

**126.5 Penalties — guaranty — false advertising liability.**

1. A person who violates a provision of [this chapter](#), other than a violation of [section 126.3, subsection 23](#), is guilty of a serious misdemeanor; but if the violation is committed after a conviction of the person under [this section](#) has become final, the person is guilty of an aggravated misdemeanor.

2. A person is not subject to the penalties of [subsection 1](#) if the person establishes a guaranty or undertaking signed by, and containing the name and address of another person residing in this state from whom the person received the article in good faith, to the effect that the article is not adulterated or misbranded.

3. A publisher, radio-broadcast licensee, or agency or medium which disseminates false advertising, except the manufacturer, packer, distributor, or seller of the article to which false advertising relates, is not liable under [this section](#) for the dissemination of the false advertising, unless the person knew or believed that the advertising was deceptive, false, or misleading or the person has refused upon the request of the board to furnish the board the name and address, if known, of the manufacturer, packer, distributor, seller, or advertising agency which caused the person to disseminate the advertisement.

4. A person who violates [section 126.3, subsection 23](#), commits an aggravated misdemeanor.

5. A violation of [this chapter](#) is a violation of [section 714.16, subsection 2](#), paragraph “a”.

[89 Acts, ch 197, §5](#)

[CS89, §203B.5](#)

[90 Acts, ch 1078, §3, 4; 92 Acts, ch 1062, §2](#)

[C93, §126.5](#)

Referred to in [§126.3](#)

Sale of adulterated or misbranded drugs through use of electronic mail or the internet, see also [§716A.3\(2\)](#)