

or distributor other than the person or persons who in fact manufactured, processed, packed, or distributed the drug and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, the other drug manufacturer, processor, packer, or distributor.

(f) The term "device" (except when used in paragraph (d) of this section and Sections 187B(k), 187(o)(1) and (3), 188C(f), 189B(c), 189B(o) and 190B(c) ) means instruments, apparatus and contrivances, including their components, parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or (2) to affect the structure or any function of the body of man FOR MEDICAL, SURGICAL OR THERAPEUTIC PURPOSES.

(g) The term "cosmetic" means (1) articles intended to be rubbed, poured, sprinkled, sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering appearance, and (2) articles intended for use as a component of any such articles, except that the term shall not include soap.

(h) The term "official compendium" means the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

(i) The term "consumer commodity" means any food, drug, device, or cosmetic as those terms are defined by this subheading or by the Federal Act. The term does not include:

(1) any tobacco or tobacco product;

(2) any commodity subject to packaging or labeling requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act or the provisions of the eighth paragraph under the heading "Bureau of Animal Industry" of the Act of March 4, 1913 (37 Stat. 832-833; 21 U.S.C. 151-157) commonly known as the Virus-Serum Toxin Act; as the same have been or may be amended from time to time;

(3) any drug subject to the provisions of Section 189C(a)(B) or 189B(k) of this subheading, or Section ~~502(b)(1)~~ ~~or~~ 506 353(B)(1) OR 356 of the Federal Act, as the same may be amended from time to time;

(4) any beverage subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act (27 U.S.C., et seq.), as the same may be amended from time to time; or

(5) any seed or other commodity subject to the provisions of Sections 149 through 159 of Article 48 of this Code, as the same may be amended from time to time.

(j) The term "label" means a display of written, printed or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this subheading that any word, statement, or other information appear on the label shall not be considered to be complied with unless the word, statement, or other information also appears on the outside container or wrap-