



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

OCT 28 1999

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

John Thornton
Bayer Corporation, Agriculture Division
8400 Hawthorne Road
P.O. Box 4913
Kansas City, MO 64120-0013

Subject: Merit + Tempo Ready-To-Use Insecticide
EPA Reg. No. 3125-504
Application for amended registration, dated October 22, 1999 - Label revision
and alternate brand name.

Dear Mr. Thornton,

Your proposed revised label for EPA Reg. No. 3125-504, which was submitted in finished format on October 22, 1999, has been reviewed. The label is acceptable at this time provided you make the changes indicated below at the next printing of your label.

1. The alternate brand name, Bayer ADVANCED GARDEN Rose & Flower Insect Killer Ready-To-Use, must be modified by deleting the phrase "ADVANCED GARDEN" from the product name. Since there has been no change in the product's basic formulation since the initial registration the phrase "ADVANCED GARDEN" is considered false and misleading and, as such is not considered acceptable either as part of the product name or as a separate marketing claim. We note that our May 19, 1999 letter regarding revised CLI (Consumer Labeling Initiative) labeling for this product required that the phrase "ADVANCED PROTECTION FORMULA" be deleted from the front panel of the proposed label. This statement is a comparative advertising claim relative to effectiveness and may be false or misleading in comparison with other products that don't include such a statement on their labels. According to 40 CFR 156.10(a)(5), no advertising claims may be false or misleading in any way. In addition, claims that are exaggerated or unsubstantiated can not be made on the label.
2. The statement "FOR RESIDENTIAL USE ONLY" was included on the front panel of the last stamped accepted label (May 19, 1999) and must be added to the front panel of the revised label.

3. The following statement was included on the front panel of the last stamped accepted label and must be added to the front panel as one of the bullet points under the product name:

"• For Use on Flowers, Roses, Shrubs."

In addition, you may add "house plants and ground covers" to the above statement since these use sites were also listed on the last stamped accepted label.

4. Under "DIRECTIONS FOR USE," at top of the "HOW TO USE" section, change the first word "Spray" to "Shake."
5. As you know, EPA will soon be issuing a PR Notice concerning improvements to the format and content of "First Aid" statements (formerly "Statement of Practical Treatment") on all pesticide product labels. The "First Aid" statements in the upcoming PR Notice will supersede the statements that are listed in the December 1996 Label Review Manual. In addition, EPA is currently revising the Label Review Manual; the revised manual will incorporate the updated "First Aid" statements from the PR Notice. At this time, we recommend that you incorporate the updated "First Aid" statements on your new product label by revising the instructions under "FIRST AID" to read as indicated below:

"IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor.

"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 the eye. Call a poison control center or doctor for treatment advice."

IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible."

You may continue to use the same format for the First Aid section that is used on your label submitted October 22, 1999 (i.e. the box format with the headings "IN CASE OF ACCIDENTAL.....SWALLOWING, CONTACT WITH EYES, INHALATION" - followed by the above text in bullet format).

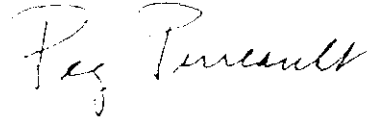
Since the label submitted on October 22, 1999 is in finished format and is substantially similar to the last accepted label (stamped May 19, 1999), and since the revisions requested above do not raise risk concerns associated with the use of this product, we will allow you to use this labeling for a period not to exceed January 31, 2000. Products released for shipment after January 31, 2000 must bear labeling revised in accordance with this letter.

Please submit one copy of your revised final printed labeling before you release the product for shipment. If the above specified 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 the 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 letter, please contact me by phone at (703) 305-5417 or via E-mail at Perreault.peg@epamail.epa.gov.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Peg Perreault".

Peg Perreault
Chemical Manager, Team 4
Insecticide-Rodenticide Branch
Registration Division (7505C)

Enclosure (1)

ACCEPTED
with COMMENTS
In EPA Letter Dated
Oct. 28, 1999

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
3125-504



Rose & Flower Insect Killer

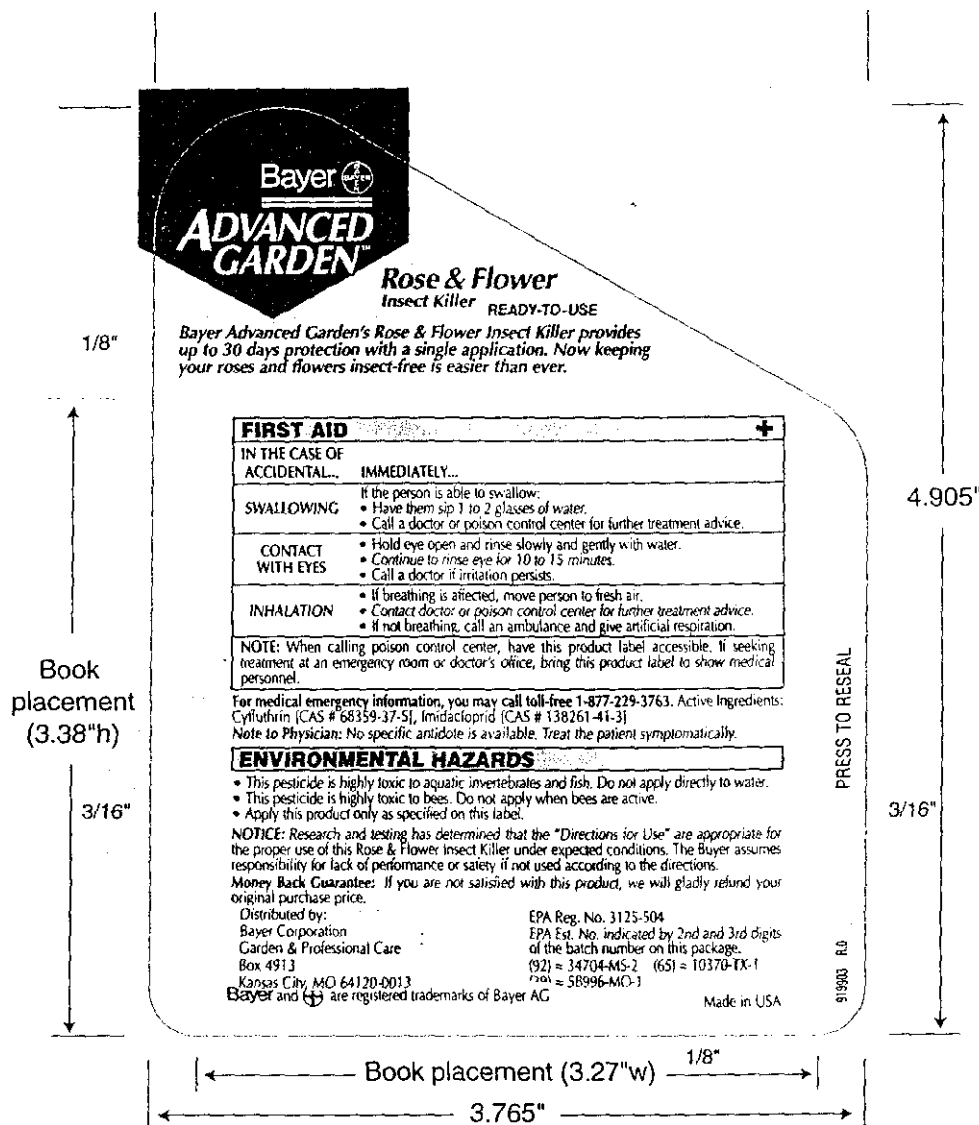
READY-TO-USE

- ▶ Kills on contact
- ▶ Lasts up to 30 days
- ▶ Rainproof protection

KEEP OUT OF REACH OF CHILDREN
CAUTION See back panel label for ingredients
and precautionary statements
HARMFUL IF SWALLOWED
CAUSES EYE IRRITATION
50993 R.O



NET CONTENTS 24 FL OZ (709mL)



3.765" w x 4.905" h
 AJ643/24 oz base/template
 5-3-99 mr

Back
Cover



3.38"

| IMPORTANT - Directions for Storage and Disposal | |
|---|---|
| STORAGE CONDITIONS | Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet. Protect from freezing. |
| DISPOSAL | <ul style="list-style-type: none"> Do not reuse empty spray bottle. Rinse the empty product container thoroughly. Place container in trash. |
| Important: It is best to use all of the product in accordance with label directions. If it is necessary to dispose of unused product, please follow any applicable state or local guidelines. | |
| PRECAUTIONARY STATEMENTS | |
| Hazards to Humans and Domestic Animals | |
| CAUTION | <ul style="list-style-type: none"> Harmful if swallowed or inhaled. Causes eye irritation. Avoid contact with skin, eyes, or clothing. Avoid breathing spray mist. Wash thoroughly with soap and water after handling. |

READ THE LABEL FIRST!

QUICK FACTS

- **Kills Insects on Contact**
- **Keeps on Killing for Up to 30 Days**
- **Ready-to-Use...No Mixing, No Measuring**

| | |
|--|---|
| KILLS | Aphids, Japanese Beetles, Leafminers, Whiteflies and other listed pests |
| COVERAGE | Treats up to 34 medium-sized plants |
| WHERE TO USE | Roses, Flowers, House Plants, Ground Covers & Shrubs |
| WHEN TO USE | When insects or damage first appear |
|   | For questions or comments, call toll-free 1-877-BayerAG www.AdvancedGarden.com |

ACTIVE INGREDIENTS:
 Cyfluthrin 0.003%
 Imidacloprid 0.012%
OTHER INGREDIENTS* 99.985%
 100.000%

*Other ingredients include: Water, glycerin (stabilizer), organic solvent (less than 0.1%, to dissolve the active ingredient for mixing) and surfactants (to keep the active ingredient dispersed in water).

EPA Reg. No. 3125-504-72155

EPA Est. No. indicated by 2nd and 3rd digits of the batch number on this package.

(92) = 34704-MS-2 (65) = 10370-TX-1 (39) = 58996-MQ-1
 919903 R.0



Front
Cover

3.27"

3.27"

3.38" h x 3.27" w
 AJ643/bookASB/template
 Front and Back Cover
 6-7-99 mr

TOTAL NUMBER OF PAGES
 MUST BE DIVISIBLE BY FOUR.

Even #
Pages

3.38"

KILLS

Adelgids, Aphids, Bagworms, Boxelder Bugs, Clover Mites, Elm Leaf Beetles, Grasshoppers, Gypsy Moth Larvae, Japanese Beetles (adult), Lacebugs, Leaf-feeding Beetles, Leaf-feeding Caterpillars, Leafminers, Mealybugs, Mosquitoes, Pillbugs, Sawfly Larvae, Scale Insects (crawler stages), Spittlebugs, Thrips, Whiteflies

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. For best results, read and follow all label directions.

BEFORE YOU USE

Read and follow these directions when using.

- Apply the product to flowering plants during early morning or late evening, when bees are not present.
- Do not spray the product into fish pools, ponds, streams, or lakes.
- Remove animal feeding dishes prior to application.
- Do not use in small, enclosed areas where spray may be inhaled.
- Do not apply to fruits or vegetables used for food.

DIRECTIONS FOR USE (cont'd)

WHEN TO USE

When insects or damage first appear. To avoid serious damage to plants, eliminate pests early in the season before they multiply.

HOW TO USE

- Spray well before using.
 - Adjust nozzle to desired spray pattern
 - Hold sprayer about 12 inches from foliage
 - Spray leaves, stems and tender new shoots
- To kill insects that hide, spray the underside of the leaves. Apply until leaves are evenly coated with spray, but not dripping.

HOW OFTEN

Kills insects on contact and keeps on killing for up to 30 days. For severe infestations, repeat every 7-14 days as necessary.

FOR BEST RESULTS

Do not water the foliage within one hour after applying. To avoid serious damage to plants, control pests early in the season before they multiply.



Children and pets may re-enter the treated area after spray has dried.

Odd #
Pages

3.27"

3.27"

3.38" h x 3.27" w
AJ643/bookASB/template
Inside Pages
6-7-99 mr

TOTAL NUMBER OF PAGES
MUST BE DIVISIBLE BY FOUR.