

NO PERSON MAY SELL, OFFER FOR SALE, OR DONATE IN INTRASTATE COMMERCE ANY ARTICLE, SUBJECT TO THIS SUBTITLE, UNDER ANY FALSE OR MISLEADING NAME, OTHER MARKING, OR LABELING OR IN ANY CONTAINER OF A MISLEADING FORM OR SIZE. IN ADDITION TO ANY OTHER PROVISION OF THIS SUBSECTION, ESTABLISHED TRADE NAMES APPROVED BY THE SECRETARY ARE PERMITTED.

(E) SECRETARY MAY WITHHOLD USE.

IF THE SECRETARY BELIEVES THAT ANY MARKING, LABELING, OR SIZE, OR FORM OF ANY CONTAINER, IN USE OR PROPOSED FOR USE WITH RESPECT TO ANY ARTICLE SUBJECT TO THIS SUBTITLE, IS FALSE OR MISLEADING IN ANY PARTICULAR, HE MAY DIRECT THAT THE USE BE WITHHELD UNLESS THE MARKING, LABELING, OR CONTAINER IS MODIFIED IN A MANNER AS MAY BE PRESCRIBED SO THAT IT IS NOT FALSE OR MISLEADING. IF THE PERSON USING OR PROPOSING TO USE THE MARKING, LABELING, OR CONTAINER DOES NOT ACCEPT THE DETERMINATION OF THE SECRETARY, HE MAY REQUEST A HEARING BEFORE THE SECRETARY. THE SECRETARY MAY WITHHOLD USE OF THE MARKING, LABELING, OR CONTAINER PENDING HEARING AND FINAL DETERMINATION BY THE SECRETARY. THE DETERMINATION OF THE SECRETARY IS CONCLUSIVE UNLESS, WITHIN 30 DAYS AFTER RECEIPT OF NOTICE OF THE FINAL DETERMINATION, THE PERSON ADVERSELY AFFECTED APPEALS IN ACCORDANCE WITH THE PROCEDURES OF THE ADMINISTRATIVE PROCEDURE ACT.

REVISOR'S NOTE: Subsection (a) is new language derived from Art. 66C, §470H(c) of the Code which is proposed for deletion here. Language is added to indicate that the prohibitions of this section relate to sale and distribution "in intrastate commerce" to maintain consistency with the declaration of legislative intent set forth in §4-102.

Subsection (b) presently appears as Art. 66C, §470H(d) of the Code. The present reference to Art. 41, §255 is proposed for deletion and a reference to the Administrative Procedure Act is substituted therefor. This act governs administrative appeals.

The only other changes made are in style.

SEC. 4-116. PRODUCTS PREPARED WITHOUT SUPERVISION OF