

**§ 106-137. Cosmetics deemed misbranded.**

A cosmetic shall be deemed to be misbranded:

- (1)
  - a. If its labeling is false or misleading in any particular; or
  - b. If its labeling or packaging fails to conform with the requirements of G.S. 106-139 and 106-139.1 of this Article.
- (2) If in package form unless it bears a label containing
  - a. The name and place of business of the manufacturer, packer, or distributor; and
  - b. An accurate statement of the quantity, of the contents in terms of weight, measure, or numerical count, which statement shall be separately and accurately stated in a uniform location upon the principal display panel of the label: Provided, that under paragraph b of this subdivision reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations prescribed by the Board of Agriculture.
- (3) If any word, statement, or other information required by or under authority of this Article to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
- (4) If its container is so made, formed, or filled as to be misleading.
- (5) If it is a color additive, unless its packaging and labeling are in conformity with such packaging and labeling requirements applicable to such color additive prescribed under the provisions of G.S. 106-132 of this Article. This subdivision shall not apply to packages of color additives which, with respect to their use for cosmetics, are marketed and intended for use only in or on hair dyes (as defined in the last sentence of G.S. 106-136(1)). (1939, c. 320, s. 18; 1975, c. 614, ss. 33-35.)