

§ 172.401 Prohibited labeling.

(a) Except as otherwise provided in this section, no person may offer for transportation and no carrier may transport a package bearing a label specified in this subpart unless:

- (1) The package contains a material that is a hazardous material, and
- (2) The label represents a hazard of the hazardous material in the package.

(b) No person may offer for transportation and no carrier may transport a package bearing any marking or label which by its color, design, or shape could be confused with or conflict with a label prescribed by this part.

(c) The restrictions in paragraphs (a) and (b) of this section, do not apply to packages labeled in conformance with:

- (1) The UN Recommendations (IBR, see §171.7 of this subchapter);
- (2) The IMDG Code (IBR, see §171.7 of this subchapter);
- (3) The ICAO Technical Instructions (IBR, see §171.7 of this subchapter);
- (4) The TDG Regulations (IBR, see §171.7 of this subchapter).

(d) The provisions of paragraph (a) of this section do not apply to a packaging bearing a label if that packaging is:

- (1) Unused or cleaned and purged of all residue;
- (2) Transported in a transport vehicle or freight container in such a manner that the packaging is not visible during transportation; and
- (3) Loaded by the shipper and unloaded by the shipper or consignee.

[Amdt. 172-9, 41 FR 15996, Apr. 15, 1976, as amended by Amdt. 172-75, 47 FR 44471, Oct. 7, 1982; Amdt. 172-77, 47 FR 54822, Dec. 6, 1982; Amdt. 172-94, 49 FR 38134, Sept. 27, 1984; Amdt. 172-100, 50 FR 41521, Oct. 11, 1985; Amdt. 172-123, 55 FR 52594, Dec. 21, 1990; Amdt. 172-132, 58 FR 50501, Sept. 27, 1993; 66 FR 8647, Feb. 1, 2001; 66 FR 45379, Aug. 28, 2001; 68 FR 75741, 75742, Dec. 31, 2003]