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HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (*Division 104 added by Stats. 1995, Ch. 415, Sec. 6.*)

PART 5. SHERMAN FOOD, DRUG, AND COSMETIC LAWS [109875 - 111929.4] (*Part 5 added by Stats. 1995, Ch. 415, Sec. 6.*)

CHAPTER 7. Cosmetics [111660 - 111820] (*Chapter 7 added by Stats. 1995, Ch. 415, Sec. 6.*)

ARTICLE 3. Misbranded Cosmetics [111730 - 111790] (*Article 3 added by Stats. 1995, Ch. 415, Sec. 6.*)

[111730.](#) Any cosmetic is misbranded if its labeling is false or misleading in any particular.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

[111735.](#) Any cosmetic is misbranded if its labeling or packaging does not conform to the requirements of Chapter 4 (commencing with Section 110290).

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

[111740.](#) Any cosmetic is misbranded if it is in package form and it does not bear a label containing all of the following information:

- (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.

Reasonable variations shall be permitted from the requirements of subdivision (b) of this section. Requirements for placement and prominence of the information and exemptions as to small packages shall be established by regulations adopted pursuant to Section 110380.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

[111745.](#) A cosmetic is misbranded if any word, statement, or other information required pursuant to this part to appear on the label or labeling is not prominently placed upon the label or labeling with conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

[111750.](#) Any cosmetic is misbranded if its container is so made, formed, or filled as to be misleading.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

[111755.](#) A cosmetic is misbranded if it is a color additive, unless its packaging and labeling are in conformity with the packaging and labeling requirements applicable to color additives prescribed under the provisions of Section 110090. This section does not apply to packages of color additives that, with respect to their use for cosmetics, are marketed and intended for use only in or on hair dyes.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

[111760.](#) Any cosmetic is misbranded if its packaging or labeling is in violation of an applicable regulation issued pursuant to Section 108685 or 108700.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

[111765.](#) It is unlawful for any person to manufacture, or sell any cosmetic that is misbranded.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

111770. It is unlawful for any person to misbrand any cosmetic.

(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)

111775. It is unlawful for any person to receive in commerce any cosmetic that is misbranded, or to deliver or proffer for delivery any cosmetic.

(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)

111780. It is unlawful for any person to alter, mutilate, destroy, obliterate, or remove the label or any part of the labeling of any cosmetic if the act results in the cosmetic being misbranded, while held for sale.

(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)

111785. Any cosmetic intended for export shall not be deemed to be misbranded under this part if it satisfies all of the following requirements:

- (a) It accords to the specifications of the foreign purchaser.
- (b) It is not in conflict with the laws of the country to which it is intended for export.
- (c) It is labeled on the outside of the shipping package to show that it is intended for export.

If the article is sold or offered for sale in domestic commerce, this section shall not exempt it from any of the provisions of this part.

(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)

111790. A cosmetic is deemed misbranded under the laws of this state if it is subject to regulations issued by the United States Food and Drug Administration relating to tamper-resistant packaging, as set forth in Part 700 of Volume 21 of the Code of Federal Regulations, as amended, but is not in compliance therewith.

(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)