

SEP 22 1998

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

Subject: Revised Product Labeling for DEER-OFF® Deer Repellant Spray
EPA Reg. No. 67356-2

Dear Mr. Loucas:

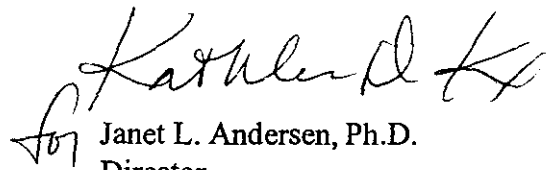
We have completed our review of your application dated May 12, 1998 proposing to revise the label of DEER-OFF® Deer Repellant Spray with the addition of rabbits, tree squirrels and other animals that browse and feed on plants, grasses, flowers, bulbs, seedlings, trees from the yard; and an effective 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,

A handwritten signature in cursive script, appearing to read "Janet L. Andersen".

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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 | 7511C | 7511C | | | | | |
|---------|-----------|------------|--|--|--|--|--|
| SURNAME | R.W. King | R. W. King | | | | | |
| DATE | 9/3/98 | 9/8/98 | | | | | |

READY TO USE

Stop Deer Damage!

DEER OFF

The Four Season Deer Repellent
Because Deer Eat All Year!

CAUTION

DEER REPELLENT SPRAY

Repels deer that browse upon flowers, bulbs, shrubs, plants and seedlings. Treats 40-50 ornamental shrubs four feet high or approximately 400-500 sq. ft. depending on surface conditions, density and size of plantings.

Active Ingredients:

| | |
|-------------------------------------|----------|
| Putrescent Whole Egg Solids | 0.7813% |
| Capsaicin and related Capsaicinoids | 0.0006% |
| Garlic | 0.0006% |
| Inert Ingredients: | 99.2175% |

EPA Registration No. 67356-2
EPA Est. No. 067356-CT-001
Patent #5,368,866

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



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 Dated

SEP 22 1998
Under the Federal Insecticide,
Fungicide, and Rodenticide Act
as amended, for the pesticide
registered under EPA Reg. No.

67356-2

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 and other animals which graze that feed on flowers, bulbs, shrubs, plants, seedlings, etc. Deer-off discourages deer from feeding on bulbs dyed in concentrate formulation for 5 minutes and allowed to dry. Do not apply directly on 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.

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, and if the effects of the previous treatment appear to be waning.

A one quart container of DEER-OFF contains enough spray to treat 40-50 ornamental shrubs 4 ft. high or an area about 400-500 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 tightly closed to prevent evaporation. If spillage occurs, dilute with water and flush away.

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

CONTAINER DISPOSAL: Sprayers should be triple rinsed before discarding. Do not reuse empty container. All containers should be triple rinsed then offered for recycling or reconditioning, or punctured and disposed of in a sanitary landfill, or incinerated, or, if allowed by state and local authorities, 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 is likely to pass below the mean high water mark. Keep out of lakes, streams or ponds. Do not contaminate water by equipment cleaning or waste disposal.

LIMITED GUARANTEE

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 product. DEER-OFF shall not be liable for any direct, consequential or incidental loss or damage. Refund or product replacement 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 the product especially when such use and handling are contrary to label instructions or under abnormal conditions.

FROM : PARASON 1 : FAX SYSTEM

PHONE NO. :

Apr. 29 1998 11:16AM P2

9/4