

67702-6

01-18-2011

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

January 18, 2011

Mr. Walter G. Talarek, P.C.,
Authorized Agent for W. Neudorff GmbH KG
c/o Walter G. Talarek PC
1008 Riva Ridge Drive
Great Falls, VA 22066-1620

**Subject: Revised Labeling; Response to Rejection of Notification for PR Notice 98-10
NEU1161 RTU, EPA Registration No. 67702-6
Your Submission Dated August 13, 2010**

Dear Mr. Talarek:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, is acceptable with the following label revision provision(s):

General Comment:

1. Your request submitted on August 13, 2010 as a Notification (copy enclosed) did not clearly fall within the scope of PR Notice 98-10, and was subsequently denied on November 2, 2010.

First Aid section comment(s), page 1 of 6:

2. Revise the 2nd sentence found within the "**HOT LINE NUMBER**" subsection to read "**For additional information on this pesticide product (including health concerns, medical emergencies or pesticide incidents), you may call 1-800-xxx-xxxx.**"¹

Optional Marketing Claims section comment(s) on Complete Label, page 5-6 of 6:

3. Delete the 9th optional marketing claim since pyrethrins is not a repellent.
4. Revise the 11th optional marketing claim to read "Contains pyrethrins and canola oil."
5. Delete the 12th optional marketing claim, and revise the 13th optional marketing claim to read "Contains pyrethrins, a botanical insecticide derived from the Chrysanthemum flower."
6. Delete the 25th and 26th optional marketing claims since these claims falsely imply heightened efficacy.
7. Delete the newly inserted 45th and 46th optional marketing claims. The addition of these claims is denied because they are only associated with S.C. Johnson & Son, Inc.'s EPA Reg. No. 4822-563, which contains only pyrethrins, and your product contains both pyrethrins and canola oil. For more detailed information as to why the referenced claims are being denied, please refer to section 2(q)(1)(A) of FIFRA, which states that a pesticide is misbranded if its labeling bears any statement, design or graphic representation which is false or misleading. In addition, section 12(a)(1)(E) of FIFRA provides that it is unlawful for any person to distribute or sell any pesticide which is misbranded.

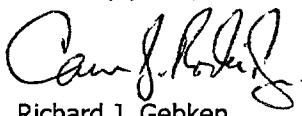
¹ Please note that the "1-800-xxx-xxxx" number listed must be available twenty-four (24) hours per day, seven (7) days per week for answering and responding to any medical emergencies or health concerns.

Should you wish to add/retain a reference to the company's website on your label, please be aware that the website becomes labeling under FIFRA and is subject to review by the Agency. If the website is false or misleading, the product would be misbranded and unlawful to sell or distribute under section 12(a)(1)(E) of FIFRA. 40 CFR §156.10(a)(5) lists examples of statements EPA may consider false or misleading. In addition, regardless of whether a website is referenced on your product's label, claims made on the website may not be substantially differ from those claims approved through the registration process. Therefore, should the Agency find, or if it is brought to our attention that a website contains false or misleading statements or claims substantially differing from the EPA-approved registration, the website will be referred to EPA's Office of Enforcement and Compliance Assurance (OECA). As an alternative, you may refer consumers to the company's phone number or e-mail address.

A stamped copy of the label is attached for your records. Please submit two (2) copies of the final printed labeling, incorporating the above changes, before releasing the product for shipment. If these conditions are not complied with, the registration will be subject to cancellation in accordance with section 6(e) of FIFRA. Your release for shipment of the product bearing amended labeling constitutes accepting of these conditions.

If you have any questions about this label review, please contact Mr. Carmen Rodia at (703) 306-0327 or via e-mail at Rodia.Carmen@epa.gov.

Sincerely yours,


Richard J. Gebken,
Product Manager (10)
Insecticide Branch,
Registration Division (7504P)

Enclosures: *Copy of label stamped "Accepted with Comments"*
 Copy of Notification Denial dated November 2, 2010
067702-00006 D439684 & D441670

NEU1161 RTU

ACCEPTED
With COMMENTS
In EPA Letter Dated:

January 18, 2011
Under the Federal Insecticide, Fungicide
and Rodenticide Act, As amended, for the
pesticide Registered under EPA Reg. No:

67702-6

Active Ingredients	By Wt.
Pyrethrins	0.01%
Canola Oil	1.00%
Other Ingredients.....	98.99%
Total	100.00%

This product contains 0.0824 lbs. of canola oil and 0.0008 lbs. of pyrethrins per gallon.

[when The Scotts Company uses the brand name Ecosense when selling or distributing this product, it must place a qualifying symbol after the brand name and, in close proximity to the brand name, place the statement "economically sensible alternative pest control"]

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. 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 additional information on this pesticide product, you may call 1-800-xxx-xxxx or the National Pesticide Information Center at 1-800-858-7378 for emergency medical treatment information.

NET CONTENTS: 16 fl. oz., 22 fl. oz., 24 fl. oz., 32 fl. oz, 1 gallon

EPA Registration #: 67702-6

EPA Establishment # 67702-DEU-1

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals: CAUTION: Avoid contact with skin or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco.

User Safety Recommendations

- Users should wash hands with plenty of soap and water before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Users should remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Physical or Chemical Hazards: Combustible. Do not use or store near heat or open flame.

Environmental Hazards: This product is toxic to aquatic organisms including fish and invertebrates. Do not apply directly to water or near water. Drift and run-off may be hazardous to fish in water adjacent to treated areas. Do not contaminate water when disposing of equipment, washwater, or rinsate. See Directions for Use for additional precautions and requirements.

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

Only for use in home gardens, home indoor houseplants, and home greenhouses.

Read entire label. Use only as directed. Shake well before each use. Thoroughly wet all parts of the plants. Do not wet plants to point of runoff or drip. Repeat treatment in 1-2 weeks if needed. Do not apply more than 20 fl. oz. per 100 square feet per application. May be used on edible crops up to and including day of harvest.

USE RESTRICTIONS

Do not wet plants to point of runoff or drip.

Do not allow adults, children or pets to enter the treated area until sprays have dried.

Do not apply this product in a way that will contact adults, children, or pets, either directly or through drift.

Remove pets, birds, and cover fish aquariums before spraying.

Do not apply within 21 days of a sulfur application.

Do not use NEU1161 RTU spray when temperatures are above 90°F.

Do not apply more than 10 times per season.

Do not reapply within 3 days except under extreme pest pressure.

Do not apply more than 1 time per day.

In case of extreme pest pressure do not reapply within 24 hours.

Do not apply directly to or near water, storm drains, or drainage ditches. Do not apply when windy. To prevent product run-off, do not over water treated areas(s) or apply prior to heavy rainfall.

Phytotoxicity:

Oil removes the glaucous (blue) bloom from such evergreens as Colorado blue spruce and Koster spruce. Apply carefully to blooms and buds and on oil sensitive plants such as: Chamaecyparis, Cryptomeria, Japanese Holly, Red Cedar and Smoke Tree. If concerned about sensitivity of plants, test by spraying a portion of the plant and wait several days to determine if burn occurs before spraying larger areas.

PESTS/SITES AND APPLICATION INSTRUCTIONS

[The registrant may use one of the two statements:

NEU1161 RTU will kill exposed aphids, beetles (Colorado potato beetle, flea beetle, Japanese beetle, asparagus beetle), caterpillars (gypsy moth caterpillars, tent caterpillar, diamondback moth larvae, leafrollers), ants (except Fire Ants, Harvester Ants, Carpenter Ants, and Pharaoh Ants), mealybugs, mites, leafhoppers, scale, thrips, fungus gnats, whitefly, adelgids, plant bugs, sawfly larvae, psyllids, spittlebugs, and phylloxera.

OR

Kills exposed aphids, beetles (Colorado potato beetle, flea beetle, Japanese beetle, asparagus beetle), caterpillars (gypsy moth caterpillars, tent caterpillar, diamondback moth larvae, leafrollers), ants (except Fire Ants, harvester Ants, Carpenter Ants, and Pharaoh Ants), mealybugs, mites, leafhoppers, scale, thrips, fungus gnats, whitefly, adelgids, plant bugs, sawfly larvae, psyllids, spittlebugs, and phylloxera.]

OUTDOOR USE

For use outdoors on fruit and nut trees (apples, cherries, peaches, pears, nuts); flowering, foliage plants; corn; melons; tomatoes; vegetables (beans, cabbage, cucurbits, peas, potatoes); figs; small fruits (grapes, strawberry, raspberry); citrus; ornamental and shade trees (birch, evergreens, holly, oak).

HOME GREENHOUSE USE

For use in home greenhouses flowering, foliage plants; melons; tomatoes; vegetables (beans, cabbage, cucurbits, peas, potatoes); small fruits (grapes, strawberry, raspberry); houseplants.

INDOOR USE

For use indoors on houseplants.

DORMANT USE

Kills exposed egg stages of pests present in dormant season and scale insects, mites and mealybugs on dormant shrubs (roses), evergreens, fruit trees and shade trees. Thoroughly wet the dormant plants or trees.

STORAGE AND DISPOSAL

STORAGE: Store this product in its original container and keep in a secure storage area out of reach of children and domestic animals.

DISPOSAL:

If empty: Nonrefillable container. Do not reuse or refill 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.

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BATCH CODE:

[The registrant may use one or more of these optional statements:

"NOTICE TO BUYER

Seller warrants that this product conforms to the chemical description on this label and is reasonably fit for purposes stated in the Directions for Use, subject to the inherent risks described above, when used in accordance with the Directions for Use under normal conditions. To the extent consistent with applicable law, this warranty does not extend to use of this product contrary to label directions, or under abnormal use conditions, or under conditions not reasonably foreseeable to Seller. To the extent consistent with applicable law, the seller shall not be liable for any such use. To the extent consistent with applicable law, the Seller makes no other warranties, either expressed or implied."

OR

[The] (Insert Company Name) Guarantee- If for any reason you are not satisfied with this product, send proof of purchase to the address shown and we will gladly refund your purchase price."

OR

[The] (Insert Company Name) Guarantee – If for any reason you are not satisfied with this product, mail us proof of purchase to obtain a full refund of your purchase price.

OR

Satisfaction guaranteed

OR

Unconditionally guaranteed

OR

Money back guarantee

[Marketing claims and product information that may be presented on the container or supplemental labeling:

- Dormant and growing season insect spray to kill exposed adelgids, aphids, armored scale, beetle larvae, cankerworms, caterpillars, fungus gnats, lace bugs, leafhoppers, leafminers, leafrollers, mealybugs, mites, plant bugs, psyllids, scale insects, spider mites, thrips, webworms and whiteflies.
- Kills Japanese Beetles
- Patented formulation.

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- Patented formula
- Patent #5,700,473
- Kills all accessible stages of listed insects, including eggs.
- Contact insecticide, ovicide.
- Kills mites, whiteflies, aphids, and all accessible stages of listed insects & eggs
- ~~- Acts as a repellent (ovipositional and feeding deterrent)~~
- For roses, flowers & vegetables
- Contains pyrethrins and canola oil botanical insecticides.
- Contains botanical insecticides
- Contains pyrethrins derived from a chrysanthemum flower
- For use on plants-indoors and outdoors
- Can use on (flowers), (vegetables), (fruits) and (roses)
- Easy to use
- Insecticide/Miticide
- Insect spray
- Roses and flowers
- Houseplants and gardens
- Fruits and vegetables
- NEU1161 RTU is a contact killer for both listed insect and listed mite pests.
- Contact insecticide
- For best results, pests must be contacted directly with spray.
- Fast-acting
- Kills listed insects fast
- Kills listed insects on contact
- Kills listed bugs on contact
- Read entire container label before using this product
- May be used up to and including day of harvest.
- Can be used up to and including day of harvest
- PyrolTM is a trademark of W. Neudorff GmbH KG
- Made with PyrolTM Insecticide, a trademark of W. Neudorff GmbH KG
- Contains PyrolTM Insecticide, a trademark of W. Neudorff GmbH KG
- Questions, comments (or medical information) X-XXX-XXX-XXXX
- © 20XX Licensed (insert company name). World rights reserved.
- Manufactured. Distributed by: (insert company name)
- Made in/Produced in: _____ (from US and imported products/parts)
- See back (booklet) label for first aid
- This container is made with a minimum X% recycled material
- Manufactured under [a] license of W. Neudorff GmbH KG[, Germany]
- Designed for Independent Retailers
- (Insert company website)
- Superscript is first letter of lot number
- ~~- A chrysanthemum. A way to kill bugs. The flower's extract, called pyrethrins, is an effective plant-based insecticide that's right for your garden. Right for the way you live.~~
- ~~- A difference for family. In East Africa, SC Johnson helps families farm chrysanthemums. By supporting agriculture and things like schools and sustainable~~



Manufactured by: W. Neudorff GmbH KG, Postfach 1209, An der Mühle 3,
D-31860 Emmerthal, Germany

Figure 1 displays 16 small plots arranged in a 4x4 grid, showing the spatial distribution of the number of species per 100 m². The plots are labeled with numbers 1 through 16. The distribution is highly heterogeneous, with many plots showing zero species and a few plots showing higher counts (up to 10 species).