

UNLESS THE PERSON ALSO IS THE MANUFACTURER, PACKER, DISTRIBUTOR, OR SELLER OF THE ARTICLE, A PUBLISHER, RADIO OR TELEVISION BROADCAST LICENSE HOLDER, OR OTHER AGENCY OR MEDIUM FOR THE DISSEMINATION OF AN ADVERTISEMENT IS NOT LIABLE UNDER THIS SUBTITLE FOR THE DISSEMINATION BY THAT PERSON OF A FALSE ADVERTISEMENT CONCERNING A FOOD, DRUG, DEVICE, OR COSMETIC.

REVISOR'S NOTE: This section in new language derived without substantive change from former Article 43, § 187D(b) and (c).

The attention of the General Assembly is called to subsections (a) and (b) of this section. Under those subsections, a criminal defendant has the burden of making several showings by a preponderance of the evidence. The Commission to Revise the Annotated Code has considerable reservation about the constitutionality of those subsections. Furthermore, those subsections may not express that which the General Assembly intended. Because a major substantive revision of those subsections may be in order, the Commission suggests that the General Assembly may wish to study those subsections for future change.

4-261. RESERVED.

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PART VII. SHORT TITLE.

4-263. SHORT TITLE.

THIS SUBTITLE MAY BE CITED AS THE "MARYLAND FOOD, DRUG, AND COSMETIC ACT".

REVISOR'S NOTE: This section formerly appeared as Article 43, § 187.

The only changes are in style.

GENERAL REVISOR'S NOTE:

Former Article 43, § 187A(s), which, in effect, provided a rule of construction with respect to prohibitions against contaminating a food, drug, device, or cosmetic with filth, is deleted as unnecessary and potentially misleading. Given the absence in this subtitle of an explicit prohibition against contaminating a food, drug, device, or cosmetic with filth, the rule of construction was meaningless.

Former Article 43, § 191E, which provided for the