related to annual report to Congress. See section 30169 of Title 49.

Section 1409, Pub. L. 89–563, title I, §121, Sept. 9, 1966, 80 Stat. 728; Pub. L. 91–265, §1, May 22, 1970, 84 Stat. 262; Pub. L. 92–548, §2, Oct. 25, 1972, 86 Stat. 1159; Pub. L. 93–492, title I, §101, Oct. 27, 1974, 88 Stat. 1470; Pub. L. 94–346, §1, July 8, 1976, 90 Stat. 815; Pub. L. 97–331, §2(a), Oct. 15, 1982, 96 Stat. 1619, authorized appropriations to carry out this chapter for fiscal years 1983, 1984, and 1985.

Section 1410, Pub. L. 89–563, title I, §123, as added Pub. L. 90–283, Apr. 10, 1968, 82 Stat. 72; amended Pub. L. 92–548, §3, Oct. 25, 1972, 86 Stat. 1159, related to exemption from safety standards of motor vehicles. See section 30113 of Title 49.

Section 1410a, Pub. L. 89–563, title I, §124, as added Pub. L. 93–492, title I, §106, Oct. 27, 1974, 88 Stat. 1481, related to petitions of interested persons to commence proceedings on orders issued under sections 1392 and 1412(b) of this title. See sections 30103 and 30162 of Title 49.

Section 1410b, Pub. L. 89–563, title I, §125, as added Pub. L. 93–492, title I, §109, Oct. 27, 1974, 88 Stat. 1482; amended S. Res. 4, Feb. 4, 1977; H. Res. 549, Mar. 25, 1980, related to occupant restraint systems. See section 30124 of Title 49.

PART B—DISCOVERY, NOTIFICATION, AND REMEDY OF MOTOR VEHICLE DEFECTS

§§ 1411 to 1420. Repealed. Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379

Section 1411, Pub. L. 89–563, title I, §151, as added Pub. L. 93–492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1470, related to notification respecting manufacturer's finding of defect or failure to comply with motor vehicle safety standard. See section 30118 of Title 49, Transportation.

Section 1412, Pub. L. 89–563, title I, §152, as added Pub. L. 93–492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1470, related to notification of Secretary's finding of defect or failure to comply with motor vehicle safety standard, publication in Federal Register, and opportunity to present data, views, and arguments. See section 30118 of Title 49.

Section 1413, Pub. L. 89–563, title I, §153, as added Pub. L. 93–492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1471; amended Pub. L. 97–331, §4(b), Oct. 15, 1982, 96 Stat. 1620; Pub. L. 102–240, title II, §2504(a), Dec. 18, 1991, 105 Stat. 2083, related to contents, time, and method of notification regarding manufacturer's finding of defect or failure to comply with motor vehicle safety standard. See sections 30118 and 30119 of Title 49.

Section 1414, Pub. L. 89–563, title I, §154, as added Pub. L. 93–492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1472; amended Pub. L. 102–240, title II, §2504(b), Dec. 18, 1991, 105 Stat. 2083, related to remedy for defect or failure to comply with motor vehicle safety standard. See sections 30119 and 30120 of Title 49.

Section 1415, Pub. L. 89–563, title I, §155, as added Pub. L. 93–492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1474; amended Pub. L. 98–620, title IV, §402(17), Nov. 8, 1984, 98 Stat. 3358, related to enforcement of notification and remedy orders. See section 30121 of Title 49.

Section 1416, Pub. L. 89–563, title I, §156, as added Pub. L. 93–492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1475, related to hearing on reasonableness of notification and remedy for defect or failure to comply with motor vehicle safety standard. See sections 30118 and 30120 of Title 49.

Section 1417, Pub. L. 89–563, title I, §157, as added Pub. L. 93–492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1475, related to exemption for inconsequential defect or failure to comply with motor vehicle safety standard. See sections 30118 and 30120 of Title 49.

Section 1418, Pub. L. 89–563, title I, §158, as added Pub. L. 93–492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1475; amended Pub. L. 95–599, title III, §317, Nov. 6, 1978, 92 Stat. 2752; Pub. L. 97–331, §4(a), Oct. 15, 1982, 96 Stat. 1619, related to information, disclosure, and recordkeeping, and to confidential information. See sections 30117, 30166, and 30167 of Title 49.

Section 1419, Pub. L. 89–563, title I, §159, as added Pub. L. 93–492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1476, provided definitions for purposes of this part. See section 30102 of Title 49.

Section 1420, Pub. L. 89–563, title I, §160, as added Pub. L. 93–492, title I, §102(a), Oct. 27, 1974, 88 Stat. 1477, provided that this part did not create or affect warranty obligations under State or Federal law and that consumer remedies under this part were in addition to, and not in lieu of, rights or remedies under State or Federal law. See section 30103 of Title 49.

SUBCHAPTER II—TIRE SAFETY

§§ 1421 to 1426. Repealed. Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379

Section 1421, Pub. L. 89–563, title II, §201, Sept. 9, 1966, 80 Stat. 728, related to labeling for pneumatic tires and required contents of label. See section 30123 of Title 49, Transportation.

Section 1422, Pub. L. 89–563, title II, §202, Sept. 9, 1966, 80 Stat. 729, related to maximum permissible load standards for original equipment tires. See section 30123 of Title 49.

Section 1423, Pub. L. 89–563, title II, §203, Sept. 9, 1966, 80 Stat. 729, related to uniform quality grading system for motor vehicle tires and elimination of deceptive and confusing tire nomenclature. See section 30123 of Title 49.

Section 1424, Pub. L. 89–563, title II, §204, Sept. 9, 1966, 80 Stat. 729; Pub. L. 93–492, title I, §110(c), Oct. 27, 1974, 88 Stat. 1484, related to regrooved tires. See sections 30123, 30163, and 30165 of Title 49.

Section 1425, Pub. L. 89–563, title II, §205, Sept. 9, 1966, 80 Stat. 729, provided that, in event of conflict, orders and regulations issued by Secretary under this subchapter and subchapter I of this chapter applicable to motor vehicle tires were to prevail over orders and interpretations issued by Federal Trade Commission. See section 30123 of Title 49.

Section 1426, Pub. L. 89–563, title II, §206, as added Pub. L. 91–265, §6, May 22, 1970, 84 Stat. 263, related to safety standards for retreaded tires.

SUBCHAPTER III—RESEARCH AND TEST FACILITIES

§ 1431. Repealed. Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379

Section, Pub. L. 89–563, title III, §301, as added Pub. L. 91–265, §7, May 22, 1970, 84 Stat. 263; amended H. Res. 988, Jan. 3, 1975; S. Res. 4, Feb. 4, 1977; H. Res. 549, Mar. 25, 1980, related to facilities for research and testing in traffic safety. See section 30168 of Title 49, Transportation.

CHAPTER 39—FAIR PACKAGING AND LABELING PROGRAM

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 21 sections 1033, 1049, 1052.

§ 1451. Congressional declaration of policy

Informed consumers are essential to the fair and efficient functioning of a free market economy. Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons. Therefore, it is hereby declared to be the policy of the Congress to assist consumers and manufacturers in reaching these goals in the marketing of consumer goods.

(Pub. L. 89–755, § 2, Nov. 3, 1966, 80 Stat. 1296.)

EFFECTIVE DATE

Section 13 of Pub. L. 89–755 provided that: ''This Act [enacting this chapter] shall take effect on July 1, 1967: *Provided*, That the Secretary (with respect to any consumer commodity which is a food, drug, device, or cosmetic, as those terms are defined by the Federal Food, Drug, and Cosmetic Act) [section 301 et seq. of Title 21, Food and Drugs], and the Commission (with respect to any other consumer commodity) may by regulation postpone, for an additional twelve-month period, the effective date of this Act [this chapter] with respect to any class or type of consumer commodity on the basis of a finding that such a postponement would be in the public interest.''

SHORT TITLE

Section 1 of Pub. L. 89–755 provided: ''That this Act [enacting this chapter] may be cited as the 'Fair Packaging and Labeling Act'.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1454 of this title.

§ 1452. Unfair and deceptive packaging and labeling; scope of prohibition

(a) Nonconforming labels

It shall be unlawful for any person engaged in the packaging or labeling of any consumer commodity (as defined in this chapter) for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled consumer commodity, to distribute or to cause to be distributed in commerce any such commodity if such commodity is contained in a package, or if there is affixed to that commodity a label, which does not conform to the provisions of this chapter and of regulations promulgated under the authority of this chapter.

(b) Exemptions

The prohibition contained in subsection (a) of this section shall not apply to persons engaged in business as wholesale or retail distributors of consumer commodities except to the extent that such persons (1) are engaged in the packaging or labeling of such commodities, or (2) prescribe or specify by any means the manner in which such commodities are packaged or labeled.

(Pub. L. 89–755, § 3, Nov. 3, 1966, 80 Stat. 1296.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1453, 1456 of this title.

§ 1453. Requirements of labeling; placement, form, and contents of statement of quantity; supplemental statement of quantity

(a) Contents of label

No person subject to the prohibition contained in section 1452 of this title shall distribute or cause to be distributed in commerce any packaged consumer commodity unless in conformity with regulations which shall be established by the promulgating authority pursuant to section 1455 of this title which shall provide that—

(1) The commodity shall bear a label specifying the identity of the commodity and the name and place of business of the manufacturer, packer, or distributor;

(2) The net quantity of contents (in terms of weight or mass, measure, or numerical count) shall be separately and accurately stated in a uniform location upon the principal display panel of that label, using the most appropriate units of both the customary inch/pound system of measure, as provided in paragraph (3) of this subsection, and, except as provided in paragraph (3)(A)(ii) or paragraph (6) of this subsection, the SI metric system;

(3) The separate label statement of net quantity of contents appearing upon or affixed to any package—

(A)(i) if on a package labeled in terms of weight, shall be expressed in pounds, with any remainder in terms of ounces or common or decimal fractions of the pound; or in the case of liquid measure, in the largest whole unit (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart;

(ii) if on a random package, may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than three decimal places and is not required to, but may, include a statement in terms of the SI metric system carried out to not more than three decimal places;

(iii) if on a package labeled in terms of linear measure, shall be expressed in terms of the largest whole unit (yards, yards and feet, or feet, as appropriate) with any remainder in terms of inches or common or decimal fractions of the foot or yard;

(iv) if on a package labeled in terms of measure of area, shall be expressed in terms of the largest whole square unit (square yards, square yards and square feet, or square feet, as appropriate) with any remainder in terms of square inches or common or decimal fractions of the square foot or square yard;

(B) shall appear in conspicuous and easily legible type in distinct contrast (by topography, layout, color, embossing, or molding) with other matter on the package;

(C) shall contain letters or numerals in a type size which shall be (i) established in relationship to the area of the principal display panel of the package, and (ii) uniform for all packages of substantially the same size; and

(D) shall be so placed that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed; and

(4) The label of any package of a consumer commodity which bears a representation as to the number of servings of such commodity contained in such package shall bear a statement of the net quantity (in terms of weight or mass, measure, or numerical count) of each such serving.

(5) For purposes of paragraph (3)(A)(ii) of this subsection the term ''random package'' means a package which is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights or masses, that is, packages with no fixed weight or mass pattern.

(6) The requirement of paragraph (2) that the statement of net quantity of contents include a statement in terms of the SI metric system shall not apply to foods that are packaged at the retail store level.

(b) Supplemental statements

No person subject to the prohibition contained in section 1452 of this title shall distribute or cause to be distributed in commerce any packaged consumer commodity if any qualifying words or phrases appear in conjunction with the separate statement of the net quantity of contents required by subsection (a) of this section, but nothing in this subsection or in paragraph (2) of subsection (a) of this section shall prohibit supplemental statements, at other places on the package, describing in nondeceptive terms the net quantity of contents: *Provided*, That such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight or mass, measure, or count that tends to exaggerate the amount of the commodity contained in the package.

(Pub. L. 89–755, § 4, Nov. 3, 1966, 80 Stat. 1297; Pub. L. 102–245, title I, § 107(a), Feb. 14, 1992, 106 Stat. 13; Pub. L. 102–329, §§ 1, 3, Aug. 3, 1992, 106 Stat. 847, 848.)

AMENDMENTS

1992—Pub. L. 102–245, § 107, which directed amendment of section, effective two years after Feb. 14, 1992, by substituting ''weight or mass'' for ''weight'' in subsecs. (a)(2), (4), (5) and (b) and ''weights or masses'' for ''weights'' in subsec. (a)(5), by inserting '', using the most appropriate units of the SI metric system as the primary system for measuring quantity'' after ''panel of that label'' in subsec. (a)(2), by substituting ''that also displays the avoirdupois system of measure, and that contains'' for ''containing'' in subsec. (a)(3)(A)(i), by inserting ''that also displays the avoirdupois system of measure'' after ''random package'' in subsec. (a)(3)(A)(ii), by inserting ''that also displays the avoirdupois system of measure'' after ''linear measure'' in subsec. (a)(3)(A)(iii), and by inserting ''that also displays the avoirdupois system of measure'' in subsec. (a)(3)(A)(iv), was repealed by Pub. L. 102–329, § 3.

Subsec. (a)(2). Pub. L. 102–329, § 1(1), (3), substituted ''weight or mass'' for ''weight'' and inserted before semicolon at end '', using the most appropriate units of both the customary inch/pound system of measure, as provided in paragraph (3) of this subsection, and, except as provided in paragraph (3)(A)(ii) or paragraph (6) of this subsection, the SI metric system''.

Subsec. (a)(3)(A)(i). Pub. L. 102–329, § 1(4)(A), substituted ''labeled in terms of weight, shall be expressed in pounds'' for ''containing less than four pounds or one gallon and labeled in terms of weight or fluid measure, shall, unless subparagraph (ii) applies and such statement is set forth in accordance with such subparagraph, be expressed both in ounces (with identification as to avoirdupois or fluid ounces) and, if applicable, in pounds for weight units''.

Subsec. (a)(3)(A)(ii). Pub. L. 102–329, § 1(4)(B), (C), substituted ''three'' for ''two'' and inserted before semicolon at end ''and is not required to, but may, include a statement in terms of the SI metric system carried out to not more than three decimal places''.

Subsec. (a)(3)(A)(iii). Pub. L. 102–329, § 1(4)(D), substituted ''in terms of'' for ''both in terms of inches and''.

Subsec. (a)(3)(A)(iv). Pub. L. 102–329, § 1(4)(E), substituted ''in terms of'' for ''both in terms of square inches and''.

Subsec. (a)(4). Pub. L. 102–329, § 1(1), substituted ''weight or mass'' for ''weight''.

Subsec. (a)(5). Pub. L. 102–329, § 1(1), (2), substituted ''weight or mass'' for ''weight'' and ''weights or masses'' for ''weights''.

Subsec. (a)(6). Pub. L. 102–329, § 1(5), added par. (6).

Subsec. (b). Pub. L. 102–329, § 1(1), substituted ''weight or mass'' for ''weight''.

EFFECTIVE DATE OF 1992 AMENDMENTS

Section 2 of Pub. L. 102–329 provided that: ''The amendments made by section 1 [amending this section and section 1454 of this title] shall take effect on February 14, 1994. The amendments made by section 1 shall have no effect on the sale or distribution of products whose labels have been printed before such effective date. Nothing in the amendments made by section 1 shall apply to unit pricing, advertising, recipe programs, nutrition labeling, or other general pricing information. Nothing in the amendments made by section 1 shall be construed to require changes in package size or to affect in any way the size of packages.''

Section 107(b) of Pub. L. 102–245, which provided that section 107 of Pub. L. 102–245 which amended this section and section 1454 of this title was to take effect 2 years after Feb. 14, 1992, was repealed by Pub. L. 102–329, § 3, Aug. 3, 1992, 106 Stat. 848.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1454, 1455, 1456, 1461 of this title.

§ 1454. Rules and regulations

(a) Promulgating authority

The authority to promulgate regulations under this chapter is vested in (A) the Secretary of Health and Human Services (referred to hereinafter as the ''Secretary'') with respect to any consumer commodity which is a food, drug, device, or cosmetic, as each such term is defined by section 321 of title 21; and (B) the Federal Trade Commission (referred to hereinafter as the ''Commission'') with respect to any other consumer commodity.

(b) Exemption of commodities from regulations

If the promulgating authority specified in this section finds that, because of the nature, form, or quantity of a particular consumer commodity, or for other good and sufficient reasons, full compliance with all the requirements otherwise applicable under section 1453 of this title is impracticable or is not necessary for the adequate protection of consumers, the Secretary or the Commission (whichever the case may be) shall promulgate regulations exempting such commodity from those requirements to the extent and under such conditions as the promulgating authority determines to be consistent with section 1451 of this title.

(c) Scope of additional regulations

Whenever the promulgating authority determines that regulations containing prohibitions or requirements other than those prescribed by section 1453 of this title are necessary to prevent the deception of consumers or to facilitate value comparisons as to any consumer commodity, such authority shall promulgate with respect to that commodity regulations effective to—

(1) establish and define standards for characterization of the size of a package enclosing any consumer commodity, which may be used to supplement the label statement of net quantity of contents of packages containing such commodity, but this paragraph shall not be construed as authorizing any limitation on the size, shape, weight or mass, dimensions, or number of packages which may be used to enclose any commodity;

(2) regulate the placement upon any package containing any commodity, or upon any label affixed to such commodity, of any printed matter stating or representing by implication that such commodity is offered for retail sale at a price lower than the ordinary and customary retail sale price or that a retail sale price advantage is accorded to purchasers thereof by reason of the size of that package or the quantity of its contents;

(3) require that the label on each package of a consumer commodity (other than one which is a food within the meaning of section 321(f) of title 21) bear (A) the common or usual name of such consumer commodity, if any, and (B) in case such consumer commodity consists of two or more ingredients, the common or usual name of each such ingredient listed in order of decreasing predominance, but nothing in this paragraph shall be deemed to require that any trade secret be divulged; or

(4) prevent the nonfunctional-slack-fill of packages containing consumer commodities.

For purposes of paragraph (4) of this subsection, a package shall be deemed to be nonfunctionally slack-filled if it is filled to substantially less than its capacity for reasons other than (A) protection of the contents of such package or (B) the requirements of machines used for enclosing the contents in such package.

(d) Development by manufacturers, packers, and distributors of voluntary product standards

Whenever the Secretary of Commerce determines that there is undue proliferation of the weights or masses, measures, or quantities in which any consumer commodity or reasonably comparable consumer commodities are being distributed in packages for sale at retail and such undue proliferation impairs the reasonable ability of consumers to make value comparisons with respect to such consumer commodity or commodities, he shall request manufacturers, packers, and distributors of the commodity or commodities to participate in the development of a voluntary product standard for such commodity or commodities under the procedures for the development of voluntary products standards established by the Secretary pursuant to section 272 of this title. Such procedures shall provide adequate manufacturer, packer, distributor, and consumer representation.

(e) Report and recommendations to Congress upon industry failure to develop or abide by voluntary product standards

If (1) after one year after the date on which the Secretary of Commerce first makes the request of manufacturers, packers, and distributors to participate in the development of a voluntary product standard as provided in subsection (d) of this section, he determines that such a standard will not be published pursuant to the provisions of such subsection (d), or (2) if such a standard is published and the Secretary of Commerce determines that it has not been observed, he shall promptly report such determination to the Congress with a statement of the efforts that have been made under the voluntary standards program and his recommendation as to whether Congress should enact legislation providing regulatory authority to deal with the situation in question.

(Pub. L. 89–755, § 5, Nov. 3, 1966, 80 Stat. 1298; Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 102–245, title I, § 107(a)(1), (2), Feb. 14, 1992, 106 Stat. 13; Pub. L. 102–329, §§ 1(1), (2), 3, Aug. 3, 1991, 106 Stat. 847, 848.)

AMENDMENTS

1992—Pub. L. 102–245, § 107(a)(1), (2), (b), which directed amendment of section, effective two years after Feb. 14, 1992, by substituting ''weight or mass'' for ''weight'' in subsec. (c)(1) and ''weights or masses'' for ''weights'' in subsec. (d), was repealed by Pub. L. 102–329, § 3.

Subsec. (c)(1). Pub. L. 102–329, § 1(1), substituted ''weight or mass'' for ''weight''.

Subsec. (d). Pub. L. 102–329, § 1(2), substituted ''weights or masses'' for ''weights''.

CHANGE OF NAME

''Secretary of Health and Human Services'' substituted for ''Secretary of Health, Education, and Welfare'' in subsec. (a) pursuant to section 509(b) of Pub. L. 96–88, which is classified to section 3508(b) of Title 20, Education.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–329 effective Feb. 14, 1994, but with such amendment to have no effect on the sale or distribution of products whose labels have been printed before such date, no application to unit pricing, advertising, recipe programs, nutrition labeling, or other general pricing information, and no construction requiring changes in package size or affecting in any way the size of packages, see section 2 of Pub. L. 102–329, set out as a note under section 1453 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1455, 1456 of this title.

§ 1455. Procedure for promulgation of regulations

(a) Hearings by Secretary of Health and Human Services

Regulations promulgated by the Secretary under section 1453 or 1454 of this title shall be promulgated, and shall be subject to judicial review, pursuant to the provisions of subsections (e), (f), and (g) of section 371 of title 21. Hearings authorized or required for the promulgation of any such regulations by the Secretary shall be conducted by the Secretary or by such officer or employees of the Department of Health and Human Services as he may designate for that purpose.

(b) Judicial review; hearings by Federal Trade Commission

Regulations promulgated by the Commission under section 1453 or 1454 of this title shall be promulgated, and shall be subject to judicial review, by proceedings taken in conformity with the provisions of subsections (e), (f), and (g) of section 371 of title 21 in the same manner, and with the same effect, as if such proceedings were taken by the Secretary pursuant to subsection (a) of this section. Hearings authorized or required for the promulgation of any such regulations by the Commission shall be conducted by the Commission or by such officer or employee of the Commission as the Commission may designate for that purpose.

(c) Cooperation with other departments and agencies

In carrying into effect the provisions of this chapter, the Secretary and the Commission are authorized to cooperate with any department or agency of the United States, with any State, Commonwealth, or possession of the United States, and with any department, agency, or political subdivision of any such State, Commonwealth, or possession.

(d) Returnable or reusable glass containers for beverages

No regulation adopted under this chapter shall preclude the continued use of returnable or reusable glass containers for beverages in inventory or with the trade as of the effective date of this Act, nor shall any regulation under this chapter preclude the orderly disposal of packages in inventory or with the trade as of the effective date of such regulation.

(Pub. L. 89–755, § 6, Nov. 3, 1966, 80 Stat. 1299; Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

REFERENCES IN TEXT

The effective date of this Act, referred to in subsec. (d), refers to the effective date of Pub. L. 89–755 which enacted this chapter to take effect July 1, 1967. See Effective Date note set out under section 1451 of this title.

CHANGE OF NAME

''Department of Health and Human Services'' substituted for ''Department of Health, Education, and Welfare'' in subsec. (a), pursuant to section 509(b) of Pub. L. 96–88, which is classified to section 3508(b) of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1453 of this title.

§ 1456. Enforcement

(a) Misbranded consumer commodities

Any consumer commodity which is a food, drug, device, or cosmetic, as each such term is defined by section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321), and which is introduced or delivered for introduction into commerce in violation of any of the provisions of this chapter, or the regulations issued pursuant to this chapter, shall be deemed to be misbranded within the meaning of chapter III of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 331 et seq.], but the provisions of section 303 of that Act (21 U.S.C. 333) shall have no application to any violation of section 1452 of this title.

(b) Unfair or deceptive acts or practices in commerce

Any violation of any of the provisions of this chapter, or the regulations issued pursuant to this chapter, with respect to any consumer commodity which is not a food, drug, device, or cosmetic, shall constitute an unfair or deceptive act or practice in commerce in violation of section 45(a) of this title and shall be subject to enforcement under section 45(b) of this title.

(c) Imports

In the case of any imports into the United States of any consumer commodity covered by this chapter, the provisions of sections 1453 and 1454 of this title shall be enforced by the Secretary of the Treasury pursuant to section 801(a) and (b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381).

(Pub. L. 89–755, § 7, Nov. 3, 1966, 80 Stat. 1300.)

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in subsecs. (a) and (c), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended. Chapter III of the Act is classified generally to subchapter III (§ 331 et seq.) of chapter 9 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

§ 1457. Annual reports to Congress; submission dates

Each officer or agency required or authorized by this chapter to promulgate regulations for the packaging or labeling of any consumer commodity, shall transmit to the Congress each year a report containing a full and complete description of the activities of that officer or agency for the administration and enforcement of

this chapter during the preceding fiscal year. All agencies except the Department of Health and Human Services and the Federal Trade Commission shall submit their reports in January of each year. The Department of Health and Human Services shall include this report in its annual report to Congress on activities under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.], and the Federal Trade Commission shall include this report in the Commission's annual report to Congress.

(Pub. L. 89–755, § 8, Nov. 3, 1966, 80 Stat. 1300; Pub. L. 93–608, § 3(2), Jan. 2, 1975, 88 Stat. 1972; Pub. L. 97–375, title II, §§ 202(d), 206(b), Dec. 21, 1982, 96 Stat. 1822, 1823.)

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in text, is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§ 301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

AMENDMENTS

1982—Pub. L. 97–375, §§ 202(d), 206(b), struck out ''or to participate in the development of voluntary product standards with respect to any consumer commodity under procedures referred to in section 1454(d) of this title,'' after ''any consumer commodity,'' and inserted provisions that the Department of Health and Human Services include its report in its annual report to Congress on activities under the Federal Food, Drug, and Cosmetic Act.

1975—Pub. L. 93–608 inserted provision relating to submission of required report by the Federal Trade Commission with the annual report of the Commission to the Congress.

§ 1458. Cooperation with State authorities; transmittal of regulations to States; noninterference with existing programs

(a) A copy of each regulation promulgated under this chapter shall be transmitted promptly to the Secretary of Commerce, who shall (1) transmit copies thereof to all appropriate State officers and agencies, and (2) furnish to such State officers and agencies information and assistance to promote to the greatest practicable extent uniformity in State and Federal regulation of the labeling of consumer commodities.

(b) Nothing contained in this section shall be construed to impair or otherwise interfere with any program carried into effect by the Secretary of Health and Human Services under other provisions of law in cooperation with State governments or agencies, instrumentalities, or political subdivisions thereof.

(Pub. L. 89–755, § 9, Nov. 3, 1966, 80 Stat. 1301; Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

''Secretary of Health and Human Services'' substituted for ''Secretary of Health, Education, and Welfare'' in subsec. (b) pursuant to section 509(b) of Pub. L. 96–88, which is classified to section 3508(b) of Title 20, Education.

§ 1459. Definitions

For the purpose of this chapter—

(a) The term ''consumer commodity'', except as otherwise specifically provided by this subsection, means any food, drug, device, or cosmetic (as those terms are defined by the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.]), and any other article, product, or commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which usually is consumed or expended in the course of such consumption or use. Such term does not include—

(1) any meat or meat product, poultry or poultry product, or tobacco or tobacco product;

(2) any commodity subject to packaging or labeling requirements imposed by the Secretary of Agriculture pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.], or the provisions of the eighth paragraph under the heading ''Bureau of Animal Industry'' of the Act of March 4, 1913 [21 U.S.C. 151 et seq.], commonly known as the Virus-Serum-Toxin Act;

(3) any drug subject to the provisions of section 503(b)(1) or 506 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 353(b)(1) and 356];

(4) any beverage subject to or complying with packaging or labeling requirements imposed under the Federal Alcohol Administration Act [27 U.S.C. 201 et seq.]; or

(5) any commodity subject to the provisions of the Federal Seed Act [7 U.S.C. 1551 et seq.].

(b) The term ''package'' means any container or wrapping in which any consumer commodity is enclosed for use in the delivery or display of that consumer commodity to retail purchasers, but does not include—

(1) shipping containers or wrappings used solely for the transportation of any consumer commodity in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof;

(2) shipping containers or outer wrappings used by retailers to ship or deliver any commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity; or

(3) containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231–233), or the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234–236).

(c) The term ''label'' means any written, printed, or graphic matter affixed to any consumer commodity or affixed to or appearing upon a package containing any consumer commodity.

(d) The term ''person'' includes any firm, corporation, or association.

(e) The term ''commerce'' means (1) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, and any place outside thereof, and (2) commerce within the District of Columbia or within any territory or possession of the United States not organized with a legislative body, but shall not include exports to foreign countries.

(f) The term ''principal display panel'' means that part of a label that is most likely to be dis-

played, presented, shown, or examined under normal and customary conditions of display for retail sale.

(Pub. L. 89–755, § 10, Nov. 3, 1966, 80 Stat. 1301; Pub. L. 90–628, § 2, Oct. 22, 1968, 82 Stat. 1320.)

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to subsec. (a), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§ 301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (a)(2), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92–516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§ 136 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 136 of Title 7 and Tables.

The eighth paragraph under the heading ''Bureau of Animal Industry'' of the Virus-Serum-Toxin Act, referred to in subsec. (a)(2), is classified to chapter 5 (§ 151 et seq.) of Title 21, Food and Drugs.

The Federal Alcohol Administration Act, referred to in subsec. (a)(4), is act Aug. 29, 1935, ch. 814, 49 Stat. 977, as amended, which is classified generally to chapter 8 (§ 201 et seq.) of Title 27, Intoxicating Liquors. For complete classification of this Act to the Code, see section 201 of Title 27 and Tables.

The Federal Seed Act, referred to in subsec. (a)(5), is act Aug. 9, 1939, ch. 615, 53 Stat. 1275, as amended, which is classified generally to chapter 37 (§ 1551 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1551 of Title 7 and Tables.

AMENDMENTS

1968—Subsec. (b)(3). Pub. L. 90–628 struck out reference to the Act of August 31, 1916, and the Act of May 21, 1928.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–628 effective 60 days after Oct. 22, 1968, see section 3 of Pub. L. 90–628, set out as a note under section 251 of this title.

§ 1460. Savings provisions

Nothing contained in this chapter shall be construed to repeal, invalidate, or supersede—

(a) the Federal Trade Commission Act [15 U.S.C. 41 et seq.] or any statute defined therein as an antitrust Act;

(b) the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.]; or

(c) the Federal Hazardous Substances Labeling Act [15 U.S.C. 1261 et seq.].

(Pub. L. 89–755, § 11, Nov. 3, 1966, 80 Stat. 1302.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in text, is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

The Federal Food, Drug, and Cosmetic Act, referred to in text, is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§ 301 et seq.) of Title 21, Food and Drugs, For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

The Federal Hazardous Substances Labeling Act, referred to in text, is Pub. L. 86–613, July 12, 1960, 74 Stat. 372, as amended, which is classified generally to chapter 30 (§ 1261 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1261 of this title and Tables.

§ 1461. Effect upon State law

It is hereby declared that it is the express intent of Congress to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for the labeling of the net quantity of contents of the package of any consumer commodity covered by this chapter which are less stringent than or require information different from the requirements of section 1453 of this title or regulations promulgated pursuant thereto.

(Pub. L. 89–755, § 12, Nov. 3, 1966, 80 Stat. 1302.)

CHAPTER 39A—SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES FOR PROTECTION OF CHILDREN

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2055, 2079 of this title; title 7 section 136w.

§ 1471. Definitions

For the purpose of this Act—

(1) The term ''Commission'' means the Consumer Product Safety Commission.

(2) The term ''household substance'' means any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household and which is—

(A) a hazardous substance as that term is defined in section 1261(f) of this title;