

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



OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

May 6, 2005

Ms. Kathie Tryson
Chemsico
United Industries Corporation
P.O. Box 142642
St. Louis, MO 63114

Dear Ms. Tryson:

Subject: Label Amendment to Add Efficacy Claims
Chemsico Insect Bait 16I
EPA Reg. No. 9688-217
Your Submission Dated January 21, 2005 & February 14, 2005

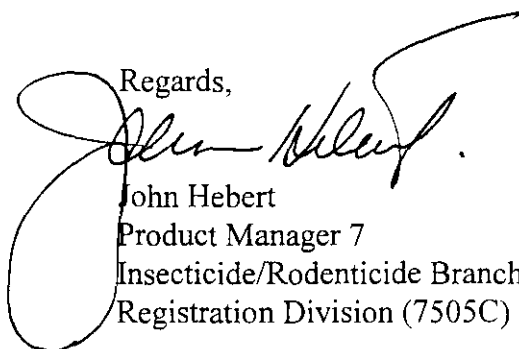
The Agency has reviewed the efficacy data you submitted/cited to support additional fire ant label claims for EPA Reg. No. 9688-217. The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable provided you make the following changes before you release the product for shipment bearing the amended labeling:

1. Delete all references that the product kills the colony (or queen) or offers complete mound control in 48 hours. This 48 hour claim is not supported by the submitted/cited data. Please also delete the statement "Kills the queen and Colony in hours" appearing in the "Optional Marketing Claims section." This statement is too vague.
2. Delete all references to "Provides seasonal control", "all season long", "three-month control", "for an entire season", "once a season is all you need", "Re-apply in the Fall to reduce the number of Fire Ants that will return next Spring", and all similar claims. Although the 11/17/04 registration letter requested that you qualify all references to long-lasting with three months, this was an oversight since the 8/31/04 efficacy review indicated that statements referring to how long the product lasts must be supported by additional efficacy data.
3. Delete the statement "For new mound formation try our [Chemsico Insect Granules Formula L][Alternative Brand Name] to kill queen and colony in 24 hours." This statement appears under the "Use Tips" and "Optional Marketing Claims" sections.
4. Delete all appearances of the word "eliminates". Claims which imply total eradication and elimination are too broad and misleading and are not allowed.

5. Delete the optional marketing claim "Can be used around people [children] and pets." This statement is misleading.
6. Delete the claims "Exclusive formula", "Unique Formula", "Exclusive Dual Action Formula", "Innovative with unique mode of action", and all other references to exclusive, innovative or unique. Non-specific words without valid comparison are not allowed.

Submit two copies of your final printed labeling before you release the product for shipment. A stamped copy is enclosed for your records. A copy of the May 3, 2005 efficacy review is enclosed for your files. If you have any questions, please contact Ann Hanger at (703) 306-0395 or hanger.ann@epa.gov.

Regards,

A handwritten signature in black ink, appearing to read "John Hebert", is written over the typed name and title. The signature is fluid and cursive, with a large loop at the beginning and end.

John Hebert
Product Manager 7
Insecticide/Rodenticide Branch
Registration Division (7505C)

Enclosures (2)

CHEMSICO

Insect Bait 16I

For outdoor use around the home only

(See Appendix for Optional Marketing Claims)

ACCEPTED
with COMMENTS
In EPA Letter Dated:
MAY 6 2005
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
9688-217

Active Ingredient:	
Indoxacarb	0.016%
Other Ingredients	99.984%
Total.....	100.000%

KEEP OUT OF REACH OF CHILDREN

CAUTION See back for additional precautionary statements

NET WT. 5.0 POUNDS [LB] / 2.24 kilograms

OPTIONAL MARKETING LANGUAGE

[Chemsico Insect Bait 16I][Alternate brand name] granules kill the queen [in 48 hours] and provide season long control against Fire Ant Colony formation. Worker Fire Ants forage the bait immediately and take the granules deep into the colony to feed other Fire Ants and the Queen. [Chemsico Insect Bait 16I][Alternate brand name] granules will quickly start to work, showing significant reduction of foraging Fire Ants within 24 hours and eliminate them from your yard [for an entire season][for 3 months].

OPTIONAL PRODUCT FACT BOX

PRODUCT FACTS
What It Does: Kills Fire Ant[s] [Mound] [colony] and helps prevent new mounds from forming all season long
Where to Use: Outdoors, on Fire Ant Mounds [and as a broadcast treatment in lawns]
When to Use: Apply in early Spring or Summer at the first sign of fire ant activity. Re-apply in the Fall to reduce the number of Fire Ants that will return next Spring.
Questions & Comments: (icon phone) (icon computer) Call 1-800-332-5553 or Visit our Website at www.xxx.com

STOP. READ ENTIRE LABEL BEFORE USE

DIRECTIONS FOR USE

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

MOUND TREATMENT

[Kills the colony]

1. (graphic) Sprinkle 4 tablespoons of bait around each mound.
2. (graphic) Do not water in.
3. Decreased ant activity will be observed in as little as 24 hours after bait placement. Complete mound control will occur 48 hours after application.
4. Treat new mounds as they appear.

[Bracketed Text] = Optional language

[OPTIONAL DIRECTIONS FOR BROADCAST TREATMENT]**BROADCAST TREATMENT**

1. Apply granules with a spreader at a rate 0.5 lbs per 1,000 sq. ft.
2. Do not water in.
3. Decreased ant activity will be observed in as little as 24 hours after bait placement. Complete mound control in treated areas will occur 48 hours after application.
4. Re-apply after 12 weeks (3 months) to prevent re-infestation.

SPREADER SETTINGS FOR LAWN APPLICATION

Make & Model	0.5 lbs./1,000 sq. ft.	Make & Model	0.5 lbs./1,000 sq. ft.
Vigoro Rotary	X	Republic EZ Drop 530	X
Scotts Speed/Green	X	Republic EZ Rotary 540	X
Scotts AccuGreen	X	Precision Rotary SB50	X
Scotts Drop	X	Ev-N-Spred	X
Red Devil Rotary	X	Cyclone Rotary	X

NOTE: These settings are approximate due to variability and wear of spreader. Check settings and calibrations on a small area before making total application.]

USE TIPS

1. (graphic) For best results, apply in early Spring or Summer at the first sign of Fire Ant activity to prevent mounds from forming.
2. Apply in the early morning or late evening when fire ants are actively foraging.
3. Do not apply if rain is expected within 4-6 hours.
4. Do not water or mow treated area for 24 hours after application. This will allow time for the ants to forage the bait and take it to the mound.
5. Treating the entire yard is recommended since it will eliminate foraging ants and mounds which may not be visible at the time of application.
6. People and pets may re-enter treated area immediately after broadcast.
7. For new mound formation try our [Chemsico Insect Granules Formula L] [Alternate Brand Name] to kill queen and colony in 24 hours.]

STORAGE AND DISPOSAL

Storage: Reclose bag tightly after each use. Store in a cool, dry area which is inaccessible to children and pets. **If Empty:** Do not reuse this container. Place in trash or offer for recycling if available. **If Partly Filled:** Call your local solid waste agency or 1-800-CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS**Hazards to Humans and Domestic Animals****CAUTION**

Food utensils such as spoons or measuring cups must not be used for food purposes after use in measuring pesticides.

Environmental Hazards

Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinsate.

NOTICE: Buyer assumes all responsibility for safety and use not in accordance with directions.

[*If you are not satisfied with this product for any reason send your written request for a refund to the address below, together with the original dated store receipt showing the price you paid. Please allow 6-8 weeks for processing]

[Questions or comments? Call 1-800-332-5553]

Made in the USA for Chemsico
Division of United Industries Corp.
P.O. Box 142642
St. Louis, MO 63114-0642

EPA Reg. No. 9688 - 217

EPA Est. No. 9688-MO-1

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APPENDIX

OPTIONAL MARKETING CLAIMS

[Treats [covers] up to 10,000 sq ft [entire yard] • Kills the Mound • Limits New Mound Formation • Ready-to-use Granules • *Guaranteed Results or Your Money Back • Season-Long Control • Resealable bag • 3-Month Control • Exclusive Formula • Unique Formula • Low odor • No odor • Odor Free • Starts [Begins] to work in 24 hours • Reduces foraging ant[s] [populations] in 24 hours • Easy to use • No watering necessary • Ready-to-Use • For Outdoor use [on lawns] • For broadcast or [individual] mound treatment • Apply in the Spring [and/or Summer] and get season long control of Fire Ants • Long lasting (3 Month) residual action [control] [for an entire season] • Kills for months • Keeps killing for months [entire season] • Long-lasting killing power – lasts for 3 Months • Control(s) Fire Ants for 3 months [for an entire season] • Controls imported Fire Ants • Controls mounds [you see plus those you don't] • Controls [Kills] [Eliminates] the colony • Controls [Kills] [Eliminates] the mound • Helps prevent new mounds from forming • Eliminate Fire Ants [from your lawn][all season long] • Starts working the same day • Kills Fire Ants • Protects you [and your family] from Fire Ants • Protects your pets [and your family] from Fire Ants • Easy and quick to apply with a broadcast [or drop] spreader • [Starts] [Begins] to work in 24 hours • Kills the Colony • Kills imported and native Fire Ants • Destroys the mound • Destroy invisible [hidden] mounds • Kills imported Fire Ants • Prevents [re-colonization of] Fire Ants [after treatment] • Eliminates the mound • Mound destroyer • Colony destroyer • Starts to destroy the colony in 24 hours • Starts to eliminate the mound in 24 hours • Kills Fire Ants [and keeps killing them] [and prevents them] all season long [up to 3 months] • [Just] One application controls Fire Ants for 3 months [for an entire season] [all season long] • 2-in-1 Formula - 1.) Kills Fire Ants [fast]; 2.) Keeps [killing][working] all season long [for 3 months] • Fast acting, [and] season long control • No more Fire Ants • Fire Ant destroyer • For a Fire Ant free yard • Once a season is all you need • Take back your yard from Fire Ants • No more colony • Dual action - 1.) Kills Fire Ants [fast]; 2.) Keeps [killing] [working] all season long [for 3 months] • One Application Season Long Control • Lawn control of fire ants in 7-14 days

- Kills Queen & Colony
- Exclusive Dual Action Formula • Kills Fire Ants Fast • Lasts All Season!
- Fast Acting Plus Season Long Control – Guaranteed*
- For New Mound Formation, try our Chemsico Insect Granules Formula L (EPA Reg. No. 9688-174) (marketed name) to Kill Queen & Colony in 24 hours.]

OPTIONAL MARKETING CLAIMS (Cont.)

Complete [Mound][Queen][Colony] Control in [48] hours! • [Kills] [Eliminates] the [entire][Mound][Queen and Colony] in [48] hours [and prevents new mound formation] • Fast Acting Fire Ant Bait [eliminates] [kills][controls] [Queen] [Colony] [mound] in [48] hours [and lasts all season long] [for an entire season] • Starts to work quickly and kills Queen [and Colony] in [48] hours! • [50%][Significant] reduction of foraging fire ants [colony] in [24] hours [overnight] • [24 hour][Quick][fast] knockdown of foraging fire ants and [prevents][limits][eliminates] new mound formation [movement] • Prevents [new] mound formation [movement] • Foraging [worker] ants take bait to Kill Queen & eliminate the Colony in [48] hours • No watering means no mound agitation that promotes mound movement • Kills the Queen [Fast] [in hours] preventing [new mound formation] [mound movement] • Kills queen without [warning][upsetting][agitating] the mound • [Completely][kills][eliminates] mounds from your lawn in [48] hours • Extremely effective fire ant bait stops new mound formation • Fast acting plus season long control – Guaranteed • Guaranteed Results • Exclusive PowerBait® technology Kills Fire Ants Fast and lasts [all season long] [for an entire season] • Innovative [class of chemistry][technology] with unique mode of action • 2X more coverage than standard 5,000 sq. ft. bags • Ideal bait insecticide • Kills Queen and Colony Fast [in 48 Hours] • Protects you [and your family] from Fire Ants [All Season Long] [For an entire Season] • For a Fire Ant free yard [in 48 hours] • Kills the queen and Colony in hours • Starts to work quickly • Starts to work fast • Broadcast with spreader • Exclusive Dual Action formula -Kills Fire Ants Fast, Lasts all Season! • Fast Acting Plus Season Long Control - Guaranteed! • Re-enter [Return to] [Enjoy] your lawn [treated area] immediately after treatment [application] [broadcast] without worry. • Can be used around people [children] and pets. • Worry-free treatment [solution] [remedy] of fire ant problems [in your lawn].