

U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (H7505C) 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460

Term of Issuance: Conditional

538-312

EPA Reg. Number:

Name of Pesticide Product:

Filament

NOTICE OF PESTICIDE:

X Registration Reregistration

(Under FIFRA as amended)

Name and Address of Registrant (include ZIP Code):

The Scotts Company 14111 Scottslawn Road Marysville, OH 43041

Notes Changes in lab Hing differing in substance from that accepted tin connection with this registration must be submitted to and accepted by the <u>hummilistics Afflecods of reference best for all the cerebrogens of the light of the cerebrogens and all the cerebrogens are considered and the cerebrogens are considered and the cerebrogens are considered and the cerebrogens are considered as a considered as a considered as a considered and the cerebrogens are considered as a considered </u>

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is **conditionally** registered in accordance with FIFRA sec. 3(c)(7)(A), provided that:

- 1. You will submit and/or cite all data required for registration/reregistration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.
- 2. You will make the following label changes before you release the product for shipment:
 - a) Revise the EPA Registration Number to read "EPA Reg. No. 538-312."
 - Add "For residential lawn use only" to the front panel.
 - On the front panel delete "feeds/fertilizes" form the following Coverage statements: c)
 - [Covers/treats/feeds/fertilizers XXXX sq ft/XX ft x XXX ft]
 - [Covers/treats/feed/fertilizes XXXX cu. ft.]
 - [Covers/treats/feeds/fertilizes XX acres] [(1/8 acre = 5,445 sq ft)]
 - d) The Optional Marketing Claims "New" and "Now" isn't approved for use, because this is a me-too product and the formulation hasn't changed.

Richard Gebken Interim Product Manager 13

Insecticide Branch/Registration Division (7505P)

Movember 12,2009

- e) Delete all references to a cartridge/applicator system and all cartridge claims. This new device is being packaged and sold as a part of the product. The device will need to be submitted to the Agency for review.
- f) Add spreader use directions and spreader setting directions to the Directions for Use section.
- g) On page 10 delete the first three paragraphs title: "The [Insert Company Name] Advantage", "Dedicated To A Beautiful WorldTM" and [Insert name here] & Your Environment". The fertilizer use is not cited on the me-too product. Also, the other marketing claims give a false or misleading impression to the purchaser.
- h) On page 3, under "When To Apply" replace, "Apply early in the Spring or Summer to prevent infestation" with "Apply early in the Spring or Summer to control infestation".
- i) On page 7, under "Product Efficacy Claims" replace, "[Controls/kills insects such as/including:]" with "[Controls/kills insects including:]".
- j) Delete the following General & Pesticidal Claims:
 - a. Broad spectrum
 - b. Insect Protection
 - c. Multi-Purpose Insect killer
 - d. Kills (controls) 100+ insects
 - e. Kills (controls) over 100 insects
 - f. One application keeps killing lawn bugs for an entire season* (3 months)
 - g. One application Season Long Control [mole crickets/fleas/ticks/cut worms/ants]
- k) Replace "Fast Acting against insects, spiders and ticks" with "Fast Acting against listed insects, spiders and ticks" under "PESTICIDAL CLAIMS.
- Replace "[NOTICE: To the extent permissible by law/To the extent consistent with applicable law, buyer assumes all risk ... etc" with "[NOTICE: To the extent consistent with applicable law, buyer assumes all risk ... etc" in the Warranty statement.
- m) Should you wish to add/retain a reference to the company's website on your label, please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under FIFRA section 12(a)(1)(E). 40CFR 156.10(a)(5) lists examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not substantially differ from those claims approved through the registration

process. Therefore should the Agency find or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA approved registration, the website will be referred to the EPA's Office of Enforcement and Compliance Assurance.

3. Please submit three (3) copies of your final printed labeling before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing amended labeling constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records.

If you have any questions regarding this action, please contact BeWanda Alexander at www.alexander.bewanda@epa.gov or (703) 305-7460.

the reviewer and is not part of the label. [Bracketed information is optional text]. Text separated by "/" denotes and/or options.

ACCEPTED with COMMENTS A Letter Dated

Under the Federal Insecticide, Fungicide, and Rodenticide Act. as amended, for the pesticide registered under EPA Reg. No.

FILAMENT

for [use [only] with] insert brand name cartridge/applicator system

Active Ingredient Other Ingredients99.885%

*Cis isomers 97% minimum, trans isomers 3% maximum.

KEEP OUT OF REACH OF CHILDREN

See back/side/top/bottom [panel/label] for additional precautionary statements.

Coverage denoted by "X" will be added to FPL. Coverage will not exceed regulatory limits for the individual active ingredient.

- [Covers/treats/feeds/fertilizes XXXX sq ft/XX ft x XXX ft]
- [Covers/treats/feeds/fertilizes XXXX cu. ft.]
- [Covers/treats/feeds/fertilizes XX acres] [(1/8 acre = 5,445 sq ft)]
- [Covers/approximately the area of X tennis courts/football fields per pound of product]
- [This package applies X lbs of product per 1,000 sq ft.]

NET WEIGHT/WT. XX.XX LBS (X.XX kg)

NOTE: **Bold, italicized text is information**[Bracketed information is optional text]. Text separated by "/" denotes and/or options.

Optional Company Identifier:

Alternate Brand Names:

Optional Product Descriptors [Granular] Insect Killer/ for Lawns

EPA Reg. No. 538-NEW

EPA Est. No. 538-OH-1, XXX-XX-X (insert additional EPA Registered Establishments)
[Superscript used is first letter of run code on end of container]

The Scotts Company, 14111 Scottslawn Rd., Marysville, OH 43041

-Begin Directions for Use-

DIRECTIONS FOR USE

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

[WHEN TO APPLY]

- Apply early in the Spring or Summer to prevent infestation. Otherwise, apply at the first sign of insect activity or
- In New York State, do make a single repeat application of this product if there are signs of renewed insect activity, but not sooner than two weeks after the first application.

IWHERE TO APPLY

- Apply [only] to grass/lawn
- Sweep product from hard surfaces onto the lawn to keep product on the grass -or- Sweep any product that lands in the driveway, sidewalk or street back onto your lawn.
- In New York State, this product may NOT be applied to any grass or turf area (lawns) within 100 feet of a water body (lake, pond, river, stream, wetland, or drainage ditch).

[HOW TO APPLY]]

- [Apply/use [only] with] insert brand name cartridge/applicator system
- [Optional placement of re-entry statement: People and pets may re-enter yard / lawn / area after area / it is watered and allowed to dry.] [People and Pets icon] [For best results,] treated areas should be thoroughly watered immediately after application.
- To Kill and Control Insects: one cartridge covers up to 4,000 sq ft [lcon]
- For Season Long Control (3 months): one cartridge covers 2,000 sq ft (which requires a second pass over the application area) [lcon]

Product will only be sold for use only with the cartridge system, therefore calibrating to the correct amount of product automatically.

-End Directions for Use-

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APPLICATOR SET UP [AND INFORMATION]

finsert product namel

[Just pop it on, flip the lever and go!]

[lcon]: Connect

[lcon]: Lock

[lcon]: Apply

[EdgeGuard/Feature/Control] [lcon]:

[lcon]: [[Finish] [&] [Store]]

- [Lock/Snap & Go] [Cartridge connects directly to the [insert product name] spreader/applicator] [There's no cutting/no pouring/no spilling] [from heavy bags] [Simply place refill/cartridge into the spreader/applicator]
- [Flip the lever to lock cartridge into place] [Cartridge automatically sets the proper application rate]
- [Easy to apply] [Follow Directions for Use below / above]
- [Easy to control] [The new & improved/exclusive EdgeGuard feature directs product only where you want it]
- [Easy to finish & store] [Just flip the lever back to remove the refill/cartridge.] [It self-seals for no mess/no touch/no-waste/easy clean-up & storage.]

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STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

PESTICIDE STORAGE: Store product in clean, dry place for your next application. Product can be used until empty.

PESTICIDE CONTAINER DISPOSAL: Non-refillable 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.

PRECAUTIONARY STATEMENTS

Hazards to Humans & Domestic Animals

CAUTION: Harmful if absorbed through the skin. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

[Optional placement of re-entry statement: People and pets may re-enter yard / lawn / area after area / it is watered and allowed to dry.] [People and Pets icon]

First Aid:

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 poison control center or doctor, or going for treatment. Call: 1-XXX-XXX-XXXX

Note to Physician:

This product is a pyrethroid. If large amounts have been ingested, then milk, cream or other digestible fats and oils may increase absorption and so should be avoided.

ENVIRONMENTAL HAZARDS:

This pesticide is extremely toxic to fish and aquatic invertebrates. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.

OPTIONAL MARKETING CLAIMS

The following claims may appear on any label panel

The following claims may be proceeded by "New" and "Now" for a period of not longer than six (6) months from date of initial distribution.

Edit Date: 20090710

New Registration

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PRODUCT EFFICACY CLAIMS (any or all insects may be listed on FPL)

The following claims may be listed on the FPL followed by any or all insects that may be listed below

o [insect controlled/killed [include/including]]

- o [Controls/kills [the following] [these] [X (insert number corresponding to insects listed on FPL) [of]]]:
- o [Controls/kills insects such as/including:]

To Kill and Control Insects: one cartridge covers up to 4,000 sq ft [Icon]

Ants (including Carpenter, Red Harvester, Odorous, Pyramid, Argentine, Pharaoh, White-footed Ant, Crazy Ant, Little Black Ant, Small Honey Ant, Black Turf Ant, Lawn Ant, Cornfield Ant, Ghost Ant, Thief Ant, Acrobat Ant, Citronella Ant, Big-headed Ant, Allegheny Mound Ant), American Dog Ticks. Armyworms (including Lawn Armyworm, Fall Armyworm), Billbugs (including Bluegrass Billbug, Hunting Billbug), Black Turfgrass Ataenius adults, Bristletail, Chiqgers, Chinch Bugs, Crickets (including House Cricket, Common Short-tailed Cricket, Indies Short-tailed Cricket, Arizona Cricket, Tropical Cricket, Variable Field Cricket, Fall Field Cricket, Southeastern Field Cricket, Texas Field Cricket, Spring Field Cricket, Northern Wood Cricket, Western Striped Cricket, Eastern Striped Cricket, Sand Field Cricket, Vocal Field Cricket, Southern Wood Cricket), Cutworms (including Black Cutworm, Bronzed Cutworm, Granulate Cutworm, Variegated Cutworm), Dichondra Flea Beetle, Earwigs, European Crane Fly Larvae, Fiery Skipper, Fire Ants (excluding mound teatments), Firebrat, Frit Fly, Grasshoppers, Greenbug, Ground Beetle, Ground Pearl, Ladybeetles (including Convergent Ladybeetle, Sevenspotted Ladybeetle, Two-spotted Ladybeetle, Thirteen-spotted Ladybeetle, Twice-stabbed Ladybeetle, Asian Ladybeetle, Mealybug Ladybird), Leafhoppers, Lucerne Moth, Mealybugs, Pillbugs, Arizona Stripetail Scorpion, Southern Unstriped Scorpion, Lesser Stripetail Scorpion, Yellow Ground Scorpion, California Common Scorpion, Northern Scorpion, Eastern Sand Scorpion, Seed Maggots, Sowbugs, Spiders (including Marbled Cellar Spider, Longbodied Cellar Spider, Shortbodied Cellar Spider, Thinlegged Wolf Spider, Burrowing Wolf Spider, Pirate Wolf Spider), Springtails, Striped Grassworm, Ticks (including American Dog Tick, Brown Dog Tick and ticks that may transmit Lyme Disease). Twolined Spittle Bugs, Webworms (including Sod Webworm, Grass Webworm, Tropical Sod Webworm), Weevils (including Hyperodes and Bluegrass) and Wireworms.

For Season Long Control (3 months): one cartridge covers 2,000 sq ft (which requires 2 passes over the same application area) [Icon]

Kills insects/bugs listed above plus Pavement Ants, Centipedes, Cutworms (including Black Cutworm, Bronzed Cutworm, Granulate Cutworm, Variegated Cutworm), Fleas, Millipedes, Mole Crickets (including Tawny Mole Cricket, Southern Mole Cricket, Short-Winged Mole Cricket) and Ticks (including Brown Dog Tick and ticks that may transmit Lyme Disease).

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GENERAL CLAIMS

- Apply at first signs of insect damage or activity
- Broad spectrum
- Easy to apply
- Easy-to-use granules
- For Residential Lawn Use Only (Insert photo/illustration)
- Guaranteed kill or your money back
- Insect Control with Bifenthrin
- Insect Control with Talstar
- Insect Protection
- Lawn Insect Protection
- Long-lasting
- Low odor formula
- Multi-Purpose Insect killer
- Not harmful to lawn grasses
- Ortho's patented technology
- Ready-to-spread granules
- Specially formulated for lawns

PESTICIDAL CLAIMS

- Kills Insects, Fleas & Ticks
- · Protects against listed damaging insects
- · Fast Acting against insects, spiders and ticks
- Fire Ant Killer
- · Kills fire ants fast
- · Kills mole crickets
- Kills many outdoor pests in lawns and around homes
- Kills pests by contact
- Kills insects that cause your lawn to thin and turn brown
- Kills lawn-damaging insects that cause your lawn to thin and turn brown
- Kills fleas and ticks
- Kills ticks that may transmit Lyme Disease
- Corrects many lawn insect problems (for grub control, use Scotts® GrubEx®)
- Controls many lawn insect problems
- Corrects many lawn insect problems
- Controls chinch bugs, sod webworms (lawn moth), fleas, ticks (including ticks that may transmit Lyme Disease), and other lawn pests listed on the back
- Kills above and/& below the [lawn] surface
- Kills insects in/and under the lawn
- Kills (controls) 100+ insects
- Kills (controls) over 100 insects
- One application keeps killing lawn bugs for an entire season* (3 months)
- Kills listed lawn invading insects
- Starts killing (to kill) (lawn bugs) (insects) immediately after watering in or irrigating
- · Starts working (to work) immediately after watering in or irrigating
- Kills (controls) European Crane Fly Larvae
- One application Season Long Control [mole crickets/ fleas/ ticks/cut worms/ants]
- Kills on contact
- Kills above and below the surface

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CARTRIDGE CLAIMS

- A snap/easy to start/apply/finish/store
- [All you have to do is] [just] pop it on, flip the lever and go!
- Available in your choice of [x] formulas/cartridges/refills [insert product name(s)]
- Cartridge/product can be used until empty
- Cartridge/refill locks into place [and automatically sets the proper insect control/killer/application rate]
- · Control/kill lawn insects with [far] less effort
- Compact size fits easily in storage areas
- · Easy/simple to use
- [Flip the lever to lock cartridge into place] [ICON]
- For many, lawn care/controlling/killing lawn insects is a [big] chore.
- If additional cartridges/refills are needed to complete/finish your lawn application, simply flip/slide lever back [to release/unlock/re-seal/seal/close cartridge] [from spreader/applicator] [ICON]
- Insert/connect new cartridge/refill(s) [lock into place] [and go] [and continue applying] [ICON]
- [Insert product name/Self-contained/Lock/Snap & Go] cartridge/system [connects directly to the spreader/applicator] [locks into place] [and] automatically sets the proper [lawn] insect control/killer application rate.
- It's easy to get started
- [It's/insert product name is] the revolutionary/patented/specially designed/exclusive/lightweight/self-contained/no-mess/no touch/no guess/guess-proof/mess-proof/lock/snap & go [lawn/insect/control/killer/lawncare] [cartridge/refill/application/applicator/spreader] system.
- [It] transform[s] the way you [take care of your lawn/control/kill lawn insects] [making it easy/easier] [than ever before] [to control/kill lawn insects/bugs that cause your lawn to thin and turn brown]
- [It] Take[s] the mess/guesswork out of lawn care/controlling/killing insects [in your lawn] [[so you get [the]] right application rate/great results]]
- [It's] Ready to go when you are
- [It's] The easy/easier way to control/kill/lawn/pests/insects/bugs
- [It] Makes it easier to control/kill/lawn damaging insects/bugs/pests
- It's easy/easier [than ever before] [to get the (the right application rate)/(great results)]
- · Leave the old way of controlling/killing/insects/bugs/lawncare behind
- Lock/Snap & Go
- No burn application
- No quess/mess application
- · No manual spreader/applicator settings [to adjust]
- No mess/quess/hassle
- No mess start/finish
- No touch/spill/ waste storage [with the [unique/self-sealing] cartridge/refill/system].
- Now, controlling/killing lawn insects on contact is easy/easier [than ever before]
- [Now] [there's] [a/the] quick/ fast/ way to kill/control lawn insects -or- insects in your lawn
- [Now] [there's a/the] revolutionary [new] way to take care of/ control/kill lawn insects/bugs
- Once empty, [insert product name] cartridges/refills cannot be reused
- Proper insect control/killer/application rate is set automatically [with the [insert product name/self-contained/Lock/Snap & Go] [cartridge/system]
- Reduces the mess/inconvenience/effort/hassle of lawn care/controlling/killing/lawn insects/bugs/pests
- Refill/Cartridge
- [Self contained] [insect control] [lock/snap & go] [insert product name] cartridge/refill connects directly to [insert product name] spreader/applicator [so/means/there's] [no cutting/no pouring/no spilling/no opening] [from heavy bags]]/[no need to cut open or pour from heavy bags]
- Self-sealing cartridge/refill [makes clean-up and storage a snap]/[means [a] no waste/no spill/no touch] [clean up/storage]
- Store cartridges/product in a clean, dry place [for your next application]
- [The] [exclusive/patented/specially designed/revolutionary/lock/snap & go] [cartridge/applicator/system]
 automatically sets the proper insect control/killer/application rate [to effectively kill/control insects] [so] [there are no manual spreader/applicator settings [required/to adjust]].
- [The] [insert product name] [cartridge/refill/system] [automatically] self-seals [upon removal] (making clean up and storage a snap/easy/easier)/ ([for no touch/no waste/no mess/easy (clean-up/storage)])
- The [no-mess/guess/touch/pour] lawn care/insect control/killer/application system
- [There's] no cutting/ pouring/ spilling/ opening [from heavy bags] [with the [unique/self-contained] cartridge/refill]

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- [The] [Insert product name] cartridge/spreader/applicator/system improves/reinvents the lawn/insect killer/control application experience
- [The] [insert product name] [lock/snap & go] Cartridge/Refill works exclusively with the [insert product name] [Cartridge/refill] spreader/applicator/system [ICON]
- The [insert product name] [lock/snap & go] cartridge is designed to be used only in the [exclusive/specially designed/patented/revolutionary] [insert product name] cartridge/spreader/applicator/system [ICON]
- [Insert product name] [lock/snap & go] Cartridge is designed specifically/exclusively for the [insert product name] [ICON]
- [The] [insert product name] cartridge/refill snaps/locks easily into place [ICON]
- The [guess/mess proof] [self-contained] [lock/snap & go] [lawn care/insect control/killer] [cartridge/application] system [that] [takes the guesswork out lawn care/controlling/killing lawn insects]
- The [no guess/mess] [self-contained] [lock/snap & go] [lawn care/insect control/killer] [cartridge/application] system [that] [takes the guesswork out of lawn care/controlling/killing insects]
- The [guess-proof/mess proof/no guess/no mess] [self-contained] [lock/snap & go] [lawn care/insect control/killer] [cartridge/application] system [that][makes great results easy/easier/a snap]
- The [guess-proof/mess proof/no guess/no mess] [self-contained] [lock/snap & go] [lawn care/insect control/killer] [cartridge/application] system [that] / [[gives you [the right application rate/great results]] [from start to finish]
- [The EdgeGuard feature on the [insert product name] cartridge/spreader/applicator (allows for one-sided spreading)/(lets you close off application on one side of spreader) so product is not wasted/released on [unwanted] [areas like] driveways/sidewalks/flowerbeds] [ICON]
- Use [this] [insert product name] [lock/snap & go] [cartridge/refill] only with the [new] [specially designed/exclusive/patented/revolutionary] [insert product name] [Cartridge/spreader/applicator] system [ICON]
- You're ready to go
- · Your hands don't have to touch the product/insect control/killer

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the reviewer and is not part of the label. [Bracketed information is optional text]. Text separated by "/" denotes and/or options.

The [Insert name here] Advantage

[Insert name here] has been the leader in helping homeowners enjoy their lawns for more than 140 years. [insert name here] is guaranteed to provide even feeding and greening with the right balance of essential nutrients in every particle. When you fertilize, your lawn will become thicker, with deeper roots to better absorb water and nutrients.

Dedicated To A Beautiful World™

Trusted by generations of homeowners, [Insert name here] is dedicated to helping enhance and protect the natural beauty of your home environment. -[Insert name here]

[Insert name here] & Your Environment

We Care - [insert name here] products are designed with care to grow thicker, greener lawns, [Because] Green is Good - A healthy lawn cleans the air, produces oxygen and prevents runoff and soil erosion. [You Can] Make a Difference - Help keep our water resources clean. Apply this product only to your lawn. And sweep any product that lands in the driveway, sidewalk or street back on to your lawn.

[Questions/Comments/[Medical] Information]

[Distributed by/for -or- Manufactured by/for]: insert company name and address [icon]

[icon - phone] Call -or- consumer helpline -or- phone toll-free -or- Scott's [toll-free] consumer hotline -or- contact

1-XXX-XXX-XXXX

[Open 8:00 a.m. to 5:00 p.m. Eastern time]

ficon - computer mousel

[Visit [our website]] insert website address

Contact the experts at scotts.com

SCOTTS...the lawn people

This container is made with a minimum of X% recycled material.

Made in U.S.A./Product of (with US and imported parts/products)

WARRANTY / GUARANTEE INFORMATION

SCOTTS [NO-QUIBBLE/CONSUMER] GUARANTEE[®]

If for any reason you [the customer/consumer] are not satisfied [with the results] after using this product, you are entitled to get your money back. Simply send us proof of purchase and we will mail you a refund promptly.

-OR-

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.

-OR-

INOTICE: To the extent permissible by law/To the extent consistent with applicable law, buyer assumes all risks of use, storage or handling of this product not in accordance with directions.]

TRADEMARK/PATENT/COPYRIGHT INFORMATION

U.S. Patent No. X,XXX,XXX (patent information will be added to FPL)

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