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§21–231.

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

(1) Its labeling or packaging is false or misleading in any way;

(2) It is in package form and it does not bear a label that contains the name and place of business of the manufacturer, packer, or distributor;

(3) Any word, statement, or other information required under this subtitle to appear on its labeling is not:

(i) Placed prominently on the labeling so that it is conspicuous, as compared with other words, statements, designs, or symbols, on the labeling; and

(ii) Expressed in terms likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or

(4) Except as provided in subsection (b)(1) of this section for color additives to be used in hair dyes, it is a color additive and its packaging and labeling do not meet the applicable requirements of the federal act.

(b) (1) A package of color additive is not misbranded under subsection (a)(4) of this section if it is marketed and intended for use only in or on a hair dye.

(2) A cosmetic that, in accordance with the practice of the trade, is to be processed, labeled, or repacked in substantial quantities at an establishment other than the establishment in which it originally is processed or packed, is exempt from the affirmative labeling requirements of this section while the cosmetic is in transit from the one establishment to the other, if the transit is made for completion only.

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