

(b) Any person violating any provision of this sub-title other than Section 136 (a) (1) shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$100 for the first offense and upon conviction for a subsequent offense shall be fined not less than \$100 or more than \$500; provided, that any offense committed more than five years after a previous conviction shall be considered a first offense; and provided, further, that in any case where a registrant was issued a warning by the State Chemist pursuant to the provisions of this sub-title, such registrant shall upon conviction of a violation of any provision of this sub-title other than Section 136 (a) (1) be fined not more than \$100, or imprisoned for not more than one year, or be subject to both such fine and imprisonment; and the registration of the article with reference to which the violation occurred shall terminate automatically. An article the registration of which has been terminated may not again be registered unless the article, its labeling, and other material required to be submitted appear to the State Chemist to comply with all the requirements of this sub-title.

(c) Notwithstanding any other provisions of this section, in case any person, with intent to defraud, uses or reveals information relative to formulas of products acquired under authority of Section 137 of this sub-title, he shall be fined not more than \$100 or imprisoned for not more than one year, or both.

#### 140B. Seizures.

(a) Any pesticide that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside of this State shall be liable to be proceeded against in the proper Court in any county of the State where it may be found and seized for confiscation by process of libel for condemnation.

(1) in the case of a pesticide

(I) if it is adulterated or misbranded;

(II) if it has not been registered under the provisions of Section 137 of this sub-title;

(III) if it fails to bear on its label the information required by this sub-title;

(IV) if it is a white powder pesticide and is not colored as required under this sub-title.

(b) If the article is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court may direct and the proceeds, if such article is sold, less legal costs, shall be paid to the University of Maryland and deposited in the special fund established in Section 137 (b); provided, that the article shall not be sold contrary to the provision of this sub-title; and provided, further, that upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the article shall not be disposed of unlawfully, the court may direct that said article be delivered to the owner thereof for relabeling or reprocessing as the case may be.

(c) When a decree of condemnation is entered against the article, court costs and fees and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.