

that the Secretary could grant, under former Article 43, § 188E, from the labeling requirements of this subtitle. Taken literally, the condition of a food as it departed a second establishment appeared to control whether an exemption could be granted to the establishment that first processed or packed the food before it was sent to the second establishment for further processing, packing, or for labeling.

The Commission to Revise the Annotated Code and the Department concluded that it did not make sense to state that the condition of a food as it departed a second establishment imposed an absolute condition on an exemption for the first establishment. In accordance with what it thinks was intended, the Commission to Revise the Annotated Code revised subsection (c)(2) of this section in a manner that ties the granting of an exemption to a first establishment to the Secretary's reasonable expectation of what the condition of the food will be when it leaves the second establishment. The Commission notes, however, that this interpretation is contrary to what the Department recommended be substituted for the former language. The Department's position was that, for purposes of granting an exemption to a first establishment, the condition of the food when it departed the second establishment should not be -- and was not intended to be -- a factor. The Department's position was that the revision simply should require, as a condition of an exemption for an establishment, that the food not be adulterated or otherwise misbranded when it is removed from that establishment.

#### 4-213. SPECIAL DIETARY USE RULES AND REGULATIONS.

##### (A) AUTOMATIC ADOPTION OF FEDERAL RULES AND REGULATIONS.

SUBJECT TO THE PROVISIONS OF § 4-241 OF THIS SUBTITLE, ANY SPECIAL DIETARY USE RULE OR REGULATION THAT IS ADOPTED BY THE FEDERAL GOVERNMENT UNDER THE FEDERAL ACT AUTOMATICALLY IS ADOPTED AS A RULE OR REGULATION OF THIS STATE.

##### (B) CONTROL BY STATE RULES AND REGULATIONS.

WHETHER OR NOT IN ACCORDANCE WITH ANY RULE OR REGULATION ADOPTED UNDER THE FEDERAL ACT, THE SECRETARY MAY ADOPT SPECIAL DIETARY USE RULES OR REGULATIONS IF THE SECRETARY FINDS THAT IT IS NECESSARY TO INFORM PURCHASERS OF THE VALUE OF A FOOD FOR SPECIAL DIETARY USE.