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4-821. IMITATION FROZEN DESSERTS.

REGARDLESS OF THE NAME UNDER WHICH IT IS REPRESENTED, A PERSON MAY NOT SELL OR ADVERTISE FOR SALE ANY FROZEN SUBSTANCE, MIXTURE, OR COMPOUND:

(1) THAT IS:

(I) MADE IN IMITATION OR SEMBLANCE OF A FROZEN DESSERT; OR

(II) PREPARED OR FROZEN AS A FROZEN DESSERT CUSTOMARILY IS PREPARED OR FROZEN; AND

(2) THAT IS NOT:

(I) A FROZEN DESSERT FOR WHICH A STANDARD HAS BEEN SET UNDER § 4-804 OF THIS SUBTITLE; OR

(II) A SUBSTANCE THAT COMPLIES WITH THE STANDARDS THAT HAVE BEEN SET.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, §§ 192(b) and 193(b).

The former reference to a frozen dessert being "possessed, ... offered or exposed for sale" is deleted in light of § 4-102(a) of this title, which sets forth a rule of construction that relates to the meaning of the term "sale".

The attention of the General Assembly is called to the fact that there is no penalty provided for a violation of this section.

GENERAL REVISOR'S NOTE:

The first clause of the second sentence of former Article 43, § 193(i), which required the State's Attorney to prosecute any case referred by the Secretary, is deleted as unnecessary and potentially misleading given the prerogatives of a State's attorney.

Former Article 43, § 193(j), which provided an exemption, if certain conditions were met, for any city with a population of more than 100,000, is deleted as obsolete.

Former Article 43, § 193(k), which provided for the disposition of certain fees, is deleted as obsolete and unnecessary. The fees collected under this subtitle