

REVISOR'S NOTE: This subsection presently appears as Art. 48, §118(i) of the Code. The present reference to "the State Chemist or his agent" is proposed for deletion because all the responsibilities are vested in the Secretary by §2-102(c) of the Code. The State Chemist is now included as a unit of the department under Art. 41, §431 of the Code.

(L) A COMMERCIAL FEED IS "MISBRANDED" IF:

(1) ITS LABELING IS FALSE OR MISLEADING IN ANY PARTICULAR;

(2) IT IS DISBRIBUTED UNDER THE NAME OF ANOTHER FEED;

(3) IT IS NOT LABELED AS REQUIRED IN §§ 6-109, 6-110, AND 6-111 AND IN THE DEPARTMENTAL RULES AND REGULATICNS;

(4) IT PURPORTS TO BE OR IS REPRESENTED AS A FEED INGREDIENT, OR IF IT PURPORTS TO CONTAIN OR IS REPRESENTED AS CONTAINING A FEED INGREDIENT, UNLESS THE FEED INGREDIENT CONFORMS TO ANY DEFINITION OF IDENTITY, PRESCRIBED BY DEPARTMENTAL RULES AND REGULATIONS, WHICH SHALL GIVE DUE REGARD TO COMMONLY ACCEPTED DEFINITIONS, SUCH AS THOSE ISSUED BY THE ASSOCIATION OF AMERICAN FEED CONTROL OFFICIALS, INC.; OR

(5) ANY WORD, STATEMENT, OR OTHER INFORMATION, REQUIRED TO APPEAR ON THE LABEL OR LABELING, IS NOT PLACED ON IT PROMINENTLY AND CONSPICUOUSLY, AS COMPARED WITH OTHER WORDS, STATEMENTS, DESIGNS, OR DEVICES IN THE LABELING, AND IT IS NOT IN TERMS THAT RENDER IT LIKELY TO BE READ AND UNDERSTOOD BY THE ORDINARY INDIVIDUAL UNDER CUSTOMARY CONDITIONS OF PURCHASE AND USE.

REVISOR'S NOTE: This subsection is new language derived from Art. 48, §123 of the Code and set forth here because this definition applies to the entire subtitle, not merely to one section. The present reference to "customer formula feed" is omitted because it is a commercial feed; See §6-101.

(M) "PERCENT" OR "PERCENTAGE" MEANS PERCENTAGE BY WEIGHT.