

PM-14

Reg # 69217-1

5/6/97

5521446
300/18

194



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

MAY 06 1997

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mity-Nice Products, Co.
810 N. Hwy 61
Wentzville, MO 63385

Attention: Bevan Fountain

Subject: Prevent
EPA Reg. No. 69217-1
Your final printed label received March 18, 1997
Our Notice of Registration of February 27, 1997

On March 18, 1997, we received a copy of your final printed labeling, which was not accompanied by a cover letter. In our February 27, 1997, Notice of Registration, we approved this product, subject to certain labeling changes. As indicated in the Notice:

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

When we reviewed your final printed labeling, the text departed from the version accepted on February 27, 1997. In the future, if you wish to change the wording of approved labeling, you need to submit three (3) copies of proposed labeling and an explanation for the proposed changes. Then we will review your revisions and notify you by letter if the proposed changes are acceptable. If you simply make labeling changes and inform us after the fact, then you risk having a misbranded product, subject to enforcement action.

If you have any questions about this letter, please contact Mr. Dan Peacock at 703-305-5407.

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable provided that you make the following changes and submit one (1) copy to us before you ship your product:

- 1. Restructure the "DIRECTIONS FOR USE" as indicated below.

DIRECTIONS FOR USE

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

Use Restrictions: This product may be used in yards around homes and other buildings to discourage gray squirrels, red squirrels, fox squirrels and chipmunks from feeding on seeds and other dry feed placed in feeders or on the ground to feed wild birds.

Mixing Directions: Wearing eye protection and gloves at an outdoor, wind-protected location, mix 1/2 cup of vegetable oil and 3 tablespoons of PREVENT in a small, self-closing plastic package or container with a tight lid. Then add oily mixture to 5 lbs of bird food in a container with a securable top, large enough to facilitate mixing. Close top of container securely and shake container thoroughly, inverting the container occasionally to promote complete mixing.

Application Directions: Using gloves, fill feeders or place treated feed on ground in the manner appropriate for the species of birds that you are trying to feed. Repeat use of treated feed if squirrels and chipmunks return.

[Note that, since you will not be marketing your product in 3 oz. self-closing subpackages as originally assumed, which would have reduced possible exposure of the product to those mixing it, we had to modify the mixing directions to direct mixers to supply all their own mixing containers.]

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product bearing the amended labeling constitutes acceptance of these conditions.

394
y

A stamped copy of the labeling is enclosed for your records.

Sincerely yours,



William W. Jacobs, PhD
Product Manager (14)
Insecticide-Rodenticide Branch
Registration Division (H7504C)

- Enclosures: 1. Stamped Label
2. A-79 Enclosure

cc. Dragon Corporation
P.O. Box 7311
Roanoke, VA 24019

Attention: Ms. Rebecca M. Horton

[Possible Distributors of Prevent]

Peacock WP#12:A:\Capsaici\69217-1.May:305-5407,-6600:5/6/97

494

no cover letter
sent with
this "final"
printed label"
DBP 5/16/97

PREVENT™

SQUIRREL REPELLENT

DISCOURAGES SQUIRRELS
AND CHIPMUNKS FROM FEEDING
ON COSTLY BIRD FOOD



CAUTION

Keep out of reach of children.
FIRST AID
If in eyes, or on skin, flush with plenty of water.
If irritation persists, get medical attention.
SEE BACK PANEL FOR ADDITIONAL PRECAUTIONS

ACTIVE INGREDIENTS

Capsaicin and related capsaicinoids* 0.75%
INERT INGREDIENTS 99.25%
TOTAL 100%

*made from ground
Extremely hot
cayenne peppers

Net. contents 6 oz.

MITY-NICE PRODUCTS CO. WENTZVILLE MO, 63385

ACCEPTED
with PERMIT
to EPA Letter Dated

MAY 0 6 1997

Under the Federal Insecticide,
Fungicide, and Rodenticide Act
registered for the product
number 69217-1 EPA Reg. No.

S
Q
U
I
R
R
E
L

A
L
E
R
T

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domesticated Animals

CAUTION: Strong, temporary irritant to eyes, nose and skin.
Avoid contact with powder and treated bird feed. Wash thoroughly
with soap and water after handling. Do not allow children to use this
product.

Environmental Hazards

Do not apply directly to water. Do not contaminate water when
disposing of equipment washwater or rinsate.

DIRECTIONS FOR USE

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

Use Restrictions: This product may be used in yards around homes
and other buildings to discourage gray, red and fox squirrels, also
chipmunks, from feeding on bird food.

Mixing Directions: Wearing eye protection and gloves at an outdoor,
wind-protected location, in a large container with a securable lid, mix
3 tablespoons PREVENT™ with ½ cup vegetable oil, add 4 pounds bird
food, replace lid and mix well.

Application Directions: Use gloves to fill feeder. Repeat if needed.

STORAGE AND DISPOSAL

Storage: Store unused Prevent™ and treated seed in a secure container
inaccessible to children and pets.

Disposal: Wrap all contaminated items securely in newspaper, place in trash.
EPA Reg. no. 69217-1

