

Reg # 59578-1

PM-14

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

AUG 04 1994

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OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Rudducks USA, Inc.
5760 Shirley Street, #11
Naples, Florida 33942

Attention: Robert B. Lawson

Subject: Get Off My Garden ("water crystals")
EPA Registration Number 59578-1
Your letter and amendment application dated May 6,
1994, and amended label

Dear Mr. Lawson,

The labelling referred to above, submitted in conjunction with registration under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, is acceptable, so long as you make the required changes in the comments that follow.

1. You propose to add the following claims to the front panel of the label:

"NEW!",

"* REPELS DOGS & CATS FROM TREATED AREAS",

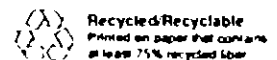
"* PREVENTS URINATING, SOILING & DIGGING",

and

"NEW! SCATTER CAP APPLICATOR."

The claim "NEW!", by itself, is false and misleading. This product has been registered since January 26, 1989 and has the same formulation for that entire time. Claims that a product is "NEW" may be made on its label for a maximum of one year from the time that it is first registered or undergoes a significant formulation change. The only change to this product that you have reported would be the use of the "SCATTER CAP", which apparently would not appear upon all containers in which this product would be sold.

The "REPELS DOGS & CATS" claim is the basic claim for the product and would be as acceptable (and as questionable) for this one as it is for any other 1.8-1.9% Methyl Nonyl Ketone product.



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"PREVENTS" is misleading for any pesticide as none will deliver 100% effectiveness 100% of the time. We would only accept the claim, at this time, if "PREVENTS" were replaced by "DISCOURAGES" (or a synonymous word), although even this softer claim might be over-promising. (Note, however, that statements on the back panel to the effect that the product is to be used "To prevent" various pet behaviors are not as troubling as the "PREVENTS" claim because "To prevent" indicates the purpose for using the product rather than a guaranteed outcome. "PREVENTS" implies that all treatments will be 100% effective.)

As the "SCATTER CAP" would be new for this product, the claim that this cap is new could be accepted for a year if the claim were modified to read:

"NEW SCATTER CAP APPLICATOR!"

With this modification, it would be clear that "NEW!" referred only to the "SCATTER CAP". Obviously, this claim would only be true for and should only be used on containers which have the "SCATTER CAP".

- 2. We are very disturbed by your unannounced attempt to move and de-emphasize the "Avoid contact with food crops" statement from its permanent position above the label's advertising claims to a spot below the statement "See back panel for additional precautionary statements". In addition to moving the "Avoid contact" statement, you have attempted to hide it further by shrinking its type size from being equivalent to that of the advertising claims on the front panel of your current label to being the smallest text by far on the label. As the "Avoid contact" statement is vague (e.g., it could mean that people should not touch food crops), it must be modified. It also must be restored to appropriate prominence on the label so as to counteract false impressions resulting from use of the name "GET OFF MY GARDEN" for a product for which there are no tolerances.

The front panel of the label accepted for 59578-1 on December 11, 1990 bore the statement:

"DO NOT APPLY DIRECTLY TO FOOD CROPS".

This statement was clearer and more appropriately emphasized than the "Avoid contact" statement. You must return the "DO NOT APPLY DIRECTLY TO FOOD CROPS" statement to the front panel of the label and position it directly below the name of the product in a type size equal to or larger than any used for promotional claims.

- 3. The proposed directions "FOR USE WITH THE SCATTER CAP"

are inappropriately placed and longer than what is needed. On the label for the "SCATTER CAP" version of this product you must insert the words "Open the Scatter Cap and squeeze the bottle to" in place of "Then" (and immediately in front of "lightly scatter"), at the beginning of the second sentence of the directions for use of the product "INDOORS". You must make the same change at the beginning of the second sentence of the directions for using the product "OUTDOORS". In the last sentences of both of these subsections, you must change "Replace" to "Close" so that the sentence reads:

"Close cap after use."

- 4. You must change the first sentence of the last paragraph of directions for use "OUTDOORS" to read:

"Do not apply product directly to soft-stemmed plants, to leaves, or to food crops."

- 5. As we noted in our letter of November 20, 1990, we have many concerns about other claims made for your product, including the basic claim that it works as a pet repellent. We expect to address these issues at the time of reregistration of this product.

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 bearing the amended labeling constitutes acceptance of these conditions. A stamped copy of the labeling is enclosed for your records.

Sincerely yours,

Robert A. Forrest
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (7505C)

Enclosure: Stamped label

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ACCEPTED
with COMMENTS
in EPA Letter Dated

AUG 04 1994

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
59578-1

FRONT PANEL

GET OFF MY GARDEN

Ready to Use

Easy to Use

"Makes dogs and cats hate the smell of your garden"

"It really works - rain or shine"

NEW!

* REPELS DOGS
& CATS FROM
TREATED AREAS

NEW!
SCATTER CAP
APPLICATOR

* PREVENTS URINATING,
SOILING & DIGGING

ACTIVE INGREDIENT:
Methyl Nonyl Ketone.....1.80%
Related Compounds.....0.10%
Inert Ingredients.....98.10%
TOTAL100.00%

NET oz. (g)
EPA REG NO. 59578-1
EPA EST NO. 50702-IN-1

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

See back panel for additional precautionary statements
Avoid Contact with Food Crops

**DOG & CAT
REPELLENT**

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BACK PANEL.
PRECAUTIONARY STATEMENTS
Hazards to humans and domestic animals

CAUTION

Causes eye irritation. Harmful if absorbed through skin. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling.

STATEMENT OF PRACTICAL TREATMENT

If on skin: Wash with plenty of soap and water. Get medical attention.

If in eyes: Flush with plenty of water. Call a physician if irritation persists.

DIRECTIONS FOR USE

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

From Australia, "Get Off My Garden" water crystals is a new kind of repellent. Enveloped in suspended water crystals, the repellent provides longer-lasting continuous action by slowly releasing a strong, highly perfumed odor, confusing both dogs' and cats' senses of smell.

"Get Off My Garden" is effective in most weather conditions. In dry weather, the moisture of the crystals is drawn into the soil. Rain may occasionally cause the crystals to grow. The repellent remains effective.

INDOORS: To prevent your pet from soiling in indoor planters or similar containers, first remove any droppings and water down the areas where droppings or urine have been deposited and where they may be attracted. Then lightly scatter the product around the edges of plant stems and over soil surfaces etc. Lightly reapply every 3 or 4 days, if necessary, until habits are broken. Replace cap after use.

OUTDOORS: To prevent your pet, or stray animals from soiling flower beds, areas of lawn, trees, shrubbery or evergreens, first remove any droppings and hose down any areas where droppings or urine have been deposited and where animals might be attracted. Then, lightly scatter the product at the edges of flower and vegetable gardens, trunks of trees, bases of shrubbery and evergreens, patches of lawn, etc. Lightly reapply every 3 or 4 days, if necessary, until habits are broken. Replace cap after use.

FOR USE WITH SCATTER CAP

Open the Scatter Cap and squeeze the bottle to lightly scatter the product at the edges of flower and vegetable gardens, trunks of trees, the bases of shrubbery and evergreens, patches of lawn, etc. Avoid direct contact with soft stemmed plants, leaves and food crops. Only lightly scatter around new or soft lawns as the product could cause spotting or burning.

NOTE: This product is not likely to break the established urination patterns of dogs, unless it is used as a training aid.

STORAGE AND DISPOSAL:

Storage: Store only in original container in a dry place inaccessible to children and pets.

Disposal: Do not reuse empty container. Rinse thoroughly. Securely wrap in newspaper and discard in trash.

**Packed for: Rudducks USA, Inc.
5760 Shirley St. #11
Naples, FL 33942**

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