

50932-8

11/5/2009

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

November 5, 2009

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Mark Mongiovi  
Product Compliance Specialist  
Woodstream Corporation  
69 N. Locust Street  
Lititz, PA 17543-0327

RE: Product Name: Deer Away® Deer and Rabbit Repellent Ready-To-Use  
EPA Reg. No: 50932-8  
Application for Label Notification Dated September 18, 2009 to update  
warranty and the storage and disposal statement

Dear Mr. Mongiovi:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticide Registration (PR) Notice 98-10 dated above. A preliminary screen of this request has been conducted for its applicability under PR Notice 98-10 and it has been determined that the action(s) requested falls within the scope of PR Notice 98-10. Our records have been duly noted, and the label submitted with this application has been stamped "Notification, received and reviewed" and will be placed accordingly in our records.

If you have any questions concerning this action, please feel free to contact Ms. Menyon Adams at (703) 347-8496 or email at [adams.menyon@epa.gov](mailto:adams.menyon@epa.gov).

Sincerely,

*Linda Hollis*

Linda Hollis, Chief  
Biochemical Pesticides Branch  
Biopesticides and Pollution Prevention  
Division (7511P)

Please read instructions on reverse before completing form.

Form Approved, OMB No. 2070-0060, Approval expires 05-31-98

 <b>EPA</b> United States <b>Environmental Protection Agency</b> Washington, DC 20460	<input type="checkbox"/> <b>Registration</b>	OPP Identifier Number
	<input type="checkbox"/> <b>Amendment</b> <input checked="" type="checkbox"/> <b>Other: NOTIFICATION</b>	

**Application for Pesticide - Section I**

1. Company/Product Number <b>50932-8</b>	2. EPA Product Manager <b>Linda Hollis</b>	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) <b>Deer Away® Deer and Rabbit Repellent Ready-To-Use</b>	PM# <b>dl Branch Chief</b>	
5. Name and Address of Applicant (Include ZIP Code)  <b>Woodstream Corporation 69 North Locust Street Lititz PA 17543-0327</b>	6. <b>Expedited Review.</b> In accordance with FIFRA Section 3(c)(3) (b)(I), my product is similar or identical in composition and labeling to: EPA Reg. No. _____  Product Name _____	
<input type="checkbox"/> Check if this is a new address		

**NOTIFICATION**

**Section - II**

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated <u>11/05/09</u>
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below

Reviewed By: MKA

**Explanation:** Use additional page(s) if necessary. (For Section I and Section II.)  
**Warranty Statements** (Updated As Per EPA Warranty Statement Guidance Document Dated October 17, 2006): Please reference attached explanation

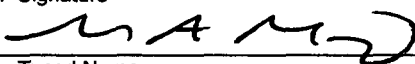
**Notification of Label Action Per PR-Notice 2007-4: Please reference the attached explanation**

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

**Section - III**

1. Material This Product Will Be Packaged In:			
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)
<b>*Certification must be submitted</b>		If "Yes" Unit Packaging wgt.	No. per container
		If "Yes" Package wgt.	No. per container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container <b>16oz, 32oz, 1 Gallon</b>	5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input type="checkbox"/> On labeling accompanying product	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other <input checked="" type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled			

**Section - IV**

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)		
Name <b>Chad Mateer</b>	Title <b>Regulatory Affairs Manager</b>	Telephone No. (Include Area Code) <b>717-626-2125 x426</b>
<b>Certification</b> I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		6. Date Application Received <b>(Stamped)</b>
2. Signature 	3. Title <b>Product Compliance Specialist</b>	
4. Typed Name <b>Mark Mongiovi</b>	4. Date <b>9-18-09</b>	



69 N. Locust Street  
P.O. Box 327  
Lititz, PA 17543-0327  
(717) 626-2125  
Fax: (717) 626-5350  
[www.woodstreamcorp.com](http://www.woodstreamcorp.com)  
[www.saferbrand.com](http://www.saferbrand.com)  
[www.victorpest.com](http://www.victorpest.com)  
[www.havahart.com](http://www.havahart.com)  
[www.perkypet.com](http://www.perkypet.com)  
[www.fishock.com](http://www.fishock.com)

September 18, 2009

Document Processing Desk [NOTIF]  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, VA 22202-4501

**ATTN: Notification Division**  
**SUBJECT: Woodstream Corporation**  
**Deer Away® Deer and Rabbit Repellent Ready-To-Use (EPA Reg. No. 50932-8)**  
**Notification of Label Action Per PR-Notice 2007-4**  
**Warranty Statements (Updated as per EPA Warranty Statement Guidance Document dated October 17, 2006)**

Enclosed please find a Notification of Label Action as per PR-Notice 2007-4 and revision of Warranty Statements (Updated as per EPA Warranty Statement Guidance Document dated October 17, 2006). Also enclosed is a copy of our revised master label with changes highlighted and an additional clean copy for your records.

If you have any questions and/or need any additional information, please call me at (717) 626 -2125 ext: 219 or email [mmongiovi@woodstream.com](mailto:mmongiovi@woodstream.com).

Sincerely,

Mark Mongiovi  
Product Compliance Specialist  
Woodstream Corporation

**Enclosures:**  
Notification of Label Action  
Highlighted Master Label  
Clean Copy of Master Label



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**ATTACHMENT TO NOTIFICATION DATED 9-18-09**

EPA Reg. No. 50932-8

**NOTIFICATION OF LABEL ACTION PER PR-NOTICE 2007-4:**

**Storage & Disposal Statements**

*MASTER LABEL- BACK PANEL (Page 2 of 3)*

**STORAGE AND DISPOSAL**

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

**PESTICIDE STORAGE:** Store only in a cool, dry area inaccessible to children and pets. Protect from freezing and heat. Keep container tightly closed to prevent evaporation.

**PESTICIDE DISPOSAL:** Wastes resulting from use of this product may be disposed of on site or at an approved waste disposal facility.

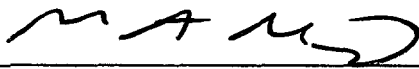
**CONTAINER HANDLING ~~DISPOSAL~~:** Non-refillable container. Do not reuse or refill this container. ~~If Empty: Do not reuse this container.~~ Place in trash or offer for recycling if available. **If Partly Filled:** Call your local solid waste agency or (800) CLEANUP for disposal instructions. Never place unused product down any indoor or outdoor drain.

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirements of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

**Warranty Statements** (Updated As Per EPA Warranty Statement Guidance Document Dated October 17, 2006):

*MASTER LABEL- BACK PANEL (Page 3 of 3)*

**Note:** Seller warrants that this product complies with the specifications expressed in this label. To the extent consistent with applicable law, Seller makes no other warranties, and disclaims all other warranties, express or implied, including but not limited to warranties of merchantability and fitness for the intended purpose. To the extent consistent with applicable law, Seller's liability or default, breach or failure under this label shall be limited to the amount of the purchase price. To the extent consistent with applicable law, Seller shall have no liability for consequential damages.



Mark Mongiovi  
Product Compliance Specialist  
Woodstream Corporation

7/18/09

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**MASTER LABEL- FRONT PANEL (Page 1 of 1)**

**DEER AWAY® DEER AND RABBIT REPELLENT  
READY-TO-USE**

**[Additional Brand Names]**

Concern® Deer Away® Deer and Rabbit Repellent Ready-To-Use Spray  
Havahart® Repellent Deer & Rabbit  
Havahart® Deer Away® Deer and Rabbit Repellent Ready-To-Use Spray

ACTIVE INGREDIENTS:	By Wt.
Putrescent Whole Egg Solids.....	4.63%
OTHER INGREDIENTS: .....	<u>95.37%</u>
TOTAL:.....	100.00%

**KEEP OUT OF REACH OF CHILDREN**

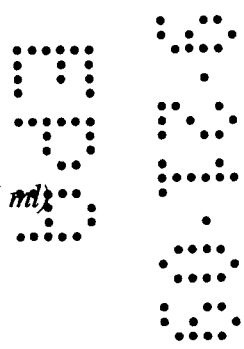
**CAUTION**

(See other panel for additional precautionary statements)

Net Contents: 1 Quart, 32 FL.OZ. (1QT.) (946 ml)

[also]

1 Pint, 16 FL.OZ. (1PT.) (473 ml); 1 Gallon, 128 FL.OZ. (1 GAL.) (3784 ml)



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**MASTER LABEL-BACK PANEL (PAGE 1 of 3)**

**DIRECTIONS FOR USE**

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

**USE RESTRICTIONS**

This product may be used to repel black-tailed deer (mule deer), white-tailed deer and Roosevelt elk that browse or uproot conifer seedlings. This product may also be used to repel white-tailed deer from yew, Scotch pine, arborvitae, Douglas fir, flowering crabapple, hemlock, honeysuckle, azalea, rhododendron, fruit and citrus trees and ornamental shrubs. Do not use this product on edible crops. See specific directions for application to fruit and citrus trees. Store at room temperature. Freezing makes DEER AWAY® Deer and Rabbit Repellent Ready-To-Use Spray unusable. Protect from heat and freezing.

**APPLICATION DIRECTIONS**

Before applying, read and understand all label instructions. SHAKE WELL BEFORE USING! Spray DEER AWAY® Deer and Rabbit Repellent Ready-To-Use Spray on all areas of plants likely to be browsed. Do not apply excessively to seedlings.

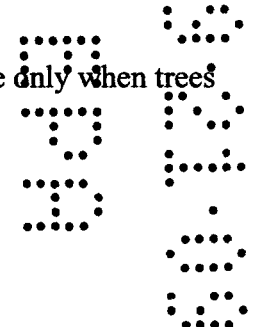
**Timing of treatment:** To protect against winter browsing, apply repellent upon onset of browsing. If browsing extends beyond two months, seedlings may be re-treated. To protect against spring browsing or new growth, apply upon onset of browsing, but preferably after bud break and before new shoots exceed 1” in length. Do not re-treat new growth. If spring browsing reaches unacceptable proportions before bud break, repellent may be applied to unopened buds, but must then be re-applied after new growth averages 4” in length if browsing still persists.

**Weather Conditions:** Apply only to dry plants, and only under conditions favoring prompt drying of spray (lightly breezy), mild dry weather with low relative humidity.

**Yew, Scotch Pine, Arborvitae, Douglas Fir, Flowering Crabapple, Hemlock, Honeysuckle, Azalea and Rhododendron:** Apply to terminal to point of run-off. For large trees, apply DEER AWAY® only to lateral branches that are within animals reach. Repeat as necessary.

**Ornamental Shrubs:** DEER AWAY® is not recommended for use during bud break or flower bloom, as foliage injury and petal drop may occur.

**Fruit and Citrus Trees:** For use on bearing and non-bearing trees. Use only when trees are dormant, not when actively growing.



**MASTER LABEL- BACK PANEL (Page 2 of 3)**

**Note:** Browning and drop of old needles may occur on some evergreen species after using this product.

**PRECAUTIONARY STATEMENTS**

Hazards to Humans and Domestic Animals

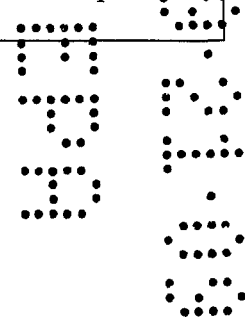
**CAUTION:** Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling.

<b>FIRST AID</b>	
<b>If on skin or clothing:</b>	<ul style="list-style-type: none"> <li>- Take off clothing.</li> <li>- Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>- Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If in eyes:</b>	<ul style="list-style-type: none"> <li>- Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>- Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.</li> <li>- Call a poison control center or doctor for treatment advice.</li> </ul>
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. Contact 1-800-858-7378 for emergency medical treatment advice.</p>	

**ENVIRONMENTAL HAZARDS**

Keep out of lakes, streams or ponds. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water by equipment cleaning or waste disposal.

<b>STORAGE AND DISPOSAL</b>
<p><b>PESTICIDE STORAGE:</b> Store only in a cool, dry area inaccessible to children and pets. Protect from freezing and heat. Keep container tightly closed to prevent evaporation.</p> <p><b>PESTICIDE DISPOSAL:</b> Wastes resulting from use of this product may be disposed of on site or at an approved waste disposal facility.</p> <p><b>CONTAINER HANDLING:</b> Non-refillable container. Do not reuse or refill this container. <b>If Empty:</b> Place in trash or offer for recycling if available. <b>If Partly Filled:</b> Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.</p>



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EPA Reg. No. 50932-8  
Notification of Label Action – Storage & Disposal Statements/Warranty Statements  
September 18 2009  
Page 4 of 5

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**MASTER LABEL- BACK PANEL (Page 3 of 3)**

Note: Seller warrants that this product complies with the specifications expressed in this label. To the extent consistent with applicable law, Seller makes no other warranties, and disclaims all other warranties, express or implied, including but not limited to warranties of merchantability and fitness for the intended purpose. To the extent consistent with applicable law, Seller's liability or default, breach or failure under this label shall be limited to the amount of the purchase price. To the extent consistent with applicable law, Seller shall have no liability for consequential damages.

**Manufactured By:**

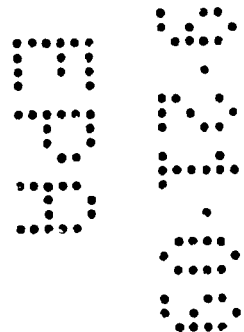
Woodstream Corporation  
69 North Locust Street  
Lititz, PA 17543  
For Information call 800-800-1819

Made in USA  
Printed in USA

EPA Reg. No. 50932-8  
EPA Est. No. 63416-MN-01

DEER AWAY ® is a registered trademark of Woodstream Corporation

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**MASTER LABEL- OPTIONAL CLAIMS (Page 1 of 1)**

**[Optional Marketing Claims]**

- For repelling Black-Tailed deer (mule deer), White-Tailed deer and Roosevelt elk that browse or uproot conifer seedlings.
- For repelling Black-Tailed deer (mule deer), White-Tailed deer and Roosevelt elk from seedlings, ornamentals, fruit and citrus trees.
- Also repels White-Tailed deer from listed ornamentals,
- Repels rabbits from ornamentals.
- Repels by odor.
- Protects Trees and Shrubs.
- Lasts up to 3 months.
- Ready-To-Use
- Ready-To-Use Spray
- Original Formula
- Guaranteed Effective
- [32 Fl. OZ. (1 QT.) (946 ml)] Treats 15-18 ornamental shrubs 4' high.
- Protects Gardens, Lawns, and Landscaped Areas

