Food and Drug Administration, HHS

to indicate the importer’s liability and make a recommendation accordingly.
(c) The District Director of Customs, within 3 days of the receipt of this recommenda-
tion, whether favorable or otherwise, shall notify the importer that, the legal period of 3 months for
exportation or relabelling having expired, action will be taken within 30 days to enforce the terms of the bond.

PART 1240—CONTROL OF
COMMUNICABLE DISEASES

Subpart A—General Provisions

§ 1240.3 General definitions.

As used in this part, terms shall have the following meaning:
(a) Bactericidal treatment. The application of a method or substance for the
destruction of pathogens and other organisms as set forth in §1240.10.
(b) Communicable diseases. Illnesses due to infectious agents or their toxic
products, which may be transmitted from a reservoir to a susceptible host
either directly as from an infected person or animal or indirectly through the
agency of an intermediate plant or animal host, vector, or the inanimate en-
vironment.

(c) Communicable period. The period or periods during which the etiologic
agent may be transferred directly or indirectly from the body of the in-
fected person or animal to the body of another.

(d) Contamination. The presence of a certain amount of undesirable sub-
stance or material, which may contain pathogenic microorganisms.

(e) Conveyance. Conveyance means any land or air carrier, or any vessel as
defined in paragraph (n) of this section.

(f) Garbage. (1) The solid animal and vegetable waste, together with the nat-
ural moisture content, resulting from the handling, preparation, or consump-
tion of foods in houses, restaurants, hotels, kitchens, and similar establish-
ments, or (2) any other food waste containing pork.

(g) Incubation period. The period between the implanting of disease orga-
nisms in a susceptible person and the appearance of clinical manifestation of
the disease.

(h) Interstate traffic. (1) The movement of any conveyance or the trans-
portation of persons or property, including any portion of such movement
or transportation which is entirely within a State or possession.

(i) From a point of origin in any State or possession to a point of desti-
nation in any other State or possession, or

(ii) Between a point of origin and a point of destination in the same State
or possession but through any other State, possession, or contiguous for-

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 Interstate traffic does not include the following:

(i) The movement of any conveyance which is solely for the purpose of unloading persons or property transported from a foreign country, or loading persons or property for transportation to a foreign country.

(ii) The movement of any conveyance which is solely for the purpose of effecting its repair, reconstruction, rehabilitation, or storage.

(i) Milk. Milk is the product defined in §131.110 of this chapter.

(j) Milk products. Food products made exclusively or principally from the lacteal secretion obtained from one or more healthy milk-producing animals, e.g., cows, goats, sheep, and water buffalo, including, but not limited to, the following: lowfat milk, skim milk, cream, half and half, dry milk, nonfat dry milk, dry cream, condensed or concentrated milk products, cultured or acidified milk or milk products, kefir, eggnog, yogurt, butter, cheese (where not specifically exempted by regulation), whey, condensed or dry whey or whey products, ice cream, ice milk, other frozen dairy desserts and products obtained by modifying the chemical or physical characteristics of milk, cream, or whey by using enzymes, solvents, heat, pressure, cooling, vacuum, genetic engineering, fractionation, or other similar processes, and any such product made by the addition or subtraction of milkfat or the addition of safe and suitable optional ingredients for the protein, vitamin, or mineral fortification of the product.

(k) Minimum heat treatment. The causing of all particles in garbage to be heated to a boiling temperature and held at that temperature for a period of not less than 30 minutes.

(l) Possession. Any of the possessions of the United States, including Puerto Rico and the Virgin Islands.

(m) Potable water. Water which meets the standards prescribed in the Environmental Protection Agency’s Primary Drinking Water Regulations as set forth in 40 CFR part 141 and the Food and Drug Administration’s sanitation requirements as set forth in this part and part 1250 of this chapter.

(n) State. Any State, the District of Columbia, Puerto Rico and the Virgin Islands.

(o) Utensil. Includes any kitchenware, tableware, glassware, cutlery, containers, or equipment with which food or drink comes in contact during storage, preparation, or serving.

(p) Vessel. Any passenger-carrying, cargo, or towing vessel exclusive of:

(1) Fishing boats including those used for shell-fishing;

(2) Tugs which operate only locally in specific harbors and adjacent waters;

(3) Barges without means of self-propulsion;

(4) Construction-equipment boats and dredges; and

(5) Sand and gravel dredging and handling boats.

(q) Watering point. The specific place or water boat from which potable water is loaded on a conveyance.

(r) Molluscan shellfish. Any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the product consists entirely of the shucked adductor muscle.

(s) Certification number means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish processor.

(t) Shellfish control authority means a Federal, State, or foreign agency, or sovereign tribal government, legally responsible for the administration of a program that includes activities such as classification of molluscan shellfish growing areas, enforcement of molluscan shellfish harvesting controls, and certification of molluscan shellfish processors.

(u) Tag means a record of harvesting information attached to a container of shellstock by the harvester or processor.

§ 1240.10 Effective bactericidal treatment.

Whenever, under the provisions of this part, bactericidal treatment is required, it shall be accomplished by one or more of the following methods: