

## **LIBEL AND SLANDER**

### **659.1 Pleading.**

In an action for slander or libel, it shall not be necessary to state any extrinsic facts for the purpose of showing the application to the plaintiff of any defamatory matter out of which the cause of action arose, or that the matter was used in a defamatory sense; but it shall be sufficient to state the defamatory sense in which such matter was used, and that the same was spoken or published concerning the plaintiff.

[R60, § 2928; C73, § 2681; C97, § 3592; C24, 27, 31, 35, 39, § **12412**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 659.1]

### **659.2 Libel retraction actual damages.**

In any action for damages for the publication of a libel in a newspaper, free newspaper or shopping guide, or for defamatory statements made on a radio or television station, if the defendant can show that such libelous matter was published or broadcast through misinformation or mistake, the plaintiff shall recover no more than actual damages, unless a retraction be demanded and refused as hereinafter provided. Plaintiff shall serve upon the publisher at the principal place of publication or upon the owner of a radio or television station at the owner's principal place of business a notice specifying the statements claimed to be libelous, and requesting that the same be withdrawn.

[SS15, § 3592-a; C24, 27, 31, 35, 39, § **12413**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 659.2]

### **659.3 Retraction actual, special, and exemplary damages.**

If a retraction or correction thereof be not published in as conspicuous a place and type in said newspaper, free newspaper or shopping guide, as were the statements complained of, in a regular issue thereof published within two weeks after such service, or in case of a defamatory statement on a radio or television station if a retraction or correction thereof be not broadcast at a time considered as favorable as that of the defamatory statement within two weeks after such service, plaintiff may allege such notice, demand, and failure to retract in the complaint and may recover both actual, special, and exemplary damages if the plaintiff's cause of action be maintained. If such retraction be so published or broadcast, the plaintiff may still recover such actual, special, and exemplary damages, unless the defendant shall show that the libelous publication or defamatory statement was made in good faith, without malice, and under a mistake as to the facts.

[SS15, § 3592-a; C24, 27, 31, 35, 39, § **12414**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 659.3]

### **659.4 Candidate retraction time imputing sexual misconduct.**

If the plaintiff was a candidate for office at the time of the libelous publication, no retraction shall be available unless published in a conspicuous place on the editorial page, nor if the libel was published within two weeks next before the election. This section and sections 659.2 and 659.3 do not apply to libel imputing sexual misconduct to any persons.

[SS15, § 3592-a; C24, 27, 31, 35, 39, § **12415**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 659.4]

85 Acts, ch 99, §11

### **659.5 Defamatory statement by radio.**

The owner, lessee, licensee, or operator of a radio broadcasting station, and the agents or employees of any

such owner, lessee, licensee, or operator, shall not be liable for any damages for any defamatory statement published or uttered in or as a part of a radio broadcast, by one other than such owner, lessee, licensee, or operator, or agent or employee thereof, if such owner, lessee, licensee, operator, agent, or employee shall prove the exercise of due care to prevent the publication or utterance of such statement in such broadcasts.

[C39, § **12415.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 659.5]

#### **659.6 Proof of malice.**

In actions for slander or libel, an unproved allegation of the truth of the matter charged shall not be deemed proof of malice, unless the jury on the whole case finds that such defense was made with malicious intent.

[R60, § 2929; C73, § 2682; C97, § 3593; C24, 27, 31, 35, 39, § **12416**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 659.6]