

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

REVISOR'S NOTE TO SECTION: Former Article 43, § 187A(b), which defined "Secretary", is deleted as unnecessary in light of the definition of "Secretary" in § 1-101 of this article.

Former Article 43, § 187A(k), which defined "principal display panel", is deleted as unnecessary since that term is not used in this title.

4-102. SCOPE OF TITLE.

(A) APPLICATION OF PROVISIONS RELATING TO SALE.

THE PROVISIONS OF THIS TITLE THAT RELATE TO THE SALE OF A CONSUMER COMMODITY ALSO APPLY TO:

(1) MANUFACTURING, PRODUCING, PROCESSING, PACKING, EXPOSING, OFFERING, POSSESSING, OR HOLDING THE CONSUMER COMMODITY FOR SALE;

(2) DISPENSING OR GIVING THE CONSUMER COMMODITY;
AND

(3) SUPPLYING OR APPLYING THE CONSUMER COMMODITY IN THE OPERATION OF ANY FOOD, DRUG, OR COSMETIC ESTABLISHMENT.

(B) MISLEADING LABELING AND ADVERTISING.

IF A SUBSTANCE IS ALLEGED TO BE MISBRANDED BECAUSE THE LABELING IS MISLEADING OR IF AN ADVERTISEMENT IS ALLEGED TO BE FALSE BECAUSE IT IS MISLEADING, THERE SHALL BE TAKEN INTO ACCOUNT:

(1) THE REPRESENTATIONS MADE OR SUGGESTED BY STATEMENT, WORD, DESIGN, SYMBOL, OR SOUND, ALONE OR IN COMBINATION; AND

(2) THE EXTENT TO WHICH THE LABELING OR ADVERTISEMENT FAILS TO REVEAL CONSEQUENCES THAT MAY RESULT FROM USE OF THE SUBSTANCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 187A(o) and (t).

In subsection (b)(1) of this section, "symbol" is substituted for "device" for clarity.

4-103. RESERVED.