

publication of a criminal judgment, is deleted as unnecessary in light of § 4-244(b) of this subtitle.

#### 4-252. INJUNCTIVE ACTIONS.

IN ADDITION TO AND NOT INSTEAD OF ANY OTHER REMEDY AUTHORIZED UNDER THIS SUBTITLE, THE SECRETARY MAY BRING AN ACTION TO TEMPORARILY OR PERMANENTLY ENJOIN ANY VIOLATION OF §§ 4-256 THROUGH 4-259 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 187C.

The reference to "the Secretary" is substituted for the reference to the Attorney General to conform to comparable provisions throughout this article and because, under Title 1 of this article, the Secretary is charged with enforcement of this title.

#### 4-253. DETAINMENT AND DESTRUCTION OF ARTICLES.

##### (A) GROUND FOR ACTION.

UNDER THIS SECTION, THERE IS A GROUND FOR ACTION AGAINST A FOOD, DRUG, DEVICE, OR COSMETIC IF IT IS:

- (1) ADULTERATED;
- (2) SO MISBRANDED THAT IT IS DANGEROUS OR FRAUDULENT;
- (3) A FOOD THAT VIOLATES ANY REQUIREMENT IMPOSED UNDER § 4-211 OF THIS SUBTITLE; OR
- (4) A DRUG THAT VIOLATES THE PROVISIONS ON NEW DRUGS UNDER § 4-223 OF THIS SUBTITLE.

##### (B) MARKING AND DETAINMENT OF ARTICLE.

IF THE SECRETARY FINDS OR HAS PROBABLE CAUSE TO BELIEVE THAT THERE IS GROUND FOR ACTION AGAINST A FOOD, DRUG, DEVICE, OR COSMETIC, THE SECRETARY SHALL ATTACH TO THE ARTICLE A TAG OR OTHER APPROPRIATE MARKING THAT GIVES NOTICE THAT THE ARTICLE IS, OR IS SUSPECTED OF BEING, ADULTERATED, MISBRANDED, OR IN VIOLATION OF § 4-211 OR § 4-223 OF THIS SUBTITLE AND THAT THE ARTICLE HAS BEEN DETAINED. THE TAG OR OTHER MARKING ALSO SHALL WARN ALL PERSONS NOT TO REMOVE OR DISPOSE OF THE ARTICLE, BY SALE OR OTHERWISE, UNTIL PERMISSION FOR REMOVAL OR DISPOSAL IS GIVEN BY THE SECRETARY, AN AUTHORIZED AGENT OF THE SECRETARY, OR A COURT.

##### (C) RELEASE OF ARTICLE.