

## Article - Health - General

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§21–209.

(a) In addition to any other ground that may be applicable under § 21–207 or § 21–208 of this subtitle, a confectionary food product is adulterated if:

(1) It contains any nonnutritive object, except as permitted by the rules and regulations adopted under subsection (b)(1) of this section;

(2) It contains any nonnutritive substance other than a safe substance:

(i) That is in or on the confectionery because of some practical functional purpose in the manufacture, packaging, or storing of the confectionery; and

(ii) The use of which does not promote deception of the consumer or otherwise result in any adulteration or misbranding in violation of this subtitle; or

(3) It contains any alcohol:

(i) In excess of 5 percent by volume; or

(ii) Derived from anything but flavoring extracts.

(b) (1) If, in the judgment of the Secretary, a nonnutritive object is of practical, functional value to a confectionary food product and its use is not injurious or hazardous to health, the Secretary may adopt a rule or regulation that permits an exception to subsection (a)(1) of this section, regarding nonnutritive objects.

(2) To avoid or resolve uncertainty, the Secretary may by rule or regulation:

(i) Interpret subsection (a)(2) of this section as that subsection applies to use of a particular nonnutritive substance; and

(ii) Allow or prohibit the use of the particular nonnutritive substance.

(c) A confectionery that is manufactured or sold that contains between one-half of one percent and 5 percent of alcohol per volume:

(1) May not be sold to individuals under 21 years of age;

(2) Shall state on the label that the sale of the product to individuals under 21 years of age is prohibited; and

(3) Shall state on the label that the product contains alcohol up to 5 percent

per volume.

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