

67356-2

10/09/2007
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1/9

OCT - 9 2007

Woodstream Corporation
Mr. Chad Mateer
69 N. Locust Street
P.O. Box 327
Lititz, PA 17543-0327

Subject: Product Name: Deer Off Deer Repellent Spray
EPA Reg. No: 67356-2
Application for Notification Dated: September 7, 2007

Dear Mr. Mateer:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under 98-10 dated above. A preliminary screen of this request has been conducted for its applicability under PRN 98-10 and it has been determined that the action(s) requested falls within the scope of PRN 98-10. Our records have been duly noted, and the label submitted with this application has been stamped "Notification, received, but not reviewed" and will be placed accordingly in our records.

Questions concerning this action should be directed to Andrew Bryceland at (703)305-6928 or by email at bryceland.andrew@ep.gov.

Sincerely,

Linda A. Hollis

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

CONCURRENCES

SYMBOL	7511P						
SURNAME	Bryceland						
DATE	10/9/07						

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

September 7, 2007

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 Off® Deer Repellent Spray (EPA Reg. No. 67356-2)
Notification of Label Action Per PR-Notice 98-10**

Please find enclosed a Notification of Label Action Per PR-Notice 98-10. Also enclosed please find a copy of our revised master label with changes highlighted and a clean copy for your records.

If you have any questions and/or need any additional information, please call me at (717) 626 -2125 ext: 426 or email cmateer@woodstream.com.

Sincerely,

Chad Mateer
Regulatory Affairs
Woodstream Corporation

Enclosures:

- Notification of Label Action
- Copy of revised master label with changes highlighted
- Clean copy of revised master label



 EPA United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other: NOTIFICATION	OPP Identifier Number 306701
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Application for Pesticide - Section I

1. Company/Product Number 67356-2	2. EPA Product Manager Sheryl Reily Chief, Biochemical Pesticides Branch	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Deer Off Deer Repellent Spray	PM# 91	
5. Name and Address of Applicant (Include ZIP Code) Woodstream Corporation 69 N. Locust Street Lititz, PA 17543-0327 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. 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 _____	

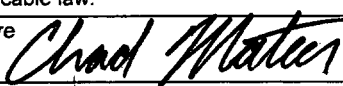
Section - II

<input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below
Explanation: Use additional page(s) if necessary. (For Section I and Section II.) <p style="text-align: center;">Notification of Label Action Per PR-Notice 98-10: <u>Please reference the attached explanation</u></p>	

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____	If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt. No. per container
*Certification must be submitted					
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input 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 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 Chad Mateer	Title Regulatory Affairs Specialist	Telephone No. (Include Area Code) 717-626-2125 x426
Certification 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 (Stamped) <div style="border: 1px dashed black; width: 100px; height: 100px; margin: 0 auto;"></div>
2. Signature 	3. Title Regulatory Affairs Specialist	
4. Typed Name Chad Mateer	5. Date 9-7-07	

ATTACHMENT TO NOTIFICATION DATED 9-7-07

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OPP Identifier Number: 306701

EPA Reg No.: 67356-2

Notification of Label Action Per PR-Notice 98-10:

Packaging & Related Labeling

Addition of Label Language -

MASTER LABEL - FRONT PANEL (Page # 1 of 1):

64 FL. OZ (2QT.) (1.89 l)

MASTER LABEL - BACK PANEL (Page # 1 of 4):

[for 64 fl. oz size only]

Treats 90-100 ornamental shrubs four feet tall or approximately 800-1000 square feet, depending on surface conditions, density and size of plantings.

MASTER LABEL - BACK PANEL (Page # 2 of 4):

[for 64 fl. oz size only]

Two quarts of DEER-OFF® ready-to-use spray treats 90-100 ornamental shrubs 4 feet tall or an area of about 1000 sq. ft. Surface conditions and size of planting will affect the area for treatment with a given quantity of spray. Before large-scale treatments, test product on a small area of plant type to avoid possible plant damage.

Warranty Statements

Revision of Warranty Statement-

MASTER LABEL - BACK PANEL (Page # 4 of 4)

Updated as per EPA Warranty Statement Guidance Document dated October 17, 2006

~~Woodstream Corp. and its subsidiaries will not accept liability for damage or injury resulting from use not in accordance with label instructions. For information on this pesticide product (including health concerns, medical emergencies, or pesticide incidents), call the National Pesticide Telecommunications Network at 1-800-858-7378.~~

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.

This notification is consistent with the provisions of PR NOTICE 98-10 and EPA Regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 USC Sec. 1001 to willfully make false statements to EPA. I further understand that if this notification is not consistent with the terms of PR NOTICE 98-10 and 40 CFR 152.46, 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.

cc: [illegible]
cc: [illegible]
cc: [illegible]
cc: [illegible]
cc: [illegible]
cc: [illegible]
cc: [illegible]
cc: [illegible]
cc: [illegible]
cc: [illegible]

Chad Mateer

9/7/07

Chad Mateer
Regulatory Affairs Specialist

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

DEER OFF® DEER REPELLENT SPRAY

[Additional Brand Names]

DEER OFF® DEER, RABBIT, AND SQUIRREL REPELLENT

[Optional Marketing Claims]

- Deer, Rabbit, and Squirrel Repellent
- Repels by Odor and Taste
- Use on Edible Crops, Bulbs, Gardens, Lawns, and Landscaped Areas
- Ready-to-Use
- Satisfaction Guaranteed

ACTIVE INGREDIENTS:

Putrescent Whole Egg Solids.....0.7813%
Capsaicin and related Capsaicinoids.....0.0006%
Garlic.....0.0006%

OTHER INGREDIENTS:.....99.2175%

TOTAL: 100.0000%

KEEP OUT OF REACH OF CHILDREN

CAUTION (See back panel for additional precautionary statements)

STORE IN A COOL AREA
SHAKE WELL BEFORE USING
www.havahart.com

NET CONTENTS: 16 FL. OZ (1PT.) (473 ml)
32 FL.OZ. (1QT.) (946 ml)
64 FL. OZ (2QT.) (1.89 l)
128 FL. OZ (1GAL.) (3.79 l)

NOTIFICATION

Received But Not Reviewed

Date: 10/9/07

Initial: [Signature]

MASTER LABEL-BACK PANEL (Page # 1 of 4)

DEER OFF®

Protects against deer, rabbits and tree squirrels that feed on and damage flowers, plants, shrubs, grass, bulbs, edible crops, trees and seedlings.

Patented Dual Deterrent System™ provides odor and taste barriers to repel deer, rabbits, and tree squirrels from browsing and feeding upon edible crops, flowers, grass, bulbs, shrubs, plants, seedlings and trees. Weather-resistant formula provides effective control. Reapply Deer Off® Deer Repellent Spray every 2 to 3 months or more often during periods when rain occurs.

[for 16 fl. oz size only]

Treats 20-25 ornamental shrubs four feet tall or approximately 200-250 square feet, depending on surface conditions, density and size of plantings.

[for 32 fl. oz size only]

Treats 45-50 ornamental shrubs four feet tall or approximately 400-500 square feet, depending on surface conditions, density and size of plantings.

[for 64 fl. oz size only]

Treats 90-100 ornamental shrubs four feet tall or approximately 800-1000 square feet, depending on surface conditions, density and size of plantings.

[for 128 fl. oz. size only]

Treats 180-200 ornamental shrubs four feet tall or approximately 1600-2000 square feet, depending on surface conditions, density and size of plantings.

DIRECTIONS FOR USE

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

USE RESTRICTIONS: Use this product to repel deer, rabbits and tree squirrels that feed on flowers, plants, shrubs, grass, bulbs, edible crops, trees and seedlings. Do not apply at temperatures below 40°F, or in wet, windy conditions.

MASTER LABEL-BACK PANEL (Page # 2 of 4)

Food Crops: Spray up to two weeks before harvesting; wash edibles well before eating. Apply at temperatures between 40° F and 90° F, but not in wet, windy conditions. Each application lasts 2 to 3 months under normal deer pressure and weather conditions.

APPLICATION DIRECTIONS: Shake the container of DEER-OFF® spray before use. Spray leaves, stems, flowers and branches thoroughly from all angles, until run-off or leaves look wet. Treat vulnerable plants at the beginning of each damage season.

Reapply every 2 – 3 months, or as new growth emerges and if the effects of the previous treatment appear to be waning. Reapply after rain. Clean sprayer after each application to prevent clogging.

[for 16 fl. oz size only]

One pint of DEER-OFF® ready-to-use spray treats 20-25 ornamental shrubs 4 feet tall or an area of about 250 sq. ft. Surface conditions and size of planting will affect the area for treatment with a given quantity of spray. Before large-scale treatments, test product on a small area of plant type to avoid possible plant damage.

[for 32 fl. oz size only]

One quart of DEER-OFF® ready-to-use spray treats 45-50 ornamental shrubs 4 feet tall or an area of about 500 sq. ft. Surface conditions, size and texture of planting will affect the area for treatment with a given quantity of spray. Before large-scale treatments, test product on a small area of plant type to avoid possible plant damage.

[for 64 fl. oz size only]

Two quarts of DEER-OFF® ready-to-use spray treats 90-100 ornamental shrubs 4 feet tall or an area of about 1000 sq. ft. Surface conditions and size of planting will affect the area for treatment with a given quantity of spray. Before large-scale treatments, test product on a small area of plant type to avoid possible plant damage.

[for 128 fl. oz size only]

One gallon of DEER-OFF® ready-to-use spray treats 180-200 ornamental shrubs 4 feet tall or an area of about 2000 sq. ft. Surface conditions, size and texture of planting will affect the area for treatment with a given quantity of spray. Before large-scale treatments, test product on a small area of plant type to avoid possible plant damage.

MASTER LABEL-BACK PANEL (Page # 3 of 4)

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. Keep away from children and pets. Protect from heat and freezing. Store between 40° F and 90° F. Keep container tightly closed to prevent spillage and evaporation. If spillage occurs, dilute with water and flush away.

DISPOSAL: **If empty** - Do not reuse this container. Place in trash or offer for recycling if available. **If partly filled**- Call you local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION: Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco.

FIRST AID

If in eyes:

- Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.
- Call a poison control center or doctor for treatment advice.

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.

ENVIRONMENTAL HAZARDS: For terrestrial uses: 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 when disposing of equipment washwater or rinsate.

MASTER LABEL-BACK PANEL (Page #4 of 4)

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.

Satisfaction Guaranteed or your money back. If for any reason you are not 100% satisfied, Woodstream Corporation will refund the suggested retail price or replace this product. Woodstream Corporation will not be liable for any damage, direct or incidental. Refund or replacement product is our only obligation. Mail Proof of Purchase to the address below.

Manufactured for:



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

EPA Reg. No. 67356-2
EPA Est. No. 779-NY-01
Patent #5,368,866

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