

wholly or in part therefor; or (iii) if damage or inferiority has been concealed in any manner; or (iv) if any substance has been added thereto or mixed or packed therewith for the sole purpose of increasing its bulk or weight or to reduce its quality or strength below the quality or strength which would normally be expected of such article or for the purpose of misleading the consumer by making the article appear better or of greater value than it is.

(3) *If it is confectionery, and:*

(i) has partially or completely imbedded therein any non-nutritive object; provided, however, that this clause shall not apply in the case of any non-nutritive object if, in the judgment of the Secretary as provided by regulations, the object is of practical functional value to the confectionery product and would not render the product injurious or hazardous to health;

(ii) bears or contains any alcohol other than alcohol not in excess of one-half of 1 per centum by volume derived solely from the use of flavoring extracts; or

(iii) bears or contains any non-nutritive substance; provided, however, that this clause does not apply to a safe non-nutritive substance which is in or on confectionery by reason of its use for some practical functional purpose in the manufacture, packaging, or storing of the confectionery if the use of the substance does not promote deception of the consumer or otherwise result in adulteration or misbranding in violation of any provision of this subheading; and provided, further, that the Secretary may, for the purpose of avoiding or resolving uncertainty as to the application of this clause, issue regulations allowing or prohibiting the use of particular non-nutritive substances.

(iv) If it is or bears or contains any color additive which is unsafe within the meaning of Section 188F(a).

188C.

A food shall be deemed to be misbranded:

(1) *(i) If its labeling is false or misleading in any particular.*

(ii) If its labeling or packaging fails to conform with the requirements of Section 191A of this subheading.

(2) *If it is offered for sale under the name of another food.*

(3) If it is an imitation of another food unless its label bears in type of uniform size and prominence, the word "imitation," and, immediately thereafter, the name of the food imitated.

(4) If in package form, unless it bears a label containing the name and place of business of the manufacturer, packer, or distributor.

(5) If any word, statement, or other information required by or under authority of this subheading to appear on the label or labeling is not prominently placed thereon with conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in terms to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.