

**IC 16-44**

**ARTICLE 44. PRODUCT LABELING AND INSPECTION**

**IC 16-44-1**

**Chapter 1. Labeling of Used or Reclaimed Lubricating Oil**

**IC 16-44-1-1**

**Labeling requirements; advertisements; violations**

Sec. 1. (a) A person who deals in retail in:

- (1) previously used or previously used and reclaimed;
- (2) refined;
- (3) recleaned; or
- (4) reconditioned:

lubricating oils, lubricants, or mixtures of lubricants shall at all times have every container or item of equipment in or through which any of those products are sold, kept for sale, displayed, or dispensed plainly labeled under subsection (b).

(b) The products described in subsection (a) must be plainly labeled in lettering:

- (1) as large as any other lettering on the product; or
- (2) in letters at least one-half (1/2) inch in height;

whichever is larger, stating that the contents comprise a previously used product.

(c) A person who publishes, displays, or circulates an advertisement offering for sale any:

- (1) previously used or previously used and reclaimed;
- (2) rerefined;
- (3) recleaned; or
- (4) reconditioned;

lubricating oils, lubricants, or mixtures of lubricants shall state in the advertisement, in letters at least as large as any other lettering in the advertisement, the fact that the products have been previously used.

(d) A person who recklessly violates this section commits a Class B misdemeanor.

*As added by P.L.2-1993, SEC.27.*

**IC 16-44-1-2**

**Injunction**

Sec. 2. (a) A person who deals at retail:

- (1) in:
  - (A) previously used or previously used and reclaimed;
  - (B) refined;
  - (C) recleaned; or
  - (D) reconditioned;

lubricating oils, lubricants, or mixtures of lubricants; and

- (2) without:
  - (A) plainly labeling, as required by this chapter, each container or item of equipment in or through which any of

the products described in subdivision (1) are sold, kept for sale, displayed, or dispensed; or

(B) inserting in any advertisement of those products a statement required by this chapter that the products have been previously used, reclaimed, rerefined, recleaned, or reconditioned;

may be enjoined from selling or offering, displaying, or advertising for sale any of the products described in subdivision (1).

(b) An action for an injunction under this section may be brought in any court having jurisdiction to hear and decide cases in the county in which the defendant resides. The action for an injunction may be brought by the following:

(1) The attorney general.

(2) The prosecuting attorney for the county.

(c) The authority granted by this section is in addition to the authority to criminally prosecute a person for a violation of this chapter.

*As added by P.L.2-1993, SEC.27.*

### **IC 16-44-1-3**

#### **Temporary injunction; prohibition; right to hearing**

Sec. 3. This chapter does not confer upon any court the right to grant temporary restraining orders or temporary injunctions under this chapter, and an injunction may not be issued until the defendant has had a day in court.

*As added by P.L.2-1993, SEC.27.*

### **IC 16-44-1-4**

#### **Injunction; purpose**

Sec. 4. (a) The granting or enforcing of an injunction under this chapter is a preventive measure for the protection of the people of this state, not a punitive measure.

(b) The fact that a person has been charged or convicted of a violation of this chapter does not prevent the issuance of an injunction to prevent further unlawful dealing in previously used, reclaimed, rerefined, recleaned, or reconditioned lubricating oils, lubricants, or mixtures of lubricants.

(c) The fact that an injunction has been granted under this chapter does not preclude criminal prosecution.

*As added by P.L.2-1993, SEC.27.*