

In items (1) and (7) of this section, the former references to holding, offering, and delivering for sale are deleted as unnecessary in light of the rule of construction in § 4-102 of this title concerning provisions that relate to "sale".

As to item (6) of this section, see §§ 4-247 and 4-248 of this subtitle regarding what constitutes a false advertisement under this subtitle and § 4-260(d) of this subtitle regarding the application of item (6) of to this section to persons who are in the business of disseminating advertisements.

4-257. SAME -- VIOLATION OF LABEL AND PACKAGING REQUIREMENTS FOR CONSUMER COMMODITIES.

(A) EXCEPTIONS.

EXCEPT TO THE EXTENT THAT THE PERSON IS ENGAGED IN THE PACKING OR LABELING OF THE COMMODITY OR SPECIFIES, BY ANY MEANS, THE MANNER IN WHICH THE COMMODITY IS PACKED OR LABELED, THIS SECTION DOES NOT APPLY TO ANY PERSON WHO IS ENGAGED IN BUSINESS AS A WHOLESALE OR RETAIL DISTRIBUTOR OF A CONSUMER COMMODITY.

(B) IN GENERAL.

A PERSON MAY NOT DISTRIBUTE A CONSUMER COMMODITY IN COMMERCE IF:

(1) THE COMMODITY IS CONTAINED IN A PACKAGE THAT DOES NOT CONFORM TO A REQUIREMENT THAT IS IMPOSED UNDER THIS SUBTITLE; OR

(2) A LABEL THAT DOES NOT CONFORM TO A REQUIREMENT IMPOSED UNDER THIS SUBTITLE IS ATTACHED TO THE COMMODITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 187B(4).

4-258. SAME -- DRUGS AND DEVICES.

(A) "COUNTERFEIT MARKING TOOL" DEFINED.

IN THIS SECTION "COUNTERFEIT MARKING TOOL" MEANS ANY PUNCH, DIE, PLATE, STONE, OR OTHER THING THAT IS DESIGNED TO PRINT, IMPRINT, OR OTHERWISE REPRODUCE THE TRADEMARK, TRADE NAME, IMPRINT, SYMBOL, OR ANY OTHER IDENTIFYING MARK OF A DRUG, OR A LIKENESS OF ANY OF THESE MARKINGS, ON A DRUG OR ON THE CONTAINER OF A DRUG, OTHER THAN THE DRUG OR CONTAINER TO WHICH THE MARKING BELONGS.