

67356-8

11/4/2008

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

November 4, 2008

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Mark Mongiovi
Product Compliance Specialist
Woodstream Corporation
69 N. Locust Street
Lititz, PA 17543-0327

RE: Product Name: Deer Off Concentrate III
EPA Reg. No: 67356-8
Application for Label Notification Dated October 20, 2008 for Alternate
Brand Name: Concentrate Deer Off II

Dear Mr. Mongiovi:

The Biopesticides and Pollution Prevention Division is in receipt of your application for Notification under Pesticide Registration (PR) Notice 98-10 dated above. A preliminary screen of this request has been conducted for its applicability under PR Notice 98-10 and it has been determined that the action requested falls within the scope of PR Notice 98-10. Our records have been duly noted, and the label submitted with this application has been stamped "Notification, received and reviewed" and will be placed in our records accordingly.

Questions concerning this action should be directed to Ms. Diana Hudson at (703) 308-8713 or email at hudson.diana@epa.gov.

Sincerely,

Linda A. Hollis

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

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

☐ **Registration**
☐ **Amendment**
☒ **Other: Notification**
OPP Identifier
Number**Application for Pesticide - Section I**

1. Company/Product Number 67356-8	2. EPA Product Manager Linda Hollis – Chief Biochemical Pesticides Branch	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
2. Company/Product (Name) Deer Off® Concentrate III	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**NOTIFICATION**

11-4-08

<input type="checkbox"/> Amendment – Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application
<input checked="" type="checkbox"/> Notification – Explain below.	<input type="checkbox"/> Other – Explain below _____

Reviewed By: D. Hudson**Explanation:** Use additional page(s) if necessary. (For Section I and Section II.)**Notification of Label Action Per PR-Notice 98-10: Alternate Brand Names (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 type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Metal	
*Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	<input type="checkbox"/> Plastic	
		If "Yes" Package wgt.	No. per container	<input type="checkbox"/> Glass	
				<input checked="" type="checkbox"/> Paper	
				<input type="checkbox"/> Other (Specify) _____	
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 16oz, 32oz, 64oz, 128oz		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 checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled				<input type="checkbox"/> Other _____	

Section – IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application)					
Name Chad L. Mateer		Title Regulatory Affairs Manager		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)	
2. Signature 		3. Title Product Compliance Specialist			
4. Typed Name Mark Mongiovi		5. Date 10-20-08			



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

October 20, 2008

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:**
ALTERNATE BRAND NAMES
Deer Off® Concentrate III (EPA Reg. No. 67356-8)

Enclosed please find 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 Chad Mateer at (717) 626 - 2125 ext: 426 or email cmateer@woodstream.com.

Sincerely,

Mark Mongiovi
Product Compliance Specialist
Woodstream Corporation

Enclosures:

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



MASTER LABEL- FRONT PANEL (Page 1 of 1)

DEER OFF® CONCENTRATE III

[Additional Brand Names]

DEER OFF®III CONCENTRATE DEER, RABBIT, AND SQUIRREL REPELLENT
Concentrate 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
- Concentrate
- YIELDS -3.5 QUARTS; 1.75 GALLONS; 3.5 GALLONS; 7 GALLONS; 17.5 GALLONS
[for 16 fl. oz] [for 32 fl. oz.] [for 64 fl. Oz.] [for 1 Gal.] [for 2.5 Gal.]

ACTIVE INGREDIENTS:

Putrescent Whole Egg Solids.....	32.41%
Capsaicin and related Capsaicinoids.....	0.007%
Garlic.....	0.007%

OTHER INGREDIENTS:.....67.576%

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: 8 FL. OZ. (1 PT) (236 ml); 16 FL. OZ (1PT.) (473 ml); 32 FL.OZ.
(1QT.) (946 ml); 128 FL. OZ (1GAL.) (3.79 l); 2.5 Gallons (9.45 l)

MASTER LABEL- BACK PANEL (Page 1 of 5)

GENERAL INFORMATION

DEER OFF® CONCENTRATE 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® CONCENTRATE 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® CONCENTRATE III treats up to 175 ornamental shrubs four feet tall or an area of about 1750 square feet, depending on surface conditions, plant density and size of plantings.

[for 32 fl. oz size only]

One quart of DEER OFF® CONCENTRATE III treats up to 350 ornamental shrubs four feet tall or an area of about 3500 square feet, depending on surface conditions, plant density and size of plantings.

[for 64 fl. Oz. size only]

One half gallon of DEER OFF® CONCENTRATE III treats up to 700 ornamental shrubs four feet tall or an area of about 7000 square feet, depending on surface conditions, plant density, and size of plantings.

[for 1 gallon size only]

One gallon of DEER OFF® CONCENTRATE III treats up to 1400 ornamental shrubs four feet tall or an area of about 14000 square feet, depending on surface conditions, plant density and size of plantings.

[for 2.5 gal. size only]

Two and a half gallons of DEER OFF® CONCENTRATE III treats up to 3500 ornamental shrubs four feet tall or an area of about 35000 square feet, depending on surface conditions, plant density and size of plantings.



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MASTER LABEL- BACK PANEL (Page 2 of 5)

DIRECTIONS FOR USE

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

USE RESTRICTIONS: Do not apply to plants intended for human or animal consumption. Use this product to repel deer, rabbits and tree squirrels that feed on flowers, plants, shrubs, bulbs, trees and seedlings. DEER OFF® CONCENTRATE III discourages animals from feeding on bulbs dipped in concentrate formulation for 5 minutes and allowed to dry. 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 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® CONCENTRATE 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.

MIXING AND DILUTION DIRECTIONS: Shake container of DEER OFF® CONCENTRATE III thoroughly prior to mixing. Mix concentrate with tap water at a ratio of 1 part concentrate to 6 parts water.

[for 16 fl. oz size only]

Contents of 1 pint bottle makes 3.5 quarts of spray when mixed with 6 pints of water.

[for 32 fl. oz size only]

Contents of 1 quart bottle makes 1.75 gallons of spray when mixed with 6 quarts of water.

[for 64 fl. oz size only]

Contents of ½ gallon bottle makes 3.5 gallons of spray when mixed with 3 gallons of water.

[for 1 gallon size only]

Contents of 1 gallon bottle makes 7 gallons of spray when mixed with 6 gallons of water.

[for 2.5 gal. size only]

Contents of 2.5 gallon bottle makes 17.5 gallons of spray when mixed with 15 gallons of water.

DO NOT OVER DILUTE THIS PRODUCT.

MASTER LABEL- BACK PANEL (Page 3 of 5)

APPLICATION DIRECTIONS: Shake the container of DEER OFF® CONCENTRATE III spray thoroughly before use. Before large-scale treatments, test product on a small area of that plant type to avoid possible plant damage.

[for 16 fl. oz size only]

Spray leaves, stems, flowers and branches thoroughly from all angles, until leaves are well wetted. One pint of DEER OFF® CONCENTRATE III yields enough spray to treat 140-175 ornamental shrubs 4 feet tall or approximately 1400-1750 square feet. Surface conditions, size and density of plantings will affect the area covered with a given quantity of spray.

[for 32 fl. oz size only]

Spray leaves, stems, flowers and branches thoroughly from all angles, until leaves are well wetted. One quart of DEER OFF® CONCENTRATE III yields enough spray to treat 280-350 ornamental shrubs 4 feet tall or approximately 2,800-3,500 square feet. Surface conditions, size and density of plantings will affect the area covered with a given quantity of spray.

[for 64 fl. oz. size only]

Spray leaves, stems, flowers and branches thoroughly from all angles, until leaves are well wetted. One half gallon of DEER OFF® CONCENTRATE III yields enough spray to treat 560-700 ornamental shrubs 4 feet tall or approximately 5,600-7,000 square feet. Surface conditions, size, and texture of plantings will affect the coverage with a given quantity of spray.

[for 1 gallon size only]

Spray leaves, stems, flowers and branches thoroughly from all angles, until leaves are well wetted. One gallon of DEER OFF® CONCENTRATE III yields enough spray to treat 1,120-1,400 ornamental shrubs 4 feet tall or approximately 11,200 – 14,000 square feet. Surface conditions, size and texture of planting will affect the area covered with a given quantity of spray.

[for 2.5 gal. size only]

Spray leaves, stems, flowers and branches thoroughly from all angles, until leaves are well wetted. Two and a half gallons of DEER OFF® CONCENTRATE III yields enough spray to treat 2,800-3,500 ornamental shrubs 4 feet tall or approximately 28,000 -35,000 square feet. Surface conditions, size and texture of planting will affect the area covered with a given quantity of spray.

MASTER LABEL- BACK PANEL (Page 4 of 5)

[for all sizes]

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.

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** – Nonrefillable container. Do not refill or 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, using tobacco or using the toilet.

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, the 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. 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.

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 5 of 5)

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: 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

EPA Reg. No. 67356-8
EPA Est. No. 779-NY-01

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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, bulbs, trees and seedlings.
- Provides Dual Protection.
- Repels by (Odor) (Scent) and Taste
- Both (Odor) (Scent) and Taste Barrier
- 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.

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 Ingredient!
- *[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 1750 SQ. Ft.
- [32 Fl Oz.] Covers (Protects) up to 3500 SQ. Ft.
- [64 Fl Oz.] Covers (Protects) up to 7000 SQ. Ft.
- [1 Gallon] Covers (Protects) up to 14000 SQ. Ft.
- [2.5 Gallons] Covers (Protects) up to 35000 SQ. Ft.