

4-5-3 Unlawful acts specified.

- (1) A person may not:
- (a) manufacture, sell, deliver, hold, or offer for sale a food that is adulterated or misbranded;
 - (b) adulterate or misbrand food;
 - (c) except as provided in Subsection (2), distribute, in commerce, a consumer commodity inconsistent with the packaging and labeling requirements of this chapter, or the rules made under this chapter;
 - (d) sell, deliver for sale, hold for sale, or offer for sale an article in violation of Section 4-5-9;
 - (e) disseminate false advertising;
 - (f) remove or dispose of detained or embargoed food in violation of Section 4-5-5;
 - (g) adulterate, mutilate, destroy, obliterate, or remove the food label which results in the food being misbranded or adulterated while the food is for sale;
 - (h) forge, counterfeit, simulate, or misrepresent a label or information, by the unauthorized use of a mark, stamp, tag, label, or other identification device;
 - (i) use or reveal a method, process, or information which is protected as a trade secret;
 - (j) operate a food establishment without a valid registration issued by the department; and
 - (k) refuse entry to an authorized agent of the department in a food establishment as required under Section 4-5-18.
- (2) Subsection (1)(c) does not apply to a person engaged in the wholesale or retail distribution of consumer commodities unless that person:
- (a) is engaged in the packaging or labeling of consumer commodities; or
 - (b) prescribes or specifies the manner in which consumer commodities are packaged or labeled.

Amended by Chapter 358, 2004 General Session