

(1) IS INTENDED OR IS LIKELY TO INDUCE, DIRECTLY OR INDIRECTLY, ANY PERSON TO PURCHASE ANY FOOD, DRUG, DEVICE, OR COSMETIC; AND

(2) IS PUBLISHED BY ANY MEANS OTHER THAN LABELING.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Article 43, § 187A(p).

(C) COLOR ADDITIVE.

(1) "COLOR ADDITIVE" MEANS ANY MATERIAL THAT:

(I) IS A DYE, PIGMENT, OR OTHER SUBSTANCE MADE BY A PROCESS OF SYNTHESIS OR SIMILAR ARTIFICE, OR EXTRACTED, ISOLATED, OR OTHERWISE DERIVED, WITH OR WITHOUT INTERMEDIATE OR FINAL CHANGE OF IDENTITY, FROM A VEGETABLE, ANIMAL, MINERAL, OR OTHER SOURCE; OR

(II) WHEN ADDED OR APPLIED TO A FOOD, DRUG, OR COSMETIC, OR TO ANY PART OF THE HUMAN BODY, IS CAPABLE, ALONE OR THROUGH REACTION WITH ANY OTHER SUBSTANCE, OF IMPARTING COLOR, INCLUDING BLACK, WHITE, OR INTERMEDIATE GRAYS, TO THE FOOD, DRUG, COSMETIC, OR BODY.

(2) "COLOR ADDITIVE" DOES NOT INCLUDE ANY MATERIAL THAT IS NOT A COLOR ADDITIVE UNDER THE FEDERAL ACT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Article 43, § 187A(v).

(D) CONSUMER COMMODITY.

"CONSUMER COMMODITY" MEANS ANY FOOD, DRUG, DEVICE, OR COSMETIC THAT IS NOT:

(1) TOBACCO OR A TOBACCO PRODUCT;

(2) A COMMODITY THAT IS SUBJECT TO PACKAGING OR LABELING REQUIREMENTS IMPOSED UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT OR THE FEDERAL ANIMAL VIRUS, SERUM, TOXIN, ANTITOXIN ACT;

(3) A DRUG THAT IS SUBJECT TO THE PROVISIONS OF § 353(B)(1) OR § 356 OF THE FEDERAL ACT;

(4) A BEVERAGE THAT IS SUBJECT TO OR COMPLIES WITH PACKAGING OR LABELING REQUIREMENTS IMPOSED UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT; OR