

SEC. 3. **In effect.** That this act shall take effect from and after its passage: Provided, however, that no penalty of fine, imprisonment or confiscation shall be enforced for any violation of its provisions prior to Sept. 3rd, 1914.

Approved April 10 A. D. 1913.

CHAPTER 308.

DESECRATION OF THE STATE OR UNITED STATES FLAG.

H. F. 323.

AN ACT to repeal section five thousand twenty-eight-a (5028-a) of the supplement to the code, 1907, and to enact a substitute therefor, relative to the prevention and punishment of the desecration, mutilation or improper use of the flag of the United States of America and the flag of the state of Iowa.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Repeal—desecration defined. That section five thousand twenty-eight-a (5028-a) of the supplement to the code, 1907, be and the same is hereby repealed, and the following enacted in lieu thereof:—

Any person who in any manner, for exhibition, or display, shall place or cause to be placed, any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color or ensign of the United States or state flag of this state, or ensign, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature, or who shall expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose, any article, or substance, being an article of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached or otherwise placed, a representation of any such flag, standard, color or ensign, to advertise, call attention to, decorate, mark, or distinguish, the article, or substance, on which so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, color or ensign, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than thirty days; and shall also forfeit a penalty of fifty dollars for each such offense, to be recovered with costs in a civil action, or suit, in any court having jurisdiction, and such action or suit may be brought by and in the name of any citizen of this state, and such penalty when collected, less the reasonable cost and expense of action or suit and recovery, to be certified by the clerk of the district court of the county in which the offense is committed, shall be paid into the county treasury for the benefit of the school fund, and two or more penalties may be sued for and recovered in the same action or suit. The words, "flag, standard, color or ensign," as used in this section, shall include any flag, standard, color, ensign, or any picture or representation of either thereof, made of any substance or represented on any sub-

stance, and of any size, evidently purporting to be, either of, said flag, standard, color or ensign, of the United States of America, or a picture or a representation, of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

The possession after this act takes effect, by any person other than a public officer, as such, of any such flag, standard, color or ensign, on which shall be anything made unlawful by this section, or of any article or substance or thing on which shall be anything made unlawful by this section, shall be presumptive evidence that the same is in violation of this section, and was made, done or created after this act takes effect, and that such flag, standard, color, ensign or article, substance, or thing, did not exist when this act takes effect.

SEC. 2. **In effect.** This act shall be in full force and effect on and after January 1st, 1914.

Approved April 14 A. D. 1913.

CHAPTER 309.

FRAUDULENT ADVERTISING.

H. F. 493.

AN ACT to prohibit fraudulent advertising, and providing a penalty therefor. [Additional to chapter thirteen (13) of title twenty-four (XXIV) of the code relating to cheating by false pretenses, gross frauds and conspiracy.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Fraudulent advertising defined—penalty.** Whoever, with intent to sell, or in anywise dispose of merchandise, securities, service, or anything offered by him, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, causes, with intent to defraud directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, hand-bill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue or deceptive, shall be guilty of a misdemeanor. Provided, however, that nothing herein contained shall be construed to place liability hereunder on any owner, publisher, agent or employe of a newspaper or other publication for the publication of such advertisement published in good faith.

Approved April 18 A. D. 1913.