



8033-105

8-9-2010

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 <p>U.S. ENVIRONMENTAL PROTECTION AGENCY Office of Pesticide Programs Registration Division (7505C) 1200 Pennsylvania Ave., N.W. Washington, D.C. 20460</p> <p>NOTICE OF PESTICIDE: <u>X</u> Registration ____ Reregistration (under FIFRA, as amended)</p>	EPA Reg. Number: 8033-105	Date of Issuance: AUG - 9 2010
	Term of Issuance: Unconditional	
	Name of Pesticide Product: Acetamiprid 0.075% Protein Ant Bait Station OTC	
Name and Address of Registrant (include ZIP Code): Nisso America, Inc. 45 Broadway, Suite 2120 New York, NY 10006		
<p>Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.</p>		
<p>On the basis of information furnished by the registrant, the above named pesticide is hereby registered under the Federal Insecticide, Fungicide and Rodenticide Act.</p> <p>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.</p> <p>This product is unconditionally registered in accordance with FIFRA section 3(c)(5), provided that you:</p> <ol style="list-style-type: none"> 1. Submit and/or cite all data required for registration/reregistration/registration review of your product when the Agency requires all registrants of similar products to submit such data. 2. The data requirements for storage stability and corrosion characteristics (Guidelines 830.6317 and 830.6320) are not satisfied. A one year study is required to satisfy these data requirements. You have 18 months from the date of registration to provide these data. <p><i>Continued on page 2</i></p>		
Signature of Approving Official:  Venus Eagle, Product Manager 01 Insecticide-Rodenticide Branch, Registration Division (7505P)	Date: AUG - 9 2010	

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3. Make the following label changes before you release the product for shipment:
 - a. Revise the EPA Reg. No. so it reads, "EPA Reg. No. 8033-105."
 - b. On page 2, under the "Kills ants including" section, add the following text to the end of the list (excludes fire, harvester, carpenter, and pharaoh ants).
 - c. On page 4, qualify the references to ants in claims 12, 13, and 14 with "listed."
 - d. On page 5, under the "Kills ants" claim, add the following text to the end of the list (excludes fire, harvester, carpenter, and pharaoh ants).
 - e. Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on non-refillable containers. The code may appear either on the label or durably marked on the container itself. This information can be added by non-notification per PR Notice 98-10.
 - f. Please be reminded that, should you wish to add/retain a reference to the company's website on your label, the website then 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). 40 CFR 156.10(a)(5) list 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.
4. For future submissions, make the following changes to your Confidential Statement of Formulation (EPA Form 8570-4):
 - a. Box 4: Revise the EPA Reg. No. so it reads, "EPA Reg. No. 8033-105."

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 constitutes acceptance of these conditions. A stamped copy of the label is enclosed for your records. If you have any questions, please contact Julie Chao at 703-308-8735 or chao.julie@epa.gov.

Venus Eagle, Product Manager 01
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure

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NOTE:
Bold, italicized text is information for the reader and is not part of the label.
[Bracketed information is optional text]. Text separated by / denotes and/or options.

Acetamiprid 0.075% Protein Ant Bait Station OTC

ACTIVE INGREDIENT:
Acetamiprid 0.075%
Other Ingredients 99.925%
Total..... 100.000%

EPA Reg. No. 8033- EPA Est. No. _____

[X oz gel per station (X g)]

X Baits
Each Bait – Net Wt. X oz.
Total Net Wt. X oz.

This product contains the bittering agent Bitrex®.

Allergy Information: contains peanut by-products.

Stop - Read the label before use.

[Save outer package for label reference.]

KEEP OUT OF REACH OF CHILDREN

CAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label find someone to explain it to you in detail.)

**ACCEPTED
With COMMENTS
In EPA Letter Dated:
AUG - 9 2010
Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:
8033-105**

PRECAUTIONARY STATEMENTS	
HAZARDS TO HUMANS AND DOMESTIC ANIMALS	
CAUTION	
<ul style="list-style-type: none"> • Harmful if swallowed, inhaled or absorbed through skin. • Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. • Keep out of reach of children and domestic animals. 	

FIRST AID	
If swallowed:	Immediately call a poison control center or doctor for treatment advice. Do not induce vomiting unless told to do so by a poison control center or doctor. Have person sip a glass of water if able to swallow. Do not give anything by mouth to an unconscious person.
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.
If inhaled:	Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.
HOTLINE NUMBER: Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-225-2883 for emergency information. NOTE TO PHYSICIAN: There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred. For Information Regarding the Use of this Product Call 1-800-225-2883.	

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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.

Kills ants including:

Acrobat, Argentine, Big-Headed, Cornfield, Crazy, Field, Ghost, Honey, Little Black, Odorous House, Pavement, Pyramid, Rove, Thief, and Velvety Tree Ants.

[For indoor use.]

[Remove bait stations from wrapper.]

[Separate bait stations by breaking them apart.]

[Open stations [by breaking off tabs] [by peeling off label[s]] to expose the bait inside.]

[Peel label off of adhesive sticker on the back of the station.]

- Place [or stick] bait stations where ants are seen or ant activity is suspected to occur. Common areas include: along baseboards, in corners of rooms and cabinets, on countertops, under and behind appliances, under sinks, around pipes and water sources, in pantry, around window sills and doorways, near garbage cans, and along ant trails. (See illustrations – kitchen, bathroom, laundry room, basement, garage) [Baits can be used horizontally or vertically.]

HOW IT WORKS:

- [Bait attracts [foraging] [scout] ants.]
- Ants enter bait stations and carry food back to the colony.
- Ants share the bait with other ants, killing the colony.
- [You should see a reduction in ant activity within one week after bait station placement.]

HELPFUL TIPS:

- Do not place bait stations in areas which have been recently sprayed with insecticide. This may reduce effectiveness.
- For best results, all X bait stations should be used at one time. [For heavy infestations, additional bait stations may be required.]
- Do not allow complete consumption of bait. [Replace all baits every X months.]
- [[See through] [clear] window lets you know when it is time to replace the baits.]
- [Color [sticker] changes [from X to X] over time to indicate when to change bait.]

STORAGE AND DISPOSAL	
PESTICIDE STORAGE:	Store in a cool, dry area out of reach of children.
PESTICIDE DISPOSAL AND CONTAINER HANDLING:	Non-refillable container. Do not refill or reuse bait station. Offer for recycling if available or wrap in newspaper and dispose of in trash.

NOTE TO PM: Spot label to be placed on individual station

Acetamiprid 0.075% Ant Bait Station
EPA Reg. No. 8033-

KEEP OUT OF REACH OF CHILDREN

CAUTION. See outer package for additional precautionary statements and complete directions.

Active Ingredient:

Acetamiprid.....	0.075%
Other Ingredients.....	99.925%
Total.....	100.000%

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[Questions, Comments or Medical Information?
[ICON] Call 1-800-225-2883
[ICON] www.ortho.com]

[Manufactured for:
The Ortho Group
P.O. Box 190
Marysville, OH 43040]

[This side down]
[Date bait placed: / /]

NET WEIGHT X OZ.

NOTE TO PM: End of Spot Label on individual station

Conditions of Sale and Limitation of Warranty and Liability

Notice: To the extent consistent with applicable law, 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.]

[Questions, Comments or Medical Information?
[ICON] Call 1-800-225-2883
[ICON] www.ortho.com]

[Ortho and the Environment] - Ortho products are designed to provide effective pest solutions. To protect the environment, follow all instructions for proper usage, storage and disposal.]

[Recycling Icon]

OPTIONAL CLAIMS

- 1) [Bonus Pack! X Baits for the Price of X!]
- 2) [Also try Ortho® Home Defense MAX® Perimeter & Indoor Insect Killer Ready-To-Use to kill other bugs inside and keep them out.]
- 3) [Also try Ortho® Home Defense MAX® Outdoor Perimeter Ready-Spray® to keep home invading ants out of your home.]
- 4) [Also try Ortho® Home Defense MAX® Insect Killer Granules to keep home invading ants out of your home.]

INDOOR/OUTDOOR USAGE CLAIMS

- 5) [For indoor and outdoor use]
- 6) [For indoor use]
- 7) [Kills ants indoors [and outdoors]]

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MODE OF KILL CLAIMS

- 8) [Kills the queen]
- 9) [Kills the colony]
- 10) [Colony kill]
- 11) [Source kill]
- 12) [Kills the ants you see, and the ones you don't]
- 13) [Kills ants [where they hide]]
- 14) [Kills ants where they breed]
- 15) [Stops / controls your ant invasion]
- 16) [Ants enter bait station and eat the bait]
- 17) [Ants carry the bait back to the nest [killing the queen and the colony]]
- 18) [Ants share the bait, killing other ants [and the colony]]
- 19) [Ants take the bait back to the colony where it is eaten by queen [and worker ants]]
- 20) [Ants pass the bait on to kill the queen [and kill the colony]]
- 21) [Attracts [foraging] [scout] ants]
- 22) [Helps keep / prevents ants from coming back]
- 23) [Takes care of tough to kill ants]
- 24) [[Kills the queen [and the colony]]]
- 25) [No need to clean up dead ants]

SPEED OF KILL CLAIMS

- 26) [Starts working immediately]
- 27) [Starts killing in 24 hours]

OTHER MISC. CLAIMS

- 28) [Gel bait]
- 29) [Ready to use / Pre-filled]
- 30) [Contains a bittering agent to deter pets [and children]]
- 31) [From the experts in insect / pest control]

PACKAGING RELATED CLAIMS

- 32) [Discrete design [makes bait less noticeable] [blends in with your home décor]]
- 33) [[Station color makes it] Less noticeable]
- 34) [Discrete design [fits in corners] [fits along baseboards] [fits along paths / trails commonly / naturally traveled by ants]]
- 35) [Easy to open]
- 36) [Convenient & easy to use]
- 37) [[Easy to] Break apart [design]]
- 38) [Multiple / different shapes for different locations] [use in multiple locations]
- 39) [No [need to] touch [the bait]]
- 40) [[No Drip] [No Mess] [No Spill] [No Leak] Design]
- 41) [[Patented] bait station keeps bait / food palatable / attractive to ants / fresher]
- 42) [[Patented] bait station helps prevent bait / food from drying out / spoiling]
- 43) [Sticky / [adhesive] back[ing] lets you place the bait anywhere [and leaves no sticky residue]]

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- 44) [Sticky / [adhesive] back[ing] makes it tougher for kids and pets to pick up
- 45) [Bait stays where you place it]
- 46) [Attaches / sticks to any surface]
- 47) [[Clear] [See-through] Window lets you see / know when the bait is gone [and shows you that the bait is working]
- 48) [Color [sticker] changes over time to indicate when to change bait]
- 49) [Multiple / more / [larger] opening[s] for ants to access the bait]
- 50) [Lets you know when to change the bait]
- 51) [Low profile for use under cabinets / on window sills / under appliances]
- 52) [Can be used vertically or horizontally]
- 53) [Combo / variety pack is great for corners and baseboards]
- 54) [Re-sealable packaging [keeps bait fresher]]

USAGE LOCATION CLAIMS

- 55) [Can be placed where food is stored]
- 56) [Can be placed on kitchen countertops when food is not present]
- 57) [Can be used in kitchens, pantries and food preparation areas when food is not present]
- 58) [Can be used in the kitchen / behind appliances / under sinks / near garbage cans / inside of pantries / on window sills]
- 59) [Place in cabinets, under sinks and behind appliances]
- 60) [Can be stored with your household cleaning supplies]

GUARANTEE

- 61) [Guaranteed to work (or your money back) †]
- 62) [Guaranteed to kill the colony †]
- 63) [Guaranteed to kill the queen [and the colony] †]

SPECTRUM OF INSECTS KILLED

- 64) [Kills ants: Acrobat, Argentine, Big-Headed, Cornfield, Crazy, Field, Ghost, Honey, Little Black, Odorous House, Pavements, Rove, Thief, and Velvety Tree Ants.]
- 65) [Kills listed common household ants]
- 66) [Kills listed common home-invading ants]
- 67) [Kills a wide variety of listed household ants]

FRAGRANCE RELATED CLAIMS

- 68) [Unscented]
- 69) [Odor free]