

LABELING DOES NOT STATE CLEARLY THAT THE FOOD CONTAINS THAT SPECIFIC COLORING.

(E) EXEMPTIONS BY RULES AND REGULATIONS.

(1) IF, AS APPLIED TO A PARTICULAR FOOD, COMPLIANCE WITH THE REQUIREMENT THAT EACH OF THE 2 OR MORE INGREDIENTS IN THE FOOD BE SET FORTH IN ITS LABELING IS IMPRACTICAL OR RESULTS IN DECEPTION OR UNFAIR COMPETITION, THE SECRETARY SHALL ADOPT A RULE OR REGULATION THAT EXEMPTS THAT FOOD PRODUCT FROM THE PROVISIONS OF SUBSECTION (B)(7)(II) OF THIS SECTION.

(2) IF, AS APPLIED TO A PARTICULAR FOOD PRODUCT, IT IS IMPRACTICAL TO COMPLY WITH THE REQUIREMENT THAT THE LABELING DISCLOSE THE PRESENCE OF AN ARTIFICIAL FLAVORING, AN ARTIFICIAL COLORING, OR A CHEMICAL PRESERVATIVE, THE SECRETARY SHALL ADOPT A RULE OR REGULATION THAT, TO THE EXTENT APPROPRIATE, EXEMPTS THAT FOOD PRODUCT FROM ANY APPROPRIATE PROVISION OF SUBSECTION (B)(9) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 188C.

As to subsection (b)(1) of this section, which is derived from former Article 43, § 188C(1)(ii), the reference to conforming to former Article 43, § 191A is deleted as unnecessary. The former reference to Article 43, § 191A added nothing to the effect of the balance of former Article 43, § 188C(1)(ii).

In subsection (b)(4) of this section, the reference in former Article 43, § 188C(5) to the "label" of the food is deleted as unnecessary in light of the use of the defined term "labeling". Under § 4-101 of this title, "labeling" is defined to include the "label".

Subsection (b)(7) of this section is derived from the first clause of former Article 43, § 188C(8). When read in conjunction with the lead-in language of that section, former Article 43, § 188C(8) did not make sense. Research by the Commission to Revise the Annotated Code indicated that the first phrase of former Article 43, § 188C(8) was misdrafted. Rather than reading "not subject to the provisions of this section ...", it should have read "not subject to the provisions of subsection (6) of this section". The revision in subsection (b)(7) of this revised section now references subsection (b)(5) of this section, which is the correct reference under the revision.