

67356-1

9-18-1998

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SEP 18 1998

Mr. Thomas Loucas  
DEER-OFF, Inc.  
1492 High Ridge Road  
Stamford, CT 06903

Subject: Revised Product Labeling for DEER-OFF® Deer Repellant Concentrate  
EPA Reg. No. 67356-1

Dear Mr. Loucas:

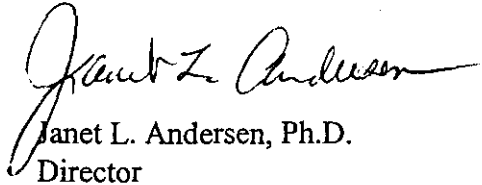
We have completed our review of your application dated May 12, 1998 proposing to revise the label of DEER-OFF® Deer Repellant Concentrate with the addition of rabbits, tree squirrels and other animals that browse and feed on plants, grasses, flowers, bulbs, seedlings, trees from the yard; and an effective treatment period of 2 to 3 months. We have no objection to the addition of "rabbits, tree squirrels, and other animals..." to the label of this product.

However, we do object to the addition of an effective treatment period of 2 to 3 months for this product. Based on the average rainfall for such periods of time in the mid-Atlantic States during the growing season April to October (see Attachment I), we believe that it is unlikely that this product can maintain an effective level of repellency. As recently discussed with Richard King of my staff, we will be happy to reconsider our position on this issue if you can provide data (preferably residue data) showing that there are effective levels of product residues on treated plants after 60 to 90 days under normal weather conditions.

Enclosed is a stamped copy of your proposed label. Please submit 5 copies of the final printed label before you release the product for shipment.

Questions concerning our decision regarding about this product should be directed to Richard King at (703)308-8052.

Sincerely,



Janet L. Andersen, Ph.D.  
Director  
Biopesticides and Pollution  
Prevention Division (7511C)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Attachment I.

Average Rainfall (inches) mid-Atlantic States

<u>Location</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct</u>
Hartford, CT	3.86	4.13	3.74	3.19	3.66	3.78	3.58
NYC	3.78	3.82	3.58	4.06	3.74	3.39	3.03
Newark, NJ	3.58	3.58	2.95	3.86	4.29	3.66	3.07
Atlantic City, NJ	3.19	3.07	2.08	4.02	4.72	2.87	3.07
Philadelphia, PA	3.46	3.19	3.94	3.90	4.09	3.43	2.83
Baltimore, MD	3.35	3.43	3.78	3.90	4.61	3.46	3.11

Source: <http://www.intellicast.com/weather>

CONCURRENCES							
SYMBOL	7511.C	7511.L					
SURNAME	R. King	[Signature]					
DATE	5/16/98	5/17/98					

CONCENTRATE  
 DEER OFF  
 DEER DAMAGE!  
**DEER OFF**  
 The Four Season Deer Repellent  
 Because Deer Eat All Year!

### DEER REPELLENT CONCENTRATE

Repels deer that browse upon flowers, bulbs, shrubs, and plants. Treats up to 400 ornamental shrubs four feet high or approximately 4000 sq. ft. depending on surface conditions and size of plantings.

Active Ingredients:	
Pulverulent Whole Egg Solids	6.2500%
Capsaicin and related	
Capsaicinoids	0.0045%
Garlic	0.0050%
Inert Ingredients:	93.7405%

EPA Registration No. 67356-1  
EPA Est. No. 067356-CT-001  
Patent #5,368,866

DEER-OFF, Inc.  
Stamford, CT 06903  
(203) 968-8485  
<http://www.deer-off.com>



### DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with the labeling.  
**USE RESTRICTIONS:** This product may be used to repel deer that feed on flowers, bulbs, shrubs and plants, etc. Do not apply to any plants grown to produce human food or animal feed. Do not apply at temperatures below 40° F, when it is windy, or when vegetation is wet.

**MIXING AND DILUTION DIRECTIONS:** Shake container of DEER-OFF concentrate thoroughly prior to mixing. Mix concentrate with tap water at a rate of 1 part concentrate to 7 parts water, i.e., use 4 oz. of concentrate and 28 oz. of tap water to make a quart (32 oz.) of spray mixture. Contents of 1 quart bottle makes 8 qts. of spray, when mixed with 7 qts. of water. **DO NOT OVER DILUTE THIS PRODUCT.**

**APPLICATION DIRECTIONS:** Shake container of DEER-OFF spray thoroughly before use. Spray leaves, stems and branches thoroughly from all angles, until run-off or leaves look wet. Treat vulnerable plants at the beginning of each damage season. Repeat treatment as new growth emerges, or if the effects of the previous treatment appear to be waning.

One quart of DEER-OFF concentrate yields enough spray to treat up to 400 ornamental shrubs 4 ft. high or an area about 4000 sq. ft. of treated plants. Surface conditions and size of plantings will affect the size of the area that can be treated with a given quantity of spray. Before large scale treatments, test product on a small area of each type of plant to be treated to make sure that DEER-OFF will not damage the plant.

### STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.  
**STORAGE:** Store only in original container, in a cool, dry area inaccessible to children and pets. Protect from heat and freezing. Store between 40°-90°. Keep container tightly closed to prevent evaporation. If spillage occurs, dilute with water and flush away.

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

**CONTAINER DISPOSAL:** Sprayers should be wiped clean before discarding. Do not reuse empty container. All containers, including mixing containers should be kept clean then offered for recycling or reconditioning, or purchased and disposed of in a sanitary landfill, or incinerated, or, if allowed by state and local authorities, burned. If burned, stay out of smoke.

### PRECAUTIONARY STATEMENTS (FIRST AID)

**CAUTION:** Causes moderate eye irritation. Avoid contact with eyes, skin, or clothing. In case of contact, wash thoroughly with soap and water after handling. May be hazardous to humans and domestic animals. **FIRST AID:** If in eyes, flush eyes with plenty of water. Call a physician if irritation persists.

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

### LIMITED WARRANTY

We guarantee to you, the original purchaser, that DEER-OFF will perform as promised on label if it is applied within six months after date of purchase under normal conditions of use. This warranty shall not apply if product is not stored or not applied in manner described on label. If product is not effective, send us proof of purchase and letter of explanation. We will refund your purchase price or replace your purchase. DEER-OFF shall not be liable for any direct, consequential or incidental loss or damage. A refund or replacement of product is our sole obligation. If any other warranties are implied by law, such warranties shall be limited to the six-month period of above guarantee. Buyer assumes all risks of use and handling of this product especially when such use and handling are contrary to label instructions or under abnormal conditions.

Repels deer, rabbits and tree squirrels and other animals that browse and feed upon plants, grasses, flowers, bulbs, shrubs, seedlings, trees from the yard. Under normal weather conditions, treatment is good for 2-3 months.

ACCEPTED  
with COMMENTS  
In EPA Letter Date

SEP 18 1998

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

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