

(u) The term "misbranded" shall apply—

(1) to any pesticide if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) to any pesticide—

(I) if it is an imitation of or is offered for sale under the name of another pesticide;

(II) if its labeling bears any reference to registration under this sub-title;

(III) if the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public;

(IV) if the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals;

(V) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, on the retail package which is presented or displayed under customary conditions of purchase;

(VI) if any word, statement, or other information required by or under the authority of this sub-title to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, or

(VII) if in the case of an insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice, it shall be injurious to living man or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such pesticide.

136. Prohibited Acts.

(a) It shall be unlawful for any person to distribute, sell, or offer for sale within this State or deliver for transportation or transport in intrastate commerce or between points within this State through any point outside this State any of the following:

(1) any pesticide which has not been registered pursuant to the provisions of Section 137 of this sub-title, or any pesticide ~~or~~ IF any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration: Provided, that in the discretion of the State Chemist, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product. ~~Provided, further, that changes at no time are permissible if they lower the efficacy of the product.~~