

239-2516

12/16/2008

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY DEC 16 2008
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

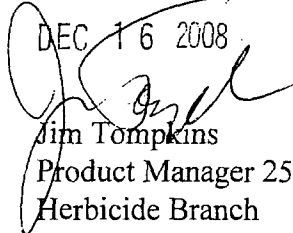
Lisa McClellan
The Scotts Company
d/b/a The Ortho Group
P.O. Box 190
Marysville, OH 43040

Subject: Notification – Additional Applicator Sizes and PRN 2007-4
Ortho Fence & Grass Edger Formula II
EPA Reg. No. 239-2516
Application Dated November 21, 2008

Dear Ms. McClellan:

The Agency is in receipt of your Application for Notification under Pesticide Registration Notice (PRN) 98-10 for the above product. The additional applicator sizes, container handling language, and other minor changes to your labeling has been noted. The label submitted will be placed in our records.

Sincerely,

DEC 16 2008

Jim Tompkins
Product Manager 25
Herbicide Branch
Registration Division (7505P)

Please read instructions on reverse before completing form.

Form Approved JMB No. 2070-0060. Approval expires 05-31-98

EPA United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number 2392516LBL20081120
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Application for Pesticide - Section I

1. Company/Product Number 239-2516 4. Company/Product (Name) The Ortho Group / Ortho Fence & Grass Edger Formula II	2. EPA Product Manager Jim Tompkins PM# PM-25	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
5. Name and Address of Applicant (Include ZIP Code) The Scotts Company d/b/a The Ortho Group P.O. Box 190 Marysville, Ohio 43040 <input type="checkbox"/> Check if this is a new address		6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(I), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____

Section II

<input type="checkbox"/> Amendment - Explain below. <input checked="" type="checkbox"/> Resubmission in response to Agency email dated 11/20/08 <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated 10-23-07 <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below.
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Explanation: Use additional page(s) if necessary. (For section I and Section II.)
Resubmission of Notification for general labeling revisions per PR Notice 98-10. Notification of label change per PR Notice 2007-4. Details may be found in the attached letter.

Section III

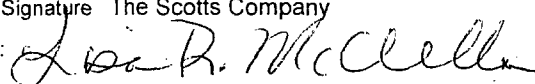
1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Unit Packaging wgt. No. per Container	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes" Package wgt. No. per Container	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) Plastic Bag
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container TBD	5. Location of Label Directions <input type="checkbox"/> On Bag <input type="checkbox"/> On Labeling accompanying product
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

Section IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name Lisa R. McClellan	Title Sr. Regulatory Scientist	Telephone No. (Include Area Code) (937) 644-7426

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both, under applicable law.

2. Signature The Scotts Company BY: 	3. Title Sr. Regulatory Scientist	6. Date Application Received (Stamped)
4. Typed Name: Lisa R. McClellan	5. Date: November 21, 2008	

MPU
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The Scott's Company LLC

and Subsidiaries

November 21, 2008

Mr. Jim Tompkins (PM-25)
Registration Division
Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Re: Ortho Fence & Grass Edger Formula II (EPA Reg. No. 239-2516)
Replacement Notification for general labeling provisions per PR Notice 98-10 & 2007-4
Replaces Notification dated 11/7/08

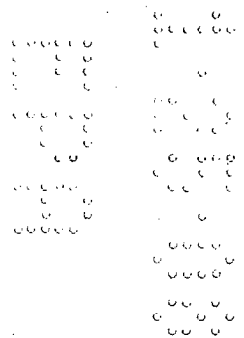
Dear Mr. Tompkins:

The Scott's Company, d/b/a The Ortho Group, respectfully requests the approval of the attached Application of Registration for a Notification of general labeling revisions. This replaces the Notification dated 11/7/08, in which the coverage listed on Page 2 under "Product Facts" was misstated. That correction has been made with this Notification. The changes include those requested per EPA label dated 10/23/07 and new Notification language. Included with this cover letter are the following:

- Completed Application for Pesticide Registration (EPA form 8570-1);
- One (1) copy of the master label with changes identified by strikethrough, underline or in yellow; and
- Two (2) clean copies of the master label.

The following language has been modified since the last approved label dated 10/23/07:

- Addition of brackets and various icons to indicate optional text and graphics;
- Addition of new 32 fl oz and 1.1 gal size net content information;
- Correction to coverage information in the "Product Facts" section;
- Addition of coverage size in square feet under the "Product Facts" section for the new sizes;
- Addition of optional Pesticide Disposal and Container Handling section per PR Notice 2007-4;
- Addition of explanatory note regarding First Aid information;
- Addition of EPA Est. Numbers; and



Bold, italicized text is information for the reader and is not part of the label. Text separated by / denotes and/or options. [Bracketed information is optional text]. ~~Strike-through text is being deleted.~~ Underline text is new language added per 10/23/07 EPA label. New Notification language is highlighted in yellow.

ORTHO® Fence & Grass Edger Formula II

[**ICON OUTDOOR USE ONLY**]

Active Ingredients

Glyphosate, isopropylamine salt**	0.25%
Oxyfluorfen	0.25%
Other Ingredients*	99.50%

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back panel booklet for additional precautionary statements.

* Contains petroleum distillates, xylene, or xylene aromatic solvents

**Glyphosate acid equivalent is 0.19%

NET CONTENTS 32 fl oz (1 Qt) 946 mL

NET CONTENTS 1 gal / 3.78 L

NET CONTENTS 1.1 gal / 4.16 L

NET CONTENTS 1.33 gal / 5.03 L

ORTHO® Fence & Grass Edger Formula II


Gives complete kill of weeds and grasses and prevents weed and grass seeds from sprouting for up to 4 months. Can be used over root zones without harming ornamental plants.

WHERE TO USE: Apply only where no vegetation is desired, such as driveways, along fences, sidewalks, walkways, patios, curbs, gutters, landscaped areas, and even cracks in sidewalks.

DO NOT USE IN VEGETABLE GARDENS.

Peel open for use directions and further information [or]

[illustration] **[PULL HERE TO OPEN LABEL. PRESS TO RESEAL.]**

 [Computer icon] Questions, Comments or Medical Information [call] 1-800-225-2883

www.ortho.com

[Gives complete kill of weeds and grasses and prevents weed and grass seeds from sprouting for up to 4 months. Can be used over root zones without harming ornamental plants.]

-OR-

[Provides complete kill of weeds (and grasses) PLUS prevents new weeds (and grasses) from growing for up to 4 months. Can be used in landscape[d] areas (over root zones) without harming ornamental plants (trees or shrubs).]

-OR-

[[Ortho GroundClear SuperEdger PLUS is] Specially formulated to kill weeds and grasses PLUS prevent new growth for up to 4 months. Use to eliminate existing weeds [and grasses] OR use in areas where you want to prevent weeds [and grasses] from even growing.]

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Product Facts		
Treats up to [400 sq ft for 1.33 Gal size] [300 sq ft for 1 Gal size] [330 sq ft for 1.1 Gal size] [75 sq ft for 32 fl oz size]		
KILLS	Unwanted weeds & grasses	[weed icon]
WEEDS		
PREVENTS	For up to 4 months	
WEEDS		
WHERE TO USE	<ul style="list-style-type: none"> • Driveways, sidewalks, patios, curbs and gutters • Along fences • In landscape[d] areas (except vegetable gardens) 	
Questions, Comments or Medical Information		
[Computer icon]	[call] 1-800-225-2883	www.ortho.com

WHERE TO USE:

[Apply only where no vegetation is desired, such as driveways, landscape[d] areas [around trees and shrubs], along fences, sidewalks, walkways, patios, curbs, gutters and even cracks in sidewalks. [driveways & sidewalks graphic][along fences graphic][patios & walkways graphic][landscaped areas graphic]]

- OR -

[Apply only where no vegetation is desired, such as driveways, PLUS landscape[d] areas, PLUS fence lines, PLUS sidewalks, PLUS walkways, PLUS patios, PLUS curbs, PLUS gutters and even cracks in sidewalks.]

DO NOT USE ON OR AROUND EDIBLE FEED OR FOOD CROPS.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

General Precautions and Restrictions

Do not allow people or pets to enter treated area until sprays have dried. Do not apply this product in a way that will contact people or pets.

WHERE TO USE

Apply only where no vegetation is desired, such as driveways, landscape[d] areas, [around trees and shrubs] along fences, sidewalks, walkways, patios, curbs, gutters and even cracks in sidewalks.

DO NOT USE IN VEGETABLE GARDENS.

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WHEN TO APPLY

Apply to actively growing weeds and grasses. Visible effects will occur within 3 to 5 days with complete kill in 2 to 4 weeks. If rainfall occurs within 6 hours, repeat treatment may be required. To avoid drift to desirable plants, apply only when air is calm. If leaves of desirable plants are accidentally sprayed, immediately wash off plants with water.

This product applies no more than 3 pounds of Oxyfluorfen per acre.

-----OPTION 1 Sprinkle-Pour Spout (1 Gal.)-----

HOW TO APPLY/USE

Remove cap and be certain that applicator head is screwed on firmly. Invert jug and apply to thoroughly cover unwanted vegetation. For killing vegetation around trees, shrubs and buildings and edging around lawns, fences and sidewalks, hold the jug about 2 to 6 inches from the area to be treated depending upon desired width. The width of the spray pattern may be adjusted by either raising or lowering the jug. One gallon will cover a band 2 inches wide and 1200 feet long.

For controlling weeds in walks and patios, hold jug at about waist height away from body to avoid contact with skin or clothing. Walk slowly making sure that all weeds are thoroughly covered. Thoroughly cover all cracks and joints in sidewalks, driveways and patios.

----- End of OPTION 1 -----

----OPTION 2 – Pull 'N Spray (II) (PNSII) (1 gal or 1.33 gal)-----

[Illustration #1]

- Remove sprayer from side carrier and unwrap hose completely.
- Insert (color of plug) plug at end of hose into (color of spout) spout on cap until it clicks.
- Flip up spout. Spout must remain up while spraying

[Illustration #2]

- Twist nozzle at end of sprayer to desired spray pattern (narrow, medium or wide stream).

[Illustration #3]

- Point sprayer away from body.
- Grasp sprayer by the handle.
- Slowly pull ring at bottom of sprayer handle until it stops and hold for two (2) seconds to ready the sprayer.

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[Illustration #4]

- Press and hold button on sprayer to begin spraying.
- Pull ring at sprayer bottom again as needed to continue spraying.

HOW TO APPLY/USE

Follow illustrations and instructions above.

1. For best results pull out slowly and hold for two (2) seconds.
2. Spray to thoroughly cover unwanted weeds and grasses or spray to thoroughly cover areas where you want to prevent weed and grass growth.
3. Do not spray plants or grasses you like - they may die too.
4. When treating around desirable plants shield plants from drift with a sheet of cardboard or plastic. If desirable plants are accidentally sprayed, rinse off immediately with water.

-----**End of OPTION 2** -----

-----**OPTION 3 Pull 'N Spray 1(1 gal or 1.33 gal)** -----

(PNS | EPA Required Language)

**(FRONT PANEL - LARGE TYPE, BOLD FACE)
DO NOT UNSCREW CAP. DO NOT REFILL CONTAINER.**

(wand sticker)

IMPORTANT! Follow directions and illustrations on back to assemble and use Pull N' Spray correctly.

[Illustration] 1. Detach yellow wand and pull plug and tubing from bottom of wand. Insert plug firmly into "T-handle" until it clicks. **ONCE CONNECTED, PLUG CANNOT BE REMOVED WITHOUT DAMAGING "T-HANDLE."**

[Illustration] 2. Slide white strip on cap, then grab "T-handle" and pull all the way up. **JUST PULL UP -- NO NEED TO PUMP.**

[Illustration] 3. Point wand at area to be treated and push button to begin spraying. Twist nozzle at end of wand to adjust spray pattern.

[Illustration] 4. Pull "T-handle" again as needed to continue spraying. **JUST PULL -- NO NEED TO PUMP.** When finished, push "T-handle" gently down to cap and follow storage instructions.

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HOW TO APPLY/USE:

- Adjust nozzle on wand to deliver a narrow or wide spray. Pull up on handle – DO NOT PUMP. Follow illustrations and instructions above. Point wand at area to be treated and push button to begin spraying. Twist nozzle at end of wand to adjust spray pattern. Spray to thoroughly cover unwanted weeds and grasses or spray to thoroughly cover areas where you want to prevent weed and grass growth. When treating around desirable plants shield plants from drift with a sheet of cardboard or plastic. If desirable plants are accidentally sprayed, rinse off immediately with water. Pull "T-handle" again as needed to continue spraying. **JUST PULL UP – NO NEED TO PUMP.**

-----END OF OPTION 3-----

----OPTION 4 – Nested Trigger Sprayer-----

[Illustration #1]

1. Remove sprayer.

[Illustration #2]

2. Insert (color of plug) plug into spout (on cap) until it clicks.

[Illustration #3]

3. Flip up spout. Spout must remain up while spraying.

HOW TO APPLY/USE

Follow illustrations and instructions above.

1. Spray to thoroughly cover unwanted weeds and grasses or spray to thoroughly cover areas where you want to prevent weed and grass growth.
2. Do not spray plants or grasses you like - they may die too.
3. When treating around desirable plants shield plants from drift with a sheet of cardboard or plastic. If desirable plants are accidentally sprayed, rinse off immediately with water.

-----End of OPTION 4-----

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-----OPTION 5 –Trigger Sprayer -----

HOW TO APPLY/USE

1. Twist nozzle at end of sprayer to desired spray pattern.
2. Spray to thoroughly cover unwanted weeds and grasses or spray to thoroughly cover areas where you want to prevent weed and grass growth.
3. Do not spray plants or grasses you like - they may die too.
4. When treating around desirable plants shield plants from drift with a sheet of cardboard or plastic. If desirable plants are accidentally sprayed, rinse off immediately with water.

-----End of OPTION 5-----

WEEDS CONTROLLED: NOTE: For best control, apply to actively growing, immature weeds. Heavy lawn grass or well established difficult to control perennial weeds, such as Bermudagrass, Nimblewill, Dandelion, or Canada Thistle may require a repeat application if regrowth occurs.

GRASSES	
Bahiagrass	Orchardgrass
Bentgrass	Perennial Ryegrass
Bermudagrass	Quackgrass
Bluegrass	Sandspur
Bromegrass	St. Augustinegrass
Crabgrass	Tall Fescue
Creeping Bentgrass	Torpedograss
Diffuse Lovegrass	Whitetop
Fescue	Wild Barley
Johnsongrass	Yellow Nutgrass
Maiden Cane	Zoysia

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BROADLEAF WEEDS	
Bindweed	Knotweed
Black Medic	Lambsquarters
Blue Toadflax	Little Bitter Cress
Brassbuttons	London Rocket
Broadleaf Plantain	Mallow
Bur Clover	Mayweed
Canada Thistle	Mouseear Chickweed
Chickweed	Nimblewill
Common Groundsel	Oldenlandia
Common Plantain	Oxalis
Creeping Beggarweed	Pennsylvania Smartweed
Creeping Charlie	Pennywort
Curly Dock	Prostrate Spurge
Dandelion	Primrose
Dog Fennel	Puncture Vine
Evening Primrose	Ragweed
False Dandelion	Shepherdspurse
Fennel	Smooth Cat's Ear
Fiddleneck	Sowthistle
Filaree	Spotted Spurge
Florida Pusley	Tansy Ragwort
Garden Spurge	White Clover
Henbit	Wild Morningglory

STORAGE AND DISPOSAL [icon]

PESTICIDE STORAGE: Keep from freezing. Keep pesticide in original container. Do not put concentrate or dilute into food or drink containers. Avoid contamination of feed and foodstuffs. Store in a cool, dry place, preferably in a locked storage area.

PESTICIDE DISPOSAL: If empty: Do not reuse this container. Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

-OR-

Note to PM: This language is required for products released for shipment 8/17/10 or later [40 CFR §156.140(a)].

PESTICIDE DISPOSAL [AND CONTAINER HANDLING]: Nonrefillable container. Do not reuse or refill this container.

If empty: Place in trash or offer for recycling if available. **If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

12/15

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PRECAUTIONARY STATEMENTS [icon]

HAZARDS TO HUMANS & DOMESTIC ANIMALS

CAUTION: Causes moderate eye irritation. Avoid contact with eyes, skin, or clothing.

Physical/Chemical Hazards: Combustible. Do not use or store near heat or open flame.

Note to PM: *The section header "First Aid" will be highlighted on the printed label to draw the attention of the consumer. Alternatively, this section will be placed in a box.*

FIRST AID: [first aid symbol +]

If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

If on skin or clothing: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.

Note to Physicians: Emergency Information-call 1-800-225-2883.

ENVIRONMENTAL HAZARDS [icon]: Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinseate.

NOTICE: Buyer assumes all risks of use, storage or handling of this product not in accordance with directions.

The ORTHO Guarantee

If for any reason you are not satisfied with this product, mail us proof of purchase to obtain a full refund of your purchase price.

[Computer icon] [Computer icon] Questions, Comments or Medical Information [call] 1-800-225-2883
www.ortho.com

Manufactured for
The ORTHO Group
P.O. Box 190
Marysville, OH 43040

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EPA Reg. No. 239-2516
EPA Est. 239-IA-3¹, 58996-MO-1^A, 84064-IA-001^P, 085652-OH-1^W
[Superscript is first letter of lot number.]
Made in USA
[© [Year] Licensed by The ORTHO Group. World rights reserved.]

• APPENDIX

List of Optional Applicator Claims

- [Quick &] Easy to Use
- No Leaks or Mess
- EASY-TO-USE [Store]
- Pull 'N Spray
- The easier (easy) way to spray
- No [More] Hand Fatigue
- No more squeeze, squeeze, squeeze
- 33% more than 1 gallon size
- Precise control for maximum accuracy
- Consistent spray for maximum accuracy
- No more tired hands
- Revolutionary [new] applicator
- Change the way you spray
- Ideal for large or small jobs [areas]
- Great for large or small jobs [areas]
- Ready-to-Use
- Precise control—sprays only what you want
- Adjustable spray nozzle for maximum control
- Adjustable spray pattern for maximum control
- Cut your time spent spraying in half
- You're always ready to spray
- It's always ready to spray
- Targets weeds in tight places
- Save [s] time and energy
- One pull [delivers] [=] 34 trigger sprays
- Improved [Applicator]!/Improved [Application]!
- Improved Applicator System! [Device!]/Improved Application System! [Device!]
- Improved [!]
- No pumping, just pull
- Exclusive [technology]
- Patented [technology]
- No Mixing, No (or) Measuring
- [water droplet] water based

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- Convenient Applicator Top

List of Optional Formula Claims

- Long-lasting [formula] (weed [and grass] control)
- Ideal (great) for use in landscape[d] areas
- For maximum weed [and grass] control [in landscape[d] (mulched) areas] - use [Ortho GroundClear SuperEdger PLUS] before spreading (applying) (putting down) mulch around trees, shrubs and in landscape[d] areas.
- Use before putting down (landscaping with) mulch
- Provides long-term weed [and grass] control
- Use around trees and shrubs (in landscape[d] areas) to prevent weed growth (weeds from growing).
- Use to edge (It edges) (It's an edger) (Use as an edger) PLUS so much more!
- Keeps (prevents) weeds [and grasses] from growing in cracks [and joints] in sidewalks, driveways and patios
- Kill and prevent weeds before mulching (putting down mulch)
- [For] Use on driveways, sidewalks, patios, along fence lines and around trees & shrubs
- [For] Use on driveways, sidewalks and patios, PLUS along fence lines, PLUS around trees & shrubs
- Dual-action [formula]
- READY-TO-USE
- NO MIXING
- Spray-Ready
- Before and After
- 2-WAY ACTION – [1.] Kills Weeds & Grasses, Roots & All [graphic] – [2.] Prevents Weed Seeds from Sprouting for up to 4 Months [graphic]
- Can be Used Over Root Zones Without Harming Ornamental Plants.
- Kills Moss on Brick Walks and Patios
- Prevents re- (new) growth [for up to 4 months]
- Prevents growth [for up to 4 months]
- Prevents weeds [and grasses] from growing [for up to 4 months]
- Use in landscape(d) areas to kill [and prevent] weeds [for up to 4 months]
- Use in flower beds to kill [and prevent] weeds [for up to 4 months]
- Use around trees & shrubs to kill [and prevent] weeds [for up to 4 months]
- Use on driveways [and patios] to kill [and prevent] weeds [for up to 4 months]
- Prevents [weeds and grasses] [for up to 4 months] in landscaped areas
- Prevents [weeds and grasses] [from growing] [for up to 4 months]
- Kills weeds [for up to 4 months]
- Kills and prevents weeds and grasses [for up to 4 months]
- Blocks weed(s) [growth] [for up to 4 months]
- Works for up to 4 months
- Season long [weed] [and grass] control

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- Kills weeds [and grasses] all season long
- Prevents weeds [and grasses] all season long
- Stops weeds [and grasses] from growing for up to 4 months
- Stops weeds [and grasses] all season long
- Works all season
- Up to 4 month extended weed and grass control
- Up to 4 month complete weed and grass control
- Specially formulated to kill weeds [and grasses] [for up to 4 months]
- Keeps weeds from growing [for up to 4 months]
- Rain proof in hours [so you don't have to re-spray]
- Prevents [kills] weeds
- For use in landscape(d) areas
- Special ingredient(s) prevents [kills] weeds [and grasses] [from growing] [for up to 4 months]
- Made [specifically] for use in landscape(d) areas
- Scientifically formulated to prevent [kill] weeds [and grasses] [for up to 4 months]
- Exclusive blend of ingredients
- Easy to use
- Requires no mixing, no measuring and no messy cleanup
- Great [ideal] for spot treatments
- Apply to landscaped areas to kill [prevent] weeds [and grasses]
- Protects against weeds [and grasses] [for up to 4 months]
- Up to 4 month control
- No weeds for up to 4 months
- [Up to 4 month] long-lasting [weed and grass control]
- Visible Results Overnight
- Overnight Results
- Fast Results
- Fast-acting formula
- Fast Acting – Long Lasting.
- [Results/Starts working/Starts to Kill/Visible [see] Results] in [4, 6, 8, 10, 12, 24] Hours
- Same Day [Visible] Results
- [See results/Starts to kill/Visible Results] in hours
- Speedy Results
- Weeds start dying in [4, 6, 8, 10, 12, 24] hours
- Works to the root(s) in [4, 6, 8, 10, 12, 24] hours
- Works in hours