



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

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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 ("spray")
EPA Registration Number 59578-2
Your letter and amendment application dated May 6,
1994, and amended label

Dear Mr. Lawson,

The labeling referred to above, submitted in connection 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",

and

"* PREVENTS URINATING, SOILING & DIGGING".

The claim "NEW!", by itself, is false and misleading in this situation and is not acceptable to us. This product has been registered since January 22, 1990 and has had the same formulation for that entire time. Claims that a product is "NEW" may be made on its label for one year from the time that it is first registered or undergoes a significant formulation change. Nothing has been proposed for this product that would make it "new".

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.

"PREVENTS" is misleading for any pesticide as none will deliver 100% effectiveness 100% of the time. Its use on your label is not acceptable to us. We would accept the

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at least 75% recycled fiber

claim if "PREVENTS" were replaced by "DISCOURAGES", 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 alter" or "to prevent" various pet behaviors are not as troubling as the "PREVENTS" claim because the expressions on the back panel indicate the purpose for using the product rather than a guaranteed outcome. "PREVENTS" implies that all treatments will be 100% effective.)

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 some of the smallest text 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 either directly below the name of the product or directly below the "A non-pressurized pump spray..." line, in a type size equal to or larger than any used for promotional claims.

3. While final decisions regarding product performance for this and other Methyl Nonyl Ketone products will be made during Phase 5 of reregistration, we again note that the efficacy test data (MRID #419051-01) submitted for this product on June 3, 1991, did not support any claim made on this product's label. The study author's conclusion that applications of the product in litter trays "discourage" cats' use of such trays "to a significant degree" was not supported by data presented in the study.

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

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

Sincerely yours,

RAF

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

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ACCEPTED
with COMMENTS
in EPA Letter Dated

FRONT PANEL

AUG 04 1994

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.
59578-2

GET OFF MY GARDEN

INDOOR

OUTDOOR

A non-pressurized pump spray to repel and train dogs and cats

NEW!

* REPELS DOGS
& CATS FROM
TREATED AREAS

* PREVENTS
URINATING,
SOILING &
DIGGING

ACTIVE INGREDIENTS:

Methyl Nonyl Ketone.....	1.80%
Related Compounds.....	0.10%
Inert Ingredients.....	98.10%
TOTAL.....	100.00%

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back panel for additional precautionary statements
AVOID CONTACT WITH FOOD CROPS

NET fl. oz. (ml)

EPA REG NO. 59578-2

EPA EST NO. 50702-1N-1

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 its labeling.

SHAKE WELL BEFORE USING

GENERAL: This non-pressurized spray can help you make your pets and stray animals stay off your furniture, rugs and outside home and garden areas when used in conjunction with training methods such as sharply spoken words and disciplinary action.

INDOORS: To alter you pet's habits such as sleeping on rugs, furniture or other areas in your home, spray area lightly to slightly moisten. To test the effect of this product, first treat a small inconspicuous area. This product may stain some fabrics or plastics.

Alternatively, to avoid any possible damage, lightly spray a piece of cloth and place it on the area or object in your home you want to protect. Repeat as often as necessary until the pets' habits are broken.

OUTDOORS: To prevent your pet, or stray animals, from urinating or soiling outdoor localized areas (steps, tree trunks, bases of shrubbery, evergreens, patches of lawns, flower beds or trash cans or the perimeter of vegetable gardens, etc.) remove any droppings, hose clean and spray the spot. Repeat as often as necessary until the habits are changed. For larger areas with longer lasting outdoor effectiveness, use "Get Off My Garden" water crystals.

NOTE: Do not apply directly onto vegetables. Breaking of urination habits should only be attempted if the area is thoroughly cleaned. Do not apply directly to foliage of shrubs or to ornamental soft-bodied plants.

STORAGE AND DISPOSAL

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

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

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

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