

567—107.2(455C) Definitions. As used in this chapter:

“*Act*” means Iowa Code chapter 455C.

“*Alcoholic beverage*” means any beverage containing more than one-half of 1 percent of alcohol by volume including alcoholic liquor, wine, and beer.

“*Alcoholic liquor*” or “*intoxicating liquor*” means the varieties of liquor defined hereunder in paragraphs 1 and 2 which contain more than 5 percent of alcohol by weight, beverages made as described in the definition of “*beer*” which beverages contain more than 5 percent of alcohol by weight but which are not wine as defined in this rule, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in the definition of “*wine*” containing more than 17 percent alcohol by weight, and susceptible of being consumed by a human being, for beverage purposes.

1. “*Alcohol*” means the product of distillation of any fermented liquor rectified one or more times, whatever may be the origin thereof, and includes synthetic ethyl alcohol.

2. “*Spirits*” means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, but not limited to, brandy, rum, whiskey, and gin.

3. Rescinded effective July 1, 1985.

“*Approved redemption center*” means a redemption center approved by the department pursuant to 107.4(1).

“*Beer*” means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of 1 percent of alcohol by volume but not more than 5 percent of alcohol by weight but not including mixed drinks or cocktails mixed on the premises.

“*Beverage*” means wine as defined in Iowa Code section 123.3, subsection 7, alcoholic liquor as defined in Iowa Code section 123.3, subsection 8, beer as defined in Iowa Code section 123.3, subsection 9, mineral water, soda water or similar carbonated soft drinks in liquid form intended for human consumption.

“*Beverage container*” means any sealed glass, plastic, or metal bottle, can, jar or carton containing a beverage.

“*Carbonated*” means charged under pressure with carbon dioxide.

“*Commission*” means the environmental protection commission of the department of natural resources.

“*Consumer*” means any person who purchases a beverage in a beverage container for use or consumption.

“*Dealer*” means any person who engages in the sale of beverages in beverage containers to a consumer.

“*Dealer agent*” means a person who solicits or picks up empty beverage containers from a dealer for the purpose of returning the empty beverage containers to a distributor or manufacturer.

“*Department*” means the department of natural resources.

“*Director*” means the director of the department of natural resources.

“*Distributor*” means any person who engages in the sale of beverages in beverage containers to a dealer in this state, including any manufacturer who engages in such sales.

“*Emboss*” means to raise the surface in relief.

“*Exempt beverage container*” means a beverage container that is not marked with the words “Iowa Refund 5¢” because it is a refillable glass beverage container having a brand name permanently marked on it and having a refund value of 5 or more cents or because it is a refillable metal or plastic beverage container that has been exempted, in accordance with the procedure of 107.3(7), from the requirement of having the refund value marked on the container. An exempt beverage container is exempt from having the words “Iowa Refund 5¢” indicated on the container, but is not necessarily exempt from the minimum deposit.

“Exempt dealer” means a dealer named in a department order that approves a redemption center pursuant to 107.4(1).

“High-contrasting color” in reference to labeling requirements means a clear differentiation in hue, value, and intensity with the background on which the redemption message appears, surrounding artwork, and other nearby printed information.

“Incise” means to scratch the surface to produce legible letters or characters at a precise width and depth.

“Indelibly” means that the refund value is permanently affixed on the beverage container and cannot be smeared or removed during regular use from the point of being offered for sale until the point of redemption.

“Manufacturer” means any person who bottles, cans, or otherwise fills beverage containers for sale to distributors or dealers.

“Mineral water” means water naturally or artificially infused with mineral salts or gases. Mineral water may be carbonated or uncarbonated.

“Redemption center” means any establishment other than a dealer’s premises at which consumers may return empty beverage containers and receive payment of the refund value of the containers, or means the premises of a dealer if the dealer voluntarily chooses to accept, and refund the deposit on, empty beverage containers (other than alcoholic liquor containers) that are not of the kind, size and brand sold by the dealer. A redemption center is either an approved redemption center or an unapproved redemption center.

“Redemption center for a dealer” means a redemption center that provides beverage container sorting and handling services for a dealer and that has been certified by the department pursuant to 107.4(3).

“Registered redemption center” means a redemption center registered with the department pursuant to 107.4(4).

“Soda water” means water that has been carbonated.

“Soft drink” means any nonalcoholic liquid other than mineral water or soda water intended for human consumption.

“Unapproved redemption center” means a redemption center that is not an approved redemption center or a registered redemption center.

“Wine” means any beverage containing more than 5 percent but not more than 17 percent alcohol by weight obtained by the fermentation of the natural sugar contents of fruits or other agricultural products but excluding any product containing alcohol derived from malt or by the distillation process from grain, cereal, molasses, or cactus.

This rule is intended to implement Iowa Code sections 455C.1 and 455C.9.