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§21–230.

(a) In Part IV of this subtitle, "hair dye" does not mean eyelash dye or eyebrow dye.

(b) For purposes of this subtitle, a cosmetic is considered adulterated if:

(1) Except as provided for coal tar hair dye in subsection (c) of this section, it contains any poisonous or otherwise deleterious substance that, in the quantity present, reasonably would be expected to make it injurious to a user under the conditions of use:

(i) That are instructed, recommended, or suggested in the labeling or advertisement of the cosmetic; or

(ii) That are customary or usual for the cosmetic;

(2) It contains a filthy, putrid, or decomposed substance;

(3) It was produced, prepared, packed, or held under unsanitary conditions that reasonably would be expected to have:

(i) Contaminated it with filth; or

(ii) Caused it to be injurious to health;

(4) Any part of its container is composed of any poisonous or otherwise deleterious substance that reasonably would be expected to have caused the cosmetic to be injurious to health; or

(5) It is not a hair dye and it is or it contains a color additive the particular use of which has not been found safe as provided under § 21-239 of this subtitle.

(c) A coal tar hair dye is not considered adulterated under subsection (b)(1) of this section if it:

(1) Has on its label a conspicuously displayed warning that states: "Caution -- This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."; and

(2) Has on its labeling adequate directions for the preliminary testing that is referenced on the label.

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