

67356-7

12/22/2011

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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Chad Mateer  
Regulatory Affairs Manager  
Woodstream Corporation  
P.O. Box 327  
Litiz, PA 17543-0327

DEC 22 2011

Subject: Notification to Add Container Size to Label and Other Minor Edits  
Product Name: DEER OFF® RTU III  
EPA Reg. No: 67356-7  
Your Submission Dated October 28, 2011 and Revised November 28, 2011

Dear Mr. Mateer:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticide Registration Notice (PRN) 98-10, dated above. The Agency acknowledges the outstanding term of Storage Stability on the Registration Notice (dated September 12, 2008) for this product. Your data package, submitted on October 28, 2011, and containing MRIDs 48647801 and 48647802, was determined to be unacceptable to fulfill this term. According to your letter (dated October 28, 2011) new Storage Stability data will be submitted to the Agency by January 15, 2013. The Agency has agreed to grant you an extension of your product registration until this date.

Furthermore, a screen of the recently submitted label Notification request, referenced above, has been conducted for its applicability under PRN 98-10, and it has been determined that the action requested falls within the scope of this document. Our records have been duly noted, and the product label submitted with this application has been stamped "Notification Accepted" and will be placed in our records as current and updated. Should you have any questions regarding this action, you may contact Gina Casciano at (703) 605-0513 or via email at [casciano.gina@epa.gov](mailto:casciano.gina@epa.gov).

Sincerely,

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

CONCURRENCES

SYMBOL	▶ 7511P						
SURNAME	▶ Casciano						
DATE	▶ 12/14/11						



United States  
**Environmental Protection Agency**  
 Washington, DC 20460

- Registration  
 Amendment  
 **Other: NOTIFICATION**

OPP Identifier  
 Number

**Application for Pesticide - Section I**

1. Company/Product Number <b>67356-7</b>	2. EPA Product Manager <b>Gina Casciano - Regulatory Action Leader, Biochemical Pesticides Branch</b>	3. Proposed Classification  <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
2. Company/Product (Name) <b>Deer Off® RTU III</b>	PM# <b>91</b>	
5. Name and Address of Applicant (Include ZIP Code) <b>Woodstream Corporation 69 N. Locust Street Lititz, PA 17543-0327</b> <input type="checkbox"/> Check if this is a new address	6. <b>Expedited Review</b> . In accordance with FIFRA Section 3(c)(3) (b)(I), my product is similar or identical in composition and labeling to: EPA Reg. No. <u>          </u> Date: <u>12/22/2011</u> Product Name <u>          </u> Reviewer: <u>G. Casciano</u>	

**Section - II**

Amendment - Explain below.  Final printed labels in response to Agency letter dated \_\_\_\_\_  
 Resubmission in response to Agency letter dated \_\_\_\_\_  "Me Too" Application  
 Notification - Explain below.  Other - Explain below

**Explanation:** Use additional page(s) if necessary. (For Section I and Section II.)  
Notification of Label Action per PR-Notice 98-10: Packaging & Related Labeling Statements  
 Please reference attached explanation

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.

**Section - III**

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	<input checked="" type="checkbox"/> Plastic
*Certification must be submitted		If "Yes" Unit Packaging wgt.      No. per container	If "Yes" Package wgt.      No. per container	<input type="checkbox"/> Glass	<input type="checkbox"/> Paper
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container <b>16oz, 32oz, 48 oz, 64oz, 128oz</b>		5. Location of Label Directions <input checked="" 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 checked="" 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 <b>Chad L. Mateer</b>	Title <b>Regulatory Affairs Manager</b>	Telephone No. (Include Area Code) <b>717-626-2125 x426</b>
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**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.

2. Signature <i>Chad Mateer</i>	3. Title <b>Regulatory Affairs Manager</b>	6. Date Application Received (Stamped)
4. Typed Name <b>Chad L. Mateer</b>	5. Date <b>11-28-2011</b>	





69 N. Locust Street  
P.O. Box 327  
Lititz, PA 17543-0327  
(717) 626-2125  
Fax: (717) 626-1912  
www.woodstreamcorp.com

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November 28, 2011

revison to  
Oct 28, 2011  
memo, app form & label

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:** NOTIFICATION OF LABEL ACTION PER PR-Notice 98-10:

*Packaging & Related Labeling*  
**Deer Off® RTU III (EPA Reg. No. 67356-7)**

Enclosed please find a Notification of Label Action per PR-Notice 98-10 for additional Packaging & Related Labeling statements for the subject product. Also enclosed, please find one (1) copy of our revised master label with changes highlighted and one (1) 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](mailto:cmateer@woodstream.com).

Sincerely,

A handwritten signature in cursive script that reads "Chad Mateer".

Chad Mateer  
Regulatory Affairs Manager  
Woodstream Corporation

**Encl:**

EPA Form 8570-1  
Copy of revised master label with changes highlighted  
One clean copy of revised master label

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

**Notification Accepted**

**DEER OFF® RTU III**

Date: 12/22/2011

Reviewer: G. Casiano

**[Additional Brand Names]**

DEER OFF®III READY-TO-USE DEER, RABBIT, AND SQUIRREL REPELLENT  
Ready-To-Use Deer Off® II

**[Optional Logos/Marketing Claims]**

- Repels Deer, Rabbits and Squirrels
- Patented Dual Deterrent™ – Repels by Scent and Taste
- For Use on Flower Gardens, Ornamentals, Plants, Shrubs, Bulbs, Trees and Seedlings
- Satisfaction Guaranteed
- Ready-To-Use
- For Organic Gardening -[optional logo]
- OMRI® Listed Organic Materials Review Institute -[optional logo]

**ACTIVE INGREDIENTS:**

Putrescent Whole Egg Solids.....	4.63%
Capsaicin and related Capsaicinoids.....	0.001%
Garlic.....	0.001%

**OTHER INGREDIENTS:**.....95.368%

**TOTAL:** 100.000%

**KEEP OUT OF REACH OF CHILDREN**

**CAUTION** (See back panel for additional precautionary statements and first aid)

STORE IN A COOL AREA, AVOID FREEZING  
SHAKE WELL BEFORE USING

www.havahart.com

**Net Contents:** 16 FL. OZ (1PT.) (473 ml), 32 FL.OZ. (1QT.) (946 ml), 48 FL (1.5QT) OZ (1.42l), 64 FL OZ (0.5 GAL) (1.89l), 128 FL. OZ (1GAL.) (3.79 l)

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

**GENERAL INFORMATION**

DEER OFF® RTU III protects against deer, rabbits and tree squirrels that feed on and damage flowers, ornamentals, plants, shrubs, bulbs, trees and seedlings.

Patented Dual Deterrent System™ provides scent and taste barriers to repel deer, rabbits, and tree squirrels from browsing and feeding upon flowers, ornamentals, plants, shrubs, bulbs, trees and seedlings. Weather-resistant formula provides effective control. Reapply DEER OFF® RTU III every 2 to 3 months or more often during periods when rain occurs.

***[for 16 fl. oz size only]***

One pint of DEER OFF® RTU III treats up to 25 ornamental shrubs four feet tall or an area of about 250 square feet, depending on surface conditions, plant density and size of plantings.

***[for 32 fl. oz size only]***

One quart of DEER OFF® RTU III treats up to 50 ornamental shrubs four feet tall or an area of about 500 square feet, depending on surface conditions, plant density and size of plantings.

***[for 48 fl. oz size only]***

One and a half quarts of DEER OFF® RTU III treats up to 75 ornamental shrubs four feet tall or an area of about 750 square feet, depending on surface conditions, plant density and size of plantings.

***[for 64 fl. oz size only]***

One half gallon of DEER OFF® RTU III treats up to 100 ornamental shrubs four feet tall or an area of about 1000 square feet, depending on surface conditions, plant density, and size of plantings.

***[for 128 fl. oz size only]***

One gallon of DEER OFF® RTU III treats up to 200 ornamental shrubs four feet tall or an area of about 2000 square feet, depending on surface conditions, plant 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, bulbs, trees and seedlings. Do not apply at temperatures below 40°F, or in wet, windy conditions. Apply only in dry conditions and only under conditions favoring prompt drying of spray (lightly breezy, mild dry weather with low



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

relative humidity). If spray is used in wet conditions or in damp, cold, foggy or misty, weather, or if precipitation or freezing occurs before spray can dry, protection may be partially or completely lost. Protect product from freezing. Freezing makes DEER OFF® RTU III unusable.

**IMPORTANT:** This product contains egg solids which may cause allergic reactions in some individuals. Do not allow spray to drift onto plants intended for human consumption.

**APPLICATION DIRECTIONS:** Shake the container of DEER-OFF® RTU III before use. Before large-scale treatments, test product on a small area of that plant type to avoid possible plant damage. Use with caution on open blooms and sensitive varieties such as impatiens, fuchsia and begonias.

[To apply, turn nozzle to spray or stream and pump trigger until material starts to dispense.] [To apply, pump handle to pressurize container and then depress trigger until material starts to dispense. Adjust nozzle to desired spray pattern] [To apply, place dip tube into container and tighten cap. Turn spray nozzle one half turn. Depress trigger until material starts to dispense. Adjust stream by turning nozzle to obtain the finest mist possible for the weather conditions experienced that day.] Spray leaves, stems, flowers and branches thoroughly from all angles, until leaves are well wetted.

**[for 16 fl. oz size only]**

One pint of DEER-OFF® RTU III treats 20-25 ornamental shrubs 4 feet tall or approximately 200-250 square feet.

**[for 32 fl. oz size only]**

One quart of DEER-OFF® RTU III treats 40-50 ornamental shrubs 4 feet tall or approximately 400-500 square feet.

**[for 48 fl. oz size only]**

One and a half quarts of DEER-OFF® RTU III treats 60-75 ornamental shrubs 4 feet tall or approximately 600-750 square feet.

**[for 64 fl. oz size only]**

One half gallon of DEER-OFF® RTU III treats 90-100 ornamental shrubs 4 feet tall or approximately 800-1000 square feet.

**[for 128 fl. oz size only]**

One gallon of DEER-OFF® RTU III treats 180-200 ornamental shrubs 4 feet tall or approximately 1600-2000 square feet.

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

*[for all sizes]*

Surface conditions, size, and texture of plantings will affect the coverage with a given quantity of spray. Clean sprayer after each application to prevent clogging. 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 heavy rain.

**STORAGE AND DISPOSAL**

Do not contaminate water, food or feed by storage or disposal.

**PESTICIDE 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.

**CONTAINER DISPOSAL: If empty** – Nonrefillable container. Do not refill or reuse this container. Place in trash or offer for recycling, if available. **If partly filled-** Call your 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, using tobacco or using the toilet.

**FIRST AID**

<b>If in eyes:</b>	<ul style="list-style-type: none"> <li>- Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>- Remove contact lenses, if present, after the first 5 minutes, the continue rinsing eye.</li> <li>- Call a poison control center or doctor for treatment advice.</li> </ul>
<p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For emergency information concerning this product, call the National Pesticides Information Center at 1-800-858-7378, 6:30 AM to 4:30 PM Pacific Time (PT), seven days a week. During other times, call the poison control center at 1-800-222-1222.</p>	

**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.

**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

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

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:** If for any reason you are not 100% satisfied, Woodstream will refund the suggested retail price or replace this product. Woodstream will not be liable for any damage, direct or incidental. Refund or replacement product is our only obligation. Call 1-800-800-1819 ext. 490.

Manufactured for:



Woodstream Corporation  
69 North Locust Street  
Lititz, PA 17543  
For Information call 800-800-1819  
[www.havahart.com](http://www.havahart.com)

EPA Reg. No. 67356-7  
EPA Est. No. 63416-MN-001

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DEER OFF ® is a registered trademark of Woodstream Corporation



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**MASTER LABEL – OPTIONAL CLAIMS (Page 1 of 2)**

**[Additional - Optional Marketing/Advertising Claims]**

- Deer, Rabbit and Squirrel Repellent
- Prevents Deer, Rabbit & Squirrel Damage
- Protects against deer, rabbits and tree squirrels that feed on and damage flowers, ornamentals, plants, shrubs, bulbs, trees and seedlings.
- Protects Against Deer, Rabbit & Tree Squirrel Damage
- Repels rabbits from ornamentals
- Protects ornamental trees and shrubs
- (For) Use on flowers, ornamentals, plants, shrubs, bulbs, trees and seedlings
- Patented Dual Deterrent System™ provides odor and taste barriers to repel deer, rabbits, and tree squirrels from browsing and feeding upon flowers, ornamentals, plants, shrubs, grass, bulbs, trees and seedlings.
- Provides Dual Protection.
- Repels by (Odor) (Scent) and Taste
- Both (Odor) (Scent) and Taste Barrier
- No Mixing Required
- Dries Odorless to Humans
- Fast Acting
- Protects your flower garden and ornamentals for up to 3 months.\*
- Repels (deer) up to 3 months\*
- (Protects) (Controls) up to 3 months\*
- Residual Control – Up to 3 months\*
- (Single) (One) (1) Application (last) (protects) (repels(deer)) up to 3 months\*
- Season-Long Control\*
- Weather Resistant Formula Provides Effective Damage Control\*
- Weather Resistant Formula\*
- Get Long-Lasting (Results) (Control) (Protection) with (a Single) (One) (1) Application\*

**[Qualifying statement(s) to be displayed for above \* claims]**

\*When applied as directed

[or]

\*Reapply DEER OFF® RTU III every 2-3 months or more often during periods when rain occurs.

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**MASTER LABEL – OPTIONAL CLAIMS (Page 2 of 2)**

- 100% Satisfaction Guaranteed
- New! *[claim valid for 6 months from date of first stamped “accepted” label only]*
- Improved Formulation! *[claim valid for 6 months from date of first stamped “accepted” label only]*
- New and Improved! (-Higher Concentration of (Odor) (Scent) and Taste Barriers)  
*[claim valid for 6 months from date of first stamped “accepted” label only]*
- Increased Active Ingredients!  
*[claim valid for 6 months from date of first stamped “accepted” label only]*
- (Four times) (4 X) more active ingredient than the original Deer Off formula\*\*

***[Qualifying statement to be displayed for above \*\* claim]***

**\*\*Four times more putrescent whole egg solids**

- [16 Fl Oz.] Covers (Protects) up to 250 SQ. Ft.
- [32 Fl Oz.] Covers (Protects) up to 500 SQ. Ft.
- [48 Fl Oz.] Covers (Protects) up to 750 SQ. Ft.
- [64 Fl Oz.] Covers (Protects) up to 1000 SQ. Ft.
- [128 Fl Oz.] Covers (Protects) up to 2000 SQ. Ft.
- [48 Fl Oz., 64 Fl Oz., 128 Fl Oz.] Protects more plants than standard quart size
- [48 Fl Oz., 64 Fl Oz.] Adjustable nozzle for multiple spray patterns
- [48 Fl Oz.] 50% More than the Quart Size
- [64 Fl Oz.] 100% More than the Quart Size
- [48 Fl Oz., 64 Fl Oz.] Ready To Use Pump Sprayer
- [48 Fl Oz.] LARGE 48oz. SIZE PUMP SPRAYER
- [64 Fl Oz.] LARGE 64oz. SIZE PUMP SPRAYER