CPG Sec. 100.800 Guaranties Over Printed Signatures

BACKGROUND:

There has been no court decision on the question of whether a guaranty must be manually signed by the guarantor in order to afford the protection of Section 303(c)(2) and/or subject the provider of the guaranty to the provisions of Section 301(h).

Many firms use facsimile signature or printed firm names on business documents bearing guaranties. These names may appear either beneath the guaranty or somewhere else on the document.

Section 201(e) of the FD&C Act defines "person" to include individual, partnership, corporation and association. These entities act through agents who are authorized to and routinely do affix the signature or print the name of an officer or company to official business records and specify the statements which appear on these records.

POLICY:

We will regard guaranties on documents which contain a facsimile signature or printed signature or company name to constitute guaranties within the meaning of Section 303(c)(2) and will regard such guaranties which are false to be in violation of Section 301(h) of the Act.

Issued: 04/9/79
Revised: 10/1/80, 8/31/89

More in Compliance Policy Guides (/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/default.htm)

Foreword: Compliance Policy Guides (CPGs) (/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/ucm116271.htm)

Chapter 1 - General (/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/ucm116280.htm)

Chapter 2 - Biologics (/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/ucm116336.htm)

**Chapter 3 - Devices
(/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/ucm116801.htm)**

**Chapter 4 - Human Drugs
(/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/ucm119572.htm)**

**Chapter 5 - Food, Colors, and Cosmetics
(/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/ucm119194.htm)**

**Chapter 6 - Veterinary Medicine
(/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/ucm117042.htm)**