

239-2686

12/23/2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

December 23, 2009

Mrs. Wendy Hollingsworth-Cox
The Scotts Company
14111 Scottslawn Road
Marysville, OH 43014

Subject: Notification Revised Storage and Disposal Statements per PRN 98-10 and 2007-4
Rescinding Our Letter Dated November 6, 2009
Ground Clear RTU
EPA Reg. No. 239-2686
Your Application Dated October 12, 2009

Dear Mrs. Hollingsworth-Cox:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 and 2007-4 dated October 12, 2009 for the above mentioned product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and 2007-4 and finds that the action requested falls within the scope of PRN 98-10 and 2007-4. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at 703-305-6249.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

20917



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November 6, 2009

Mrs. Wendy Hollingsworth-Cox
The Scotts Company
14111 Scottslawn Road
Marysville, OH 43014

Subject: Notification Revised Storage and Disposal Statements per PRN 98-10 and 2007-4
Ground Clear RTU
EPA Reg. No. 239-2686
Your Application Dated October 12, 2009

Dear Mrs. Hollingsworth-Cox:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 and 2007-4 dated October 15, 2009 for the above mentioned product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and 2007-4 and finds that the action requested does not clearly fall within the scope of PRN 98-10 and 2007-4 and will require additional administrative review of the related files. A summary of our findings include:

1. The revised storage and disposal are not the exact wording from PR Notice 2007-4 and as such will require review as an amendment and not a notification.

Therefore, the RD has determined that this action is denied and will be further processed as an amendment and our records have been updated accordingly. The label submitted with the application is considered proposed drafts and has been forwarded to Jim Tompkins, PM 25 for further processing.

If you have any questions, please call me directly at 703-305-6249.

Sincerely,

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

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 2392686LBL20091012
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Application for Pesticide - Section I

1. Company/Product Number 239-2686	2. EPA Product Manager James Tompkins	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) The Scotts Company/Ground Clear RTU	PM# PM-25	
5. Name and Address of Applicant (Include ZIP Code) The Scotts Company d/b/a The Ortho Group P.O. Box 190 Marysville, OH 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: <div style="text-align: center;"> NOTIFICATION DEC 23 2009 </div> EPA Reg. No. _____ Product Name _____

Section II

<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated July 6, 2009 <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below.
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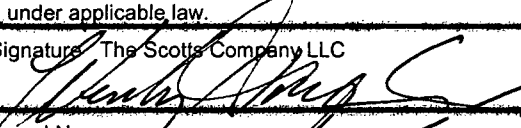
Explanation: Use additional page(s) if necessary. (For section I and Section II.)
 Notification of general labeling revisions per PR Notice 98-10 and PR Notice 2007-4.
 See certification statements on the attached page.

Section III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)	
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per Container	If "Yes" Package wgt.	No. per Container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 24 oz, 32 oz., 1/2 gal, 1 gal, 1.25 gal, 1.33 gal, 1.58 gal, 2 gal		5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input checked="" type="checkbox"/> Other Laminated paper with pressure sensitive adhesive <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 Wendy Hollingsworth-Cox	Title Senior Scientist, Federal Registrations	Telephone No. (Include Area Code) (937) 579-5205

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.		6. Date Application Received (Stamped)
2. Signature BY: 	3. Title Sr. Scientist, Federal Registrations	
4. Typed Name Wendy Hollingsworth-Cox	5. Date October 12, 2009	

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NOTE::

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EPA Reg. No. 239-2686

NOTIFICATION

DEC 23 2009

- [For home use only]
- [Outdoor Icon] [Outdoor Use Only]
- [Shake well before using]
- [Water based]

GroundClear RTU

ALTERNATE BRAND NAMES

- [GroundClear Vegetation Killer Ready-To-Use]
- [Ortho GroundClear Complete Vegetation Killer Ready-To-Use]
- [Ortho GroundClear Vegetation Killer Ready-To-Use]

ACTIVE INGREDIENTS:

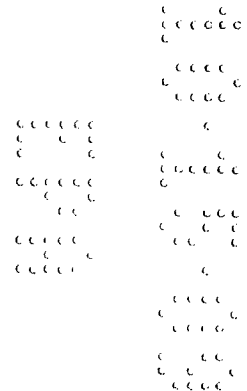
Glyphosate, isopropylamine salt	1.000%
Imazapyr, isopropylamine salt	0.016%
OTHER INGREDIENTS:	98.984%
TOTAL	100.000%

KEEP OUT OF REACH OF CHILDREN CAUTION

See [back] [side] [other] [panel] [booklet] for additional precautionary statements

NET 24 oz/710 ml, 32 oz/946 ml, ½ gal./1.89 L, 1 gal/3.78 L, 1.25 gal/4.73 L, 1.33 gal/5.03 L,
1.58 gal/5.98 L, 2 gal/7.57 L

For Residential Use Only



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NOTE::

EPA Reg. No. 239-2686

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DIRECTIONS FOR USE

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

[Reentry icon] Do not enter or allow others to enter treated areas until sprays have dried. Do not apply this product in a way that will contact any person, pet, either directly or through drift. Keep people and pets out of the area during application.

Product Facts	
[Treats up to 12 sq ft [24 fl oz]]	
[Treats up to 15 sq ft [32 fl oz]]	
[Treats up to 30 sq ft [1/2 Gallon]]	
[Treats up to 60 sq ft [1 Gallon Size]]	
[Treats up to 75 sq ft [1.25 Gallon Size]]	
[Treats up to 80 sq ft [1.33 Gallon Size]]	
[Treats up to 90 sq ft [1.58 Gallon Size]]	
[Treats up to 95 sq ft [2 Gallon Size]]	
KILLS WEEDS	Unwanted plants & grasses
PREVENTS WEEDS	For up to 1 year
WHERE TO USE	On driveways, sidewalks, patios and other hard surfaces Along fences & curbs Where vegetation is not desired
AMOUNT TO USE	Spray weeds until wet, for surrounding areas spray thoroughly

Where to Use/Apply

Apply [GroundClear RTU] [Product Name] only where no plant growth is desired for at least a year, such as driveways, sidewalks, patios, gravel paths, and along fences. In heavy clay soil, plant growth may be prevented for more than one year. In areas of heavy rainfall, applications every 6 to 8 months may be necessary. **IMPORTANT:** Do not use on lawns, on or around fruits, vegetables, flowers, or other plants, or over the root zone of shrubs or trees. For weeds in your lawn use Ortho Weed-B-Gon.

When to Apply/Use

Water the day before application if soil is dry. [Bend and extend flexible nozzle.] Apply to bare ground or when weed growth is small. If weeds are taller than 6 inches, cut down and remove before application. Apply when daytime temperature is at least 60° F. Visible results [will occur] in 10 hours. To prevent the growth of weeds under asphalt driveways, tennis courts, play areas and parking areas, apply before laying surfacing materials. Rain or watering 1 hour after application will not reduce effectiveness.

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-----**OPTION 1 (QCS/Trigger)**-----

[Quick Connect Sprayer Package Design Directions:]

Now with Quick Connect Sprayer. 1. Pull sprayer from bottle. 2. Pull [color] hose connector and coil from sprayer handle. 3. Insert hose connector into [color] spout on cap until clicks into place. 4. Flip up spout. Turn sprayer nozzle to open, and spray.

Quick Connect Sprayer. 1. Remove sprayer. Pull cord **ALL THE WAY OUT.** 2. Insert red plug into spout [on cap] until it clicks. 3. Flip up spout. Open nozzle at end of sprayer.

[Quick Connect Sprayer/Trigger Spray]

HOW TO APPLY/USE: [icon]

Turn sprayer nozzle to open. Adjust spray nozzle to give a coarse spray. Hold spray nozzle 12 or more inches from weeds or soil to be treated. Allow to soak into ground, avoiding runoff to nearby desirable plants. For cracks in sidewalks and between bricks and paving stones – Spray weeds and soil in the crack until completely wet. To cover a whole area – Measure area to be treated. Calculate square feet by multiplying length times width. [walking man icon]. Spray evenly over XX sq ft. [Coverage is package container size dependent] If the area is not evenly covered, there may be some re-growth of weeds. These can easily be retreated with another application.

End of Option 1-----

Option 2 (PNS I)-----

(PNS I 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.

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UP [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.

HOW TO APPLY/USE: Adjust nozzle on wand to deliver a coarse spray. Pull on the handle – DO NOT PUMP. Follow illustrations and instructions above. Point wand at area to be treated and push button to begin spraying. Allow to soak into ground, avoiding runoff to nearby desirable plants. For cracks in sidewalks and between bricks and paving stones – Spray weeds and soil in the crack until completely wet. To cover a whole area – Measure area to be treated. Calculate square feet by multiplying length times width. [walking man icon]. Spray evenly over XX sq ft. If the area is not evenly covered, there may be some re-growth of weeds. These can easily be retreated with another application. [Coverage is package container size dependent] Pull “T-handle” again as needed to continue spraying. JUST PULL UP – NO NEED TO PUMP.

End of Option 2-----

OPTION 3 (PNS II)-----

[Applicator Device Directions]

[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]

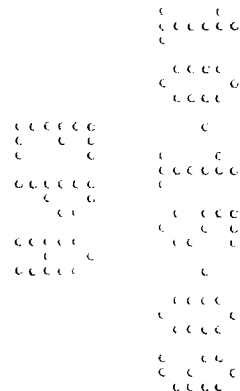
- Twist nozzle at end of sprayer to give a coarse spray.

[Illustration #3]

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

[Illustration #4]

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



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HOW TO APPLY/USE: [icon]

Follow illustrations and instructions above. Twist nozzle at end of sprayer to give a coarse spray. Point sprayer away from body and press sprayer button to begin spraying. Allow to soak into ground, avoiding runoff to nearby desirable plants. For cracks in sidewalks and between bricks and paving stones – Spray weeds and soil in the crack until completely wet. To cover a whole area – Measure area to be treated. Calculate square feet by multiplying length times width. [walking man icon]. Spray evenly over XX sq ft. [Coverage is package container size dependent] If the area is not evenly covered, there may be some re-growth of weeds. These can easily be retreated with another application. Pull ring at sprayer bottom again as needed to continue spraying.

End of OPTION 3 (PNS II)-----

OPTION 4 (Sprinkler Cap)-----

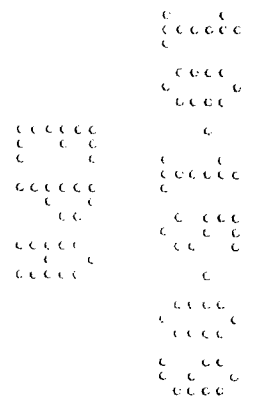
HOW TO APPLY/USE: [icon]

- Remove top cap.
- [Turn jug upside down. Hold jug about waist high to apply.]
- [Tilt bottle slightly to adjust product flow.]
- Allow to soak into ground, avoiding runoff to nearby desirable plants.

For cracks in sidewalks and between bricks and paving stones, spray weeds and soil in the crack until completely wet. To cover a whole area, measure area to be treated. Calculate square feet by multiplying length times width. [walking man icon].

Spray evenly over XX sq ft. [***Coverage is package container size dependent***]. If the area is not evenly covered, there may be some regrowth of weeds. These can easily be retreated with another application.

End of OPTION 4 (Sprinkler Cap)-----



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REFILL INSTRUCTIONS: *(To Be Used With - EPA Reg. No. 239-2657, [Ortho GroundClear Total Vegetation Killer [Product Name]]*

[To refill container] [To refill the 24 oz container] – Add 5 fl. oz. of [Ortho GroundClear Total Vegetation Killer] [Product Name] to the empty container. Then add 20 fl. oz. of clean water. Use as directed.

[To refill container] [To refill the 32 oz container] – Add 6.5 fl. oz. of [Ortho GroundClear Total Vegetation Killer] [Product Name] to the empty container. Then add 25 fl. oz. of clean water. Use as directed.

[To refill container] [To refill the 1 gallon [(128 oz)]] container – Add 24 fl. oz. of [Ortho GroundClear Total Vegetation Killer] [Product Name] to the empty container. Then add 3 quarts [(96 fl. oz.)] of clean water. Use as directed.

[To refill container] [To refill the 1.25 gal PNS container] – Add 1 qt. [(32 fl. oz.)] of [Ortho GroundClear Total Vegetation Killer] [Product Name] to the empty container. Then add 1 gallon [(128 fl. oz.)] of clean water. Use as directed.

[To refill container] [To refill the 1.33 gal PNS container] – Add 1 qt. [(32 fl. oz.)] of [Ortho GroundClear Total Vegetation Killer] [Product Name] to the empty container. Then add 1 gallon [(128 fl. oz.)] of clean water. Use as directed.

[To refill container] [To refill the 6 L container] – Add 1 qt. [(32 fl. oz.)] of [Ortho GroundClear Total Vegetation Killer] [Product Name] to the empty container. Then add 1 gallon [(128 fl. oz.)] of clean water. Use as directed.

Picture of tree:

To avoid damage to desirable plants do not apply over their root systems. For shrubs and trees do not apply closer than twice the distance from the trunk to the drip line [the area shaded in color] as roots may be within this area.

Picture of Slope:

Do not apply to slopes [the areas shaded in color] as movement on soil surface may damage desirable plants down the slope.

Picture of Fence:

Do not apply next to a fence if desirable plants are growing on the other side or if future planting is intended.

Do not use before planting lawns, fruits, vegetables, flowers, or other plants because [GroundClear RTU] [Product Name] remains active in soil for up to one year. In heavy clay soil, weed control may exceed one year.

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STORAGE & DISPOSAL

PESTICIDE STORAGE

(Following to be used with all Storage Text) [Close top cap.] Keep from freezing. Keep pesticide in original container. Do not put into food or drink containers. Avoid contamination of feed and foodstuffs. Store in a cool, dry place, preferably in a locked storage area.

PESTICIDE STORAGE: *(for PNS [II]/Pull 'N Spray [II])* Completely discharge/dispense product in sprayer prior to storage. Flip down [color of spout] spout cap. **DO NOT DISCONNECT SPRAYER HOSE FROM CAP.** Place sprayer back inside carrier on bottle with the nozzle facing down.

PESTICIDE STORAGE: *(for Quick Connect Sprayer and bottle)* Flip down spout to close. No need to disconnect trigger sprayer. Close nozzle on trigger sprayer [Turn sprayer nozzle to "OFF" [X]. Snap sprayer back in place.

PESTICIDE STORAGE: *(for conventional trigger sprayers larger than 24 fl.oz.)* Place trigger sprayer under handle on container to keep sprayer above level of contents.

PESTICIDE STORAGE: *(for conventional trigger sprayers)* [Rotate nozzle to closed position.] [Turn sprayer nozzle to ["OFF"] [X].]

PESTICIDE CONTAINER DISPOSAL: ~~*(for all package designs except PNS (II)/Pull 'N Spray (II).*~~ *(For all package designs that do not have refill instructions.)*

If empty: Nonrefillable container. Do not reuse or refill this container. Place in trash or offer for recycling if available.

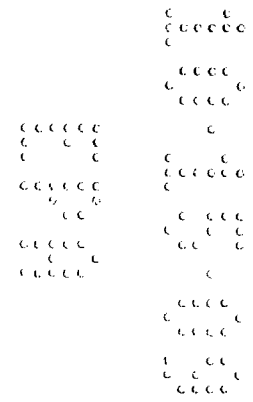
If partly filled: Call your local solid waste agency for disposal instruction. Never place unused product down any indoor or outdoor drain.

PESTICIDE CONTAINER DISPOSAL: ~~*(only for PNS (II)/Pull 'N Spray (II)*~~ *(Only for those package designs with refill instructions.)*

If empty: Nonrefillable container. Do not reuse or refill this container unless the directions for use allow a different (concentrated) product to be diluted in the container. ~~except to refill in accordance with the refill instructions listed in the directions for use.~~ Place in trash or offer for recycling if available.

If partly filled: Call your local solid waste agency for disposal instruction. Never place unused product down any indoor or outdoor drain.

X



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Appendix

I: Formulation Claims Optional Claims

- 2-WAY ACTION – Kills Weeds & Grasses Roots & All – Prevents Weed Seeds from Growing for up to 1-year
- Apply one time
- Apply one time to kill and prevent all season
- **Added the following notation in regard to the graphics:** Highlight color represents area to be sprayed to keep weeds from growing for up to one year
- Before and After
- Blocks weed[s] [growth] [for up to 1-year]
- [Covers 60 sq ft [gal], 80 sq ft [1.33 gal], 12 sq ft [24 oz size], 120 sq ft [2 gal]] Ortho GroundClear is specially formulated to kill weeds and grasses and prevent new growth for up to 1-year. Use [GroundClear] on driveways, sidewalks, patios, gravel paths, parking areas and along fence lines, [and anywhere you want to prevent grasses and weeds].
- Dual-action [formula]
- Easy to use
- Exclusive blend of ingredients
- Great [ideal] for spot treatments
- GroundClear works two ways
- It kills weeds and prevents any re-growth for up to one full year with a single application
- Keeps ground clear of weed [and grasses]
- Keeps [prevents] weeds [and grasses] from growing in cracks [and joints] in sidewalks, driveways and patios
- Keeps weeds from growing [for up to 1-year]
- Kills and prevents [weeds] [and] [grasses] [for up to 1 year]
- Kills weeds and grass, roots and all
- Kills weeds [and grasses] [for up to 1-year]
- Long-lasting [formula] [weed [and grass]control]
- Offer long-term weed control in places where no growth is wanted
- [One application] kills and prevents all season
- One application [kills] [and prevents weeds for up to one year]
- One time application kills and prevents all season
- [New]/Now
- [NEW!] Ready-to-Use with convenient sprinkler cap
- Ideal [great] for use on driveways, sidewalks, patios, brick walks, gravel paths, fence lines
- NO MIXING
- Prevents growth [for up to 1-year]
- Prevents [kills] weeds
- Prevents re-[new] growth [for up to 1-year]
- Prevents [weeds and grasses] [for up to 1-year] on [non-lawn areas] [driveways] [sidewalks] [patios] [gravel paths] [brick walks]

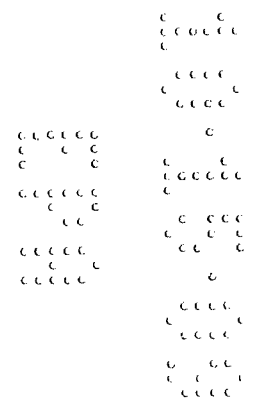
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- Prevents weeds [and grasses] from growing [for up to 1-year]
- Prevents [weeds and grasses] [from growing] [for up to 1-year]
- Protects against weeds [and grasses] [for up to 1-year]
- Provides long-term weed [and grass] control
- Rainproof in hours [so you don't have to re-spray]
- Rainproof in 1 hour
- READY-TO-USE
- Requires no mixing, no measuring and no messy cleanup
- [Results in/Starts working in/Starts to kill in/Visible [See] Results in/Weeds [and Grasses] start dying in/Works to the root[s]] in [[4, 6, 8, 10, 12, 24]] hours
- Same Day [Visible] Results
- Scientifically formulated to prevent [kill] weeds [and grasses] [for up to 1-year]
- Season-long control
- [See Results/Starts to kill/Visible Results/Weeds [and Grasses] start dying/Works to the root[s]] in hours
- Speedy Results
- Spray-Ready
- Special ingredient[s] prevents [kills] weeds [and grasses] [from growing] [for up to 1-year]
- Specially formulated to kill weeds [and grasses] [for up to 1-year]
- [Starts working/Starts to kill] [immediately/overnight/on contact/in hours]
- Stops weeds [and grasses] from growing for up to 1-year
- Up to 1-year weed and grass control
- Up to 1-year control
- Up to 1-year extended weed and grass control
- [Up to 1-year] long-lasting [weed and grass control]
- Use on driveways [and patios] to kill [and prevent] weeds [for up to 1-year]
- Use on driveways, sidewalks, patios, brick walks, gravel paths, fence lines to prevent weed growth [weeds from growing].
- Weed-Preventer
- Works for up to 1-year



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II. Applicator Claims Optional Claims

- 33% more than 1 gallon size
- 33% more than 24 oz size
- Adjustable spray nozzle for maximum control
- Adjustable spray pattern for maximum control
- Change the way you spray
- Consistent spray for maximum accuracy
- Cut your time spent spraying in half
- EASY-TO-USE [Store]
- Exclusive [technology]
- Great for large or small jobs [areas]
- Ideal for large or small jobs [areas]
- Improved [!]
- Improved [Applicator]!/Improved [Application]!
- Improved Applicator System! [Device!]/Improved Application System! [Device!]
- It's always ready to spray
- No Leaks or Mess
- No [More] hand Fatigue
- No more squeeze, squeeze, squeeze
- No more tired hands
- No pumping, just pull
- NOW refillable lawn weed control [kill] system [device]
- Now with Quick Connect Sprayer
- One pull [delivers] [=] 34 trigger sprays
- Patented [technology]
- Precise control for maximum accuracy
- Precise control-sprays only what you want
- Quick Click Sprayer
- Quick & Easy to Use
- Refillable
- Revolutionary [new] applicator
- Save[s] time and energy
- Targets weeds in tight places
- The easier way to kill weeds
- The easier way to spray
- You're always ready to spray

