

## **217.670 Construction of term "misbranded."**

A hazardous substance is hereby declared to be misbranded when intended for household use if it fails to bear a label:

- (1) Which states conspicuously:
  - (a) The name and place of business of the manufacturer, packer, or distributor;
  - (b) The common or usual name, or the chemical name (if there be no common or usual name), or the recognized generic name (not trade name only) of the hazardous substance or of each component which contributes substantially to its hazard;
  - (c) One (1) of the following signal words: "danger," "warning," or "caution";
  - (d) When necessary, an affirmative statement of the principal hazard or hazards such as "flammable," "vapor harmful," "causes burns," "absorbed through skin," or similar wording descriptive of the hazard;
  - (e) Precautionary measures describing the action to be followed or avoided;
  - (f) Instructions, when necessary, for the first-aid treatment in case of contact or exposure if the substance is hazardous through contact or exposure;
  - (g) The word "poison" for any toxic substance which is defined as poisonous by the rules and regulations of the secretary under the provisions of KRS 217.650 to 217.710;
  - (h) Instructions for handling and storage of packages which require special care in handling or storage; and
  - (i) The statement "Keep out of reach of children" or its practical equivalent;
- (2) On which any statements required under subsection (1) are not located prominently and are not in English in legible type in contrast by typography, layout, or color, with other printed matter on the label; provided, however, that the secretary may by regulations provide for minimum information which shall appear on the labels for small packages, which labels need not include all of the information required by this section; provided further, that the secretary may provide for less than the foregoing statement of the hazard or precautionary measures for labels of hazardous substances presenting only minor hazards; and a package shall not be deemed misbranded under the provisions of KRS 217.650 to 217.710 if it is a substance subject to the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, 7 U.S.C. secs. 135 et seq.); the Federal Food, Drug and Cosmetic Act (52 Stat. 1040 et seq., 21 U.S.C. secs. 301 et seq.); the Kentucky Pesticide Act (KRS 217.542 to 217.640); KRS 217.005 to 217.215, or to packages or substances intended for use in agriculture or horticulture for industrial or related uses.

**Effective:** July 15, 1980

**History:** Amended 1980 Ky. Acts ch. 188, sec. 218, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(22). -- Created 1960 Ky. Acts ch. 244, sec. 3, effective June 16, 1960.