

72155-28

10/14/2010

1 of 5



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Gregory C. Mattern
Bayer Advanced
2 T.W. Alexander Drive
P.O. Box 12014
Research Triangle Park, NC 27709

OCT 14 2010

Dear Mr. Mattern:

Subject: Labeling Amendment; Revisions Per Agency Request
Imidacloprid 0.012% + Beta-Cyfluthrin 0.0015% Ready-to-Use Insecticide
EPA Registration No. 72155-28
Submission Date: October 13, 2010

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable. The following comment applies:

- Should you wish to retain a reference to the company's website on your label, then please be aware that the website becomes labeling under the Federal Insecticide Fungicide and Rodenticide Act 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 FIFRA section 12(a)(1)(E). 40 CFR 156.10(a)(5) list 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 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 the EPA's Office of Enforcement and Compliance Assurance.

A stamped copy is enclosed for your records. Please submit one (1) final printed copy for the referenced label, incorporating the above changes, before releasing the product for shipment. If you have any questions regarding this letter, please contact Kable Bo Davis at (703) 206-0415 or davis.kable@epa.gov.

Sincerely,

Venus Eagle
Product Manager (01)
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure- Stamped Label

2 of 5

[FRONT-PANEL]

Imidacloprid 0.012% +Beta-cyfluthrin 0.0015% Ready-to-Use Insecticide

KILLS LISTED INSECTS

For use on: Flowers, Roses, Shrubs

- Just one application kills listed insects
- Protects up to 30 days
- Rainproof Within 1 Hour of Application
- Long-Lasting Protection
- Fast Acting Formula
- 2 way (action) Formula*
- Powerful Fast Acting (2-Way) Formula

MERIT + TEMPO Ready-to-Use Insecticide is a highly effective insecticide designed to kill listed insect pests on

- flowers
- roses
- house plants
- ground covers
- shrubs

Contains Merit® and Tempo Ultra®

*contains both contact and systemic insecticides

[The word "listed" can appear as a footnote on the same page as the claim with the appropriate phrase, such as *listed insects]

ACTIVE INGREDIENTS:

Beta-cyfluthrin	0.0015 %
Imidacloprid	0.012 %

OTHER INGREDIENTS: 99.9865 %

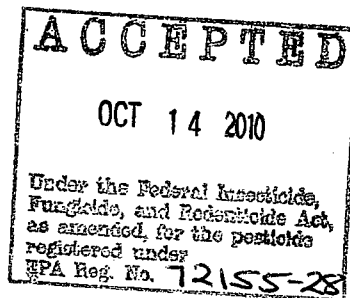
Net Contents: 24 fl oz, 1 Gal., and 1.3 Gal.

STOP - Read This Entire Label Before Use
KEEP OUT OF REACH OF CHILDREN
FOR RESIDENTIAL USE ONLY

CAUTION

See back panel booklet for ingredients and precautionary statements



Not for sale, sale into, distribution and or use in Nassau, Suffolk, Kings, and Queens counties of New York.



3025

[BACK PANEL]

This product provides up to 30 days protection with a single application. Now keeping your roses and flowers free of listed pests has never been easier.

QUICK FACTS	
Kills Listed Insects through Contact	
Keeps on Killing for Up to 30 Days	
Ready to Use -- No Mixing, No Measuring	
KILLS	(ART: Aphid, Japanese Beetle, Leafminer, Whitefly)
Adelgids	Fungus gnats
Aphids	Grasshoppers
Bagworms	Gypsy moth larvae
Boxelder bugs	Japanese beetles (adult)
Caterpillars	Lace bugs
Clover mites	Leaf-feeding beetles
Crickets	Leaf-feeding caterpillars
Earwigs	Leafhoppers (including Glassy-Winged Sharpshooter)
Elm leaf beetles	Leafminers
	Mealybugs
	Midges
	Pillbugs
	Pine Shoot moths
	Pine Tip moths
	Plant bugs
	Psyllids
	Rose Midges
	Rose Slugs
	Sawflies(Sawfly Larvae)
	Scale insects (crawler stages)
	Sowbugs
	Spittlebugs
	Thrips
	Webworms
	Weevils (including root weevils)
	Whiteflies
COVERAGE	Treats up to 34 medium-sized plants
WHERE TO USE	Flowers, roses and shrubs
WHEN TO USE	When insects or damage first appear
 	For questions or comments, call toll-free 1-877 BayerAG (1-877-229-3924) or visit our website at www.bayeradvanced.com

ACTIVE INGREDIENTS:

Beta-cyfluthrin 0.0015 %
 Imidacloprid 0.012 %

OTHER INGREDIENTS: 99.9865 %
 100.000 %

Beta-cyfluthrin is the chemical name for Tempo Ultra® and Imidacloprid is the chemical name for Merit®.

EPA Reg. No. 72155-28

EPA Est. No. XXXX-AA-1

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION

- Harmful if swallowed or inhaled.
- Causes eye irritation.
- Avoid contact with skin, eyes, or clothing.
- Avoid breathing spray mist.
- Wash thoroughly with soap and water after handling.

First Aid

If Swallowed	<ul style="list-style-type: none"> • Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If in Eyes	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eyes. • Call a poison control center or doctor for treatment advice.
If Inhaled	<ul style="list-style-type: none"> • Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouthy-to-mouth if possible. • Call a poison control center or doctor for further treatment advice

NOTE: When calling poison control center, have this product label accessible. If seeking treatment at an emergency room or doctor's office, bring this product label to show medical personnel. For medical emergency information, you may call toll-free 1-877-229-3763.

Active Ingredients: 0.0015% Beta-cyfluthrin [CAS # 68359-37-5], 0.012% Imidacloprid [CAS # 138261-41-3]

Environmental Hazards

This pesticide is highly toxic to aquatic invertebrates and fish. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.

This pesticide is highly toxic to bees. Do not apply Imidacloprid 0.012%+Beta-cyfluthrin 0.0015% Ready-to-Use Insecticide when bees are active.

Apply this product only as specified on this label.

DIRECTIONS FOR USE


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

Before use, read and follow all label directions.

BEFORE USE	Restrictions
Read and follow all label directions.	<ul style="list-style-type: none"> • Apply the product to flowering plants during early morning or late evening, when bees are not present. • Do not spray the product into fish pools, ponds, streams, or lakes. • Remove animal feeding dishes prior to application. • Do not use in small, enclosed areas where spray may be inhaled. • Do not apply to fruits or vegetables used for food. • Do not water the treated area to the point of run-off. • Do not make applications during rain. • Do not allow children or pets to re-enter until sprays have dried.

WHEN TO USE	When insects or damage first appear To avoid serious damage, eliminate pests early in the season before they multiply.
HOW TO USE Shake well before using.	Adjust nozzle to desired spray pattern. Hold sprayer about 12 inches from foliage. Spray leaves, stems and tender new shoots. (ART: of steps above) To kill insects that hide, spray the underside of the leaves. Apply until leaves are evenly coated with spray, but not dripping. (ART: spraying undersides of leaves)
HOW OFTEN	Kills listed insects through contact and keeps on killing for up to 30 days. For severe infestations, repeat every 7 to 14 days as necessary.

FOR BEST RESULTS
Do not wet the foliage within one hour after applying. To avoid serious damage to plants, eliminate pests early in the season before they multiply.

Storage and Disposal	
Pesticide Storage:	Store in an area out of the reach of children, preferably a locked storage cabinet. Protect from freezing.
Pesticide Disposal: 	<p>If Empty:</p> <ul style="list-style-type: none"> • Non-refillable container. Do not refill or reuse container. • Place empty container in trash or offer for recycling if available <p>If Partly Filled:</p> <ul style="list-style-type: none"> • Call your local solid waste agency or toll free 1-877-229-3724 for disposal instructions. • Never place unused product down any indoor or outdoor drain.
Important: Use all of the product in accordance with label directions. If it is necessary to dispose of unused product, please follow any applicable state or local guidelines.	

NOTICE

Research and testing have determined that the "Directions for Use" are appropriate for the proper use of Imidacloprid 0.012%+Beta-cyfluthrin 0.0015% Ready-to-Use Insecticide under expected conditions. To the extent consistent with applicable law, the Buyer assumes responsibility for lack of performance or safety if not used according to the directions.



A Business Unit of Bayer CropScience LP
P.O. Box 12014, 2 T.W. Alexander Drive
Research Triangle Park, North Carolina 27709

Imidacloprid 0.012%+Beta-Cyfluthrin 0.0015% RTU (PENDING) 10/13/10