitudes, impulsive spending, and competitive consumption habits. Existing regulations do not clearly define whether such psychological effects meet the legal threshold of harm to public interests. Second, supervisory responsibilities are scattered among multiple authorities. Market supervision, education, and public security departments each assume partial roles, but no statute allocates primary responsibility. This fragmentation renders it difficult to identify which authority has failed to act.

To navigate these obstacles, procuratorial organs have developed two practical strategies that transform their supervisory authority into effective regulatory action. The first strategy addresses the ambiguity of public interest harm. Procuratorial organs adopt a preventive interpretation of legal interest impairment (Zhao and Mo

2024). They treat blind-box sales as posing a prospective risk to minors' psychological development and gambling-related attitudes. This prospective risk alone is sufficient to satisfy the harm threshold, dispensing with proof of actual damage. To consolidate this substantive position procedurally, they convene public hearings. These hearings assemble educators, parents, legal experts, and administrative representatives, forging a consensus that reinforces the finding of harm even in the absence of explicit statutory standards.

The second strategy resolves the difficulty of determining administrative non-performance. Procuratorial organs combine legal deterrence with institutional collaboration (Wang 2026). Pre-litigation procuratorial recommendations create a credible threat of judicial review. This nudge prompts administrative rectification without litigation in most cases (Qi and Yu 2025). Concurrently, joint institution-building with market supervision and education authorities establishes regional regulatory standards and long-term governance mechanisms for blind-box sales in school settings. This collaborative approach clarifies dispersed responsibilities without triggering inter-agency conflict, securing durable compliance at lower institutional cost.

The paper further examines whether public interest litigation can extend regulatory coverage to gambling-like physical products. The preventive conception of harm is justifiable because protecting minors from gambling-like exposure is urgent. Still, this conception would benefit from further empirical validation. Existing research on the psychological effects of blind boxes on minors remains limited (Zhai et al. 2026). This evidentiary gap does not undermine the precautionary logic behind procuratorial intervention. The paper also notes that procuratorial collaboration may blur the boundary between legal supervision and administrative governance. With these caveats, the Chinese experience offers a comparative reference. It is useful for jurisdictions confronting similar regulatory inaction toward such products.

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BIO

Jingru Peng is a PhD candidate at Sun Yat-sen University School of Law, focusing on administrative law, procuratorial public interest litigation, and collaborative governance in the Guangdong-Hong Kong-Macao Greater Bay Area. She previously visited City University of Hong Kong as an exchange student. Her current research examines how Chinese procuratorial organs regulate gambling-like products (e.g., blind boxes) through administrative litigation to protect minors.

CONFLICTS OF INTEREST

The author declares no conflicts of interest.