

## **IC 16-42-4**

### **Chapter 4. Uniform Food, Drug, and Cosmetic Act: Adulteration or Misbranding of Cosmetics**

#### **IC 16-42-4-1**

##### **Hair dye defined**

Sec. 1. As used in this chapter, "hair dye" does not include eyelash dyes or eyebrow dyes.

*As added by P.L.2-1993, SEC.25.*

#### **IC 16-42-4-1.1**

##### **Duties of state veterinarian and state board of animal health**

Sec. 1.1. (a) The state veterinarian shall act in place of the state health commissioner under this chapter when impounding or disposing of adulterated or misbranded products under IC 15-17-5 or IC 15-18-1.

(b) The Indiana state board of animal health shall act in place of the state department of health under this chapter when impounding or disposing of adulterated or misbranded products under IC 15-17-5 or IC 15-18-1.

*As added by P.L.137-1996, SEC.71. Amended by P.L.2-2008, SEC.44.*

#### **IC 16-42-4-2**

##### **Adulterated cosmetics**

Sec. 2. A cosmetic is considered to be adulterated under the following conditions:

(1) If the cosmetic bears or contains a poisonous or deleterious substance that may make the cosmetic injurious to users under the conditions of use prescribed in the labeling of the cosmetic or under the conditions of use that are customary or usual. However this subdivision does not apply to coal-tar hair dye if the following conditions are met:

(A) The label on the dye conspicuously displays the following message:

"Caution – This product contains ingredients that may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness."

(B) The labeling contains adequate directions for preliminary testing.

(2) If the cosmetic consists in whole or in part of a filthy, putrid, or decomposed substance.

(3) If the cosmetic has been prepared, packed, or held under unsanitary conditions as the result of which the cosmetic may have become contaminated with filth or as the result of which the cosmetic may have been made injurious to health.

(4) If the container of the cosmetic is composed in whole or in part of a poisonous or deleterious substance that may make the contents injurious to health.

(5) If the cosmetic is not a hair dye and the cosmetic is, bears, or contains a color additive that is unsafe under IC 16-42-2-5.

*As added by P.L.2-1993, SEC.25.*

### **IC 16-42-4-3**

#### **Misbranded cosmetics**

Sec. 3. A cosmetic is considered to be misbranded under the following conditions:

(1) If the cosmetic's labeling is false or misleading in any way.

(2) If the cosmetic is in package form unless the cosmetic bears a label containing the following:

(A) The name and place of business of the manufacturer, packer, or distributor.

(B) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.

However, reasonable variations are permitted under clause (B) and exemptions for small packages shall be established by rules adopted by the state department.

(3) If a word, statement, or other information required by this chapter or a rule adopted under IC 16-42-1-2 to appear on the label or labeling is not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to make the label or labeling likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(4) If the container of the cosmetic is so made, formed, or filled as to be misleading.

*As added by P.L.2-1993, SEC.25.*

### **IC 16-42-4-4**

#### **Cosmetics in transit for processing, labeling, or repacking; exemption**

Sec. 4. A cosmetic that, in accordance with the practice of the trade, is to be processed, labeled, or repacked in substantial quantities at an establishment other than the establishment where the cosmetic was originally processed or packed is exempt from the affirmative labeling requirements of IC 16-42-1 through IC 16-42-4 while the cosmetic is in transit in intrastate commerce from one (1) establishment to the other if the transit is made in good faith for completion purposes only, but the cosmetic is otherwise subject to all the applicable provisions of IC 16-42-1 through IC 16-42-4.

*As added by P.L.2-1993, SEC.25.*

### **IC 16-42-4-5**

#### **Chapter violations; offenses**

Sec. 5. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.  
*As added by P.L.2-1993, SEC.25.*