

### **217.175 Prohibited acts.**

The following acts and the causing thereof within the Commonwealth of Kentucky are hereby prohibited:

- (1) The manufacture, sale, or delivery, holding or offering for sale of any food, drug, device, or cosmetic that is adulterated or misbranded;
- (2) The adulteration or misbranding of any food, drug, device, or cosmetic;
- (3) The receipt in commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise;
- (4) The sale, delivery for sale, holding for sale, or offering for sale of any article in violation of KRS 217.075;
- (5) The dissemination of any false advertisement;
- (6) The refusal to permit entry or inspection, or to permit the taking of a sample or to permit access to records or evidence, as authorized by KRS 217.155;
- (7) The giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of the person residing in the Commonwealth of Kentucky from whom he received in good faith the food, drug, device, or cosmetic;
- (8) The removal or disposal of a detained or quarantined article in violation of KRS 217.115;
- (9) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food, drug, device, or cosmetic, if such act is done while such article is held for sale and results in such article being adulterated or misbranded;
- (10) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of KRS 217.005 to 217.215;
- (11) The using, on the labeling of any drug or in any advertisement relating to such drug, of any representation or suggestion that any application with respect to such drug is effective under KRS 217.075, or that such drug complies with the provisions of such section;
- (12) The manufacture, sale or exchange of any filled milk;
- (13) The manufacture, mixing, compounding, selling, or offering for sale of any flour unless the same is enriched; provided that this prohibition shall not apply to flour sold to bakeries or other commercial secondary processors, which flour is used only in the production of enriched flour or enriched bread or in the manufacture of products not required to be enriched;
- (14) The manufacture, baking, sale, or offering for sale of any bread except bread conforming to the definition of enriched bread.

**Effective:** June 17, 1978

**History:** Amended 1978 Ky. Acts ch. 292, sec. 9, effective June 17, 1978. -- Created 1960 Ky. Acts ch. 247, sec. 18.

**Legislative Research Commission Note.** Although this section was included in Acts 1978, ch. 292, § 9, as having been amended, there appears to be no change in this section.