

(4) EXCEPT AS PROVIDED IN SUBSECTION (B)(1) OF THIS SECTION FOR COLOR ADDITIVES TO BE USED IN HAIR DYES, IT IS A COLOR ADDITIVE AND ITS PACKAGING AND LABELING DO NOT MEET THE APPLICABLE REQUIREMENTS OF THE FEDERAL ACT.

(B) EXCEPTIONS.

(1) A PACKAGE OF COLOR ADDITIVE IS NOT MISBRANDED UNDER SUBSECTION (A)(4) OF THIS SECTION IF IT IS MARKETED AND INTENDED FOR USE ONLY IN OR ON A HAIR DYE.

(2) A COSMETIC THAT, IN ACCORDANCE WITH THE PRACTICE OF THE TRADE, IS TO BE PROCESSED, LABELED, OR REPACKED IN SUBSTANTIAL QUANTITIES AT AN ESTABLISHMENT OTHER THAN THE ESTABLISHMENT IN WHICH IT ORIGINALLY IS PROCESSED OR PACKED, IS EXEMPT FROM THE AFFIRMATIVE LABELING REQUIREMENTS OF THIS SECTION WHILE THE COSMETIC IS IN TRANSIT FROM THE ONE ESTABLISHMENT TO THE OTHER, IF THE TRANSIT IS MADE FOR COMPLETION ONLY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 190B.

In subsection (a)(1) of this section, former Article 43, § 190B(a)(2), which referred to conforming to former Article 43, § 191A, is deleted as unnecessary.

In subsection (a)(3) of this section, the former reference to the "label" of the cosmetic 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".

As to subsection (b)(2) of this section, the former statement that a cosmetic "is otherwise subject to all applicable provisions of this subheading" is deleted as unnecessary.

4-232. RESERVED.

4-233. RESERVED.

PART V. STATE AND FEDERAL RULES AND REGULATIONS;  
ADMINISTRATIVE PROCEDURES.

4-234. GENERAL RULES AND REGULATIONS; APPLICATION OF  
ADMINISTRATIVE PROCEDURE ACT.

(A) GENERAL RULEMAKING AUTHORITY.

THE SECRETARY MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.