



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

OCT 29 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 Concentrate Insecticide II
EPA Reg. No. 3125-521
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. 3125-521, 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 Concentrate, 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 25, 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 OUTDOOR RESIDENTIAL USE ONLY" was included on the front panel of the last stamped accepted label (May 25, 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, Trees.**

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

4. 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."

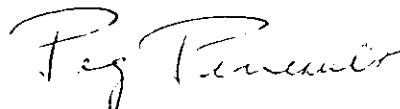
You may continue to use the same format for the First Aid section that is used on your label submitted October 22, 1999 (i.e. the box format with the headings "IN CASE OF ACCIDENTAL.....SWALLOWING, CONTACT WITH EYES, INHALATION" - followed by the above text in bullet format).

Since the label submitted on October 22, 1999 is in finished format and is substantially similar to the last accepted label (stamped May 25, 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 that reads "Peg Perreault".

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

Enclosure (1)



ACCOUNTING
with COMMERCE
in EPA Letter Dated
October 29, 1999

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
3125-521

Rose & Flower Insect Killer

CONCENTRATE

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



KEEP OUT OF REACH OF CHILDREN
CAUTION See back panel for other warnings
HARMFUL IF SWALLOWED
CAUSES EYE IRRITATION
98952 R.3

NET CONTENTS 16 FL OZ (473 mL)



**Rose & Flower
Insect Killer
CONCENTRATE**

Bayer Advanced Garden's Rose & Flower Insect Killer provides up to 30 days protection with a single application. Now keeping your roses and flowers insect-free is easier than ever.

FIRST AID	
IN THE CASE OF ACCIDENTAL... IMMEDIATELY...	
SWALLOWING	<ul style="list-style-type: none"> If the person is able to swallow, <ul style="list-style-type: none"> • Have them sip 1 to 2 glasses of water. • Call a doctor or poison control center for further treatment advice.
CONTACT WITH EYES	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water. • Continue to rinse eye for 10 to 15 minutes. • Call a doctor if irritation persists.
INHALATION	<ul style="list-style-type: none"> • If breathing is affected, move person to fresh air. • Contact doctor or poison control center for further treatment advice. • If not breathing, call an ambulance and give artificial respiration.

For medical emergency information, you may call toll-free 1-877-229-3763. Active Ingredients: Cyfluthrin (CAS # 52359-37-5), Imidacloprid (CAS # 138261-41-3).

- ENVIRONMENTAL HAZARDS**
- This pesticide is highly toxic to aquatic invertebrates and fish. Do not apply directly to water.
 - Do not contaminate water when cleaning equipment or disposing of equipment washwaters or rinsate.
 - This pesticide is highly toxic to bees. Do not apply Rose & Flower Insect Killer when bees are present.
 - Apply this product only as specified on this label.

Made in USA
Distributed by:
Bayer Corporation
Garden & Professional Care
Box 4913
Kansas City, MO 64120-0013
EPA Reg. No. 3125521
EPA Est. No. indicated by 2nd & 3rd digits
of the fourth number on this package:
991 = 34704-MS-2, 1031 = 10707X-1, 1991 = 30996-MO-1
Bayer and are registered trademarks of Bayer AG



PRESS TO RESEAL

919900 R10


3.465" W x 4.550" H
16 fl. oz.
Mold number: 3B-21469
AJ642/template/base
4-29-99 es/mr

SPRAYER TYPES (cont'd)

DIAL-STYLE HOSE-END SPRAYERS

Dilution rate: 1/2 oz per gallon
(1 tablespoon = 1/2 oz)


1. Fill sprayer jar with enough concentrate to cover area to be treated.
2. Close sprayer and set dial.
3. Attach sprayer to hose and apply.
4. To avoid contact with the treated area, begin by spraying area farthest from faucet walking backwards as you spray.



CONCENTRATE-PLUS-WATER HOSE-END SPRAYERS

Dilution rate: 1/2 oz per gallon
(1 tablespoon = 1/2 oz)

1. Pour concentrate into sprayer jar to the required fluid ounce level.
2. Add the appropriate amount of water to the gallon's level.
3. Replace sprayer top and shake well before applying.
4. To avoid contact with the treated area, begin by spraying area farthest from faucet walking backwards as you spray.




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

- Do not reuse empty container.
- Rinse the empty product container thoroughly.
- Include rinse water in application.
- 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.

NOTICE: Research and testing has determined that the "Directions for Use" are appropriate for the proper use of Rose & Flower Insect Killer under expected conditions. The Buyer assumes responsibility for lack of performance or safety if not used according to the Directions.

Money Back Guarantee: If you are not satisfied with this product, we will gladly refund your original purchase price.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals


- Harmful if swallowed or inhaled.
 - Causes eye irritation.
 - Avoid contact with skin, eyes, or clothing.
 - Wash thoroughly with soap and water after handling.
- CAUTION**

READ THE LABEL FIRST!

QUICK FACTS

OPEN Resealable Label for Directions & Precautions

- **Kills On Contact**
- **Keeps on Killing for Up to 30 Days**
- **Easy, Accurate Measuring & Mixing**

KILLS	Ashids, Japanese Beetles, Leafminers, Whiteflies and other listed pests
COVERAGE	Kills up to 32 gallons of spray
WHERE TO USE	Flowers, Roses, Trees & Shrubs
WHEN TO USE	When insects or damage first appear
HOW MUCH TO USE	Pour 1/2 oz. (1 Tablespoon) Easy Measure-up Cup and dilute in 1 gallon of water
	For questions or comments, call toll-free 1-877-BayerAG www.AdvancedGarden.com

ACTIVE INGREDIENTS:

pyrethrin	0.72%
imidacloprid	0.72%
OTHER INGREDIENTS	98.56%
	100.00%

*Other ingredients include: Water, alcohol stabilizer, xylene solvent less than 3%, to dissolve the active ingredient for mixing, and surfactants to keep the active ingredient dispersed in water.

919900 RD

KILLS

Aphids, Aphids, Bagworms, Boxelder Bugs, Clover Mites, Elm Leaf Beetles, Grasshoppers, Gypsy Moth Larvae, Japanese Beetles (adult), Lacebugs, Leaf-feeding Beetles, Leaf-feeding Caterpillars, Leafhoppers, Leafminers, Mealybugs, Mosquitoes, Pillbugs, Plant Bugs, 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 ponds, ponds, streams, or lakes.
 - Remove animal feed dishes prior to application. Keep children and pets away from treated areas until spray has dried.
 - Do not apply to fruits or vegetables used for food.

DIRECTIONS FOR USE (cont'd)

HOW TO USE	Shake well before using.
WHEN TO USE	Spray when insects or damage first appear.
MIXING AND MEASURING	SEE SPRAYER TYPES



HOW TO SPRAY

Adjust nozzle on your sprayer to desired spray pattern.

Hold sprayer about 12 inches from foliage.

Spray leaves and tender new shoots.

To kill insects that hide, spray the underside of the leaves. Allow until leaves are evenly coated with spray, but not dripping.


DIRECTIONS FOR USE (cont'd)

HOW OFTEN

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

FOR BEST RESULTS

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

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

ORNAMENTAL PLANT Application Guidelines

Trees, Shrubs, Ground Covers, Evergreens, Flowers and Foliage Plants

- **How Much to Use:** 1/2 fl. oz. (1 Tablespoon) per gallon of water
- Apply when pests or damage first appear.
- Spray area thoroughly.
- Reapply at 7 to 14 days, if needed.

SPRAYER TYPES Mixing & Measuring

PUMP STYLE TANK SPRAYERS

To make one gallon of spray:

1. Pour liquid into Easy Measure-up Cup until concentrate reaches 1/2 oz. fill line.
2. Dilute in 1 gallon of water.
3. Close sprayer and shake well before applying.

