**Section 725.20 Definitions**

The definitions and interpretations contained in Section 201 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.), 21 CFR 105, the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56½, pars. 501 et seq.), and Section 401 of the Salvage Warehouse and Salvage Warehouse Store Act are applicable to such items when used in this Part. The following definitions shall also apply:

"ACT" shall mean the Salvage Warehouse and Salvage Warehouse Store Act (Ill. Rev. Stat. 1987, ch. 114, pars. 400 et seq.).

"Adequate" shall mean that which is needed to accomplish the intended purpose in keeping with good public health practice. Good public health practices are those practices and standards which reduce the opportunity for microorganisms to gain entrance and multiply in foods, drugs, medical devices, cosmetics or alcoholic liquors. This would also include such practices and standards which assure that such items remain sound, undamaged, clean, free from adulteration and contamination, and otherwise suitable for human use.

*"Adulterated" shall mean the containing of any poisonous or deleterious substance which may render an item injurious to health; or if an item consists in whole or in part of any filthy, putrid or decomposed substance; or if an item has been produced, prepared, packed or held under unsanitary conditions; or any other meaning ascribed under the Illinois Food, Drug and Cosmetic Act.* (Section 10 of the Illinois Food, Drug and Cosmetic Act)

"Contaminated" shall mean bearing or containing any poisonous or deleterious substance which may render an item injurious to health.

"Cross-contaminated" shall mean the contamination of food or equipment with a contaminated raw food or non-food item.

*"Department"* shall mean the Department of Public Health. (Section 2 of the Illinois Food, Drug and Cosmetic Act)

"Distressed Merchandise" shall mean any food, drug, cosmetic, medical device or alcoholic liquor which has had the label lost or which has been subjected to possible damage due to accident, fire, smoke, storm, flood, adverse weather, train or truck wreck, or to any other similar cause, or which may have been rendered unsafe or unsuitable for human consumption or use pursuant to this Part.

"Flipper" shall mean a can with a bulged or swelled end which, when depressed, will force the opposite end of the can to bulge or swell.

"Leaker" shall mean a can or other container which shows evidence of leakage of its contents.

*"Misbranded" shall mean labeled or having labeling which is false or misleading in any particular; or any other meaning ascribed under the Illinois Food, Drug and Cosmetic Act.* (Section 11 of the Illinois Food, Drug and Cosmetic Act)

"Non-Salvageable Merchandise" shall mean "distressed merchandise," as defined in this Section which cannot be reconditioned such as foods, alcoholic liquors, drugs, medical devices and cosmetics contaminated and/or adulterated by pesticides, chemicals, or filth; potentially hazardous foods (frozen or those requiring refrigeration) which have been exposed to a temperature above 45º F (7.2º C) for a period exceeding 4 hours; foods, alcoholic liquors, drugs, medical devices and cosmetics found unfit for salvage on examination; foods, alcoholic liquors, drugs, medical devices and cosmetics packaged in paper or other porous materials which have been subject to contamination; and foods, alcoholic liquors, drugs, medical devices or cosmetics found to have pitted rust upon examination. Drug products or infant formulas containing expiration dates or beyond use dates which have expired shall be considered non-salvageable merchandise.

"Perishable" shall mean that there exists a significant risk of spoilage or deterioration when a product has not been refrigerated.

"Personnel" shall mean any person employed at a salvage processing plant or distributor who does or may in any manner handle or come in contact with the handling, storing, transporting, or selling and distributing of salvageable or salvaged merchandise.

"Pitted Rust" shall mean any rust that has penetrated the surface of the container to such a depth that it cannot be removed with a wiping cloth only. Containers with rust that cannot be removed with a wiping cloth only are non-salvageable merchandise.

"Potentially Hazardous Food" shall mean any food or food ingredient, natural or synthetic, in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of Clostridium botulinum as stated in 77 Ill. Adm. Code 750.20.

"Reconditioning" shall mean any sanitary process or procedure by which distressed merchandise can be made available for consumption or use by the public pursuant to this Part.

"Salvage Distributor" shall mean a person who engages in the business of selling, ditribution or otherwise trafficking in any distressed or salvaged merchandise.

"Salvage Processing Plant" shall mean an establishment engaged in the business of reconditioning or by other means salvaging distressed merchandise and which sells or distributes or holds for sale salvaged merchandise for human consumption or use.

"Salvageable Merchandise" shall mean any damaged or distressed item or product from a manufacturer closeout, or distressed merchandise which can be reconditioned pursuant to this Part or is not adulterated, contaminated or misbranded.

"Salvaged Merchandise" shall mean distressed merchandise which has been reconditioned pursuant to this Part.

"Springer" shall mean a can with a bulged or swelled end which, after depression, returns voluntarily to its bulged or swelled condition.

"Surface Rust" shall mean rust that can removed with a wiping cloth only.

"Swell" shall mean a can which exhibits a bulged end.

"Vehicles" shall mean any truck, car, bus, or other means by which distressed, salvageable or salvaged merchandise is transported from one location to another.

(Source: Amended at 14 Ill. Reg. 864, effective January 1, 1990)