

72155-76

4/7/2014

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



OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

April 7, 2014

Annette M. Bloomberg
Bayer Advanced
P.O. Box 12014
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Subject: Amended labeling to remove fruit and nut trees
Product Name: Merit 1.47% Insecticide Plus Fertilizer
EPA Registration Number: 72155-76
Submission dated April 3, 2014

Dear Ms. Bloomberg:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, is acceptable. A stamped copy of the label is enclosed for your records. Please submit one copy of your final printed labeling before you release the product for shipment. Your release for shipment of the product constitutes acceptance of these conditions. If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). If you have any questions, please contact Julie Chao by phone at 703-308-8735, or by email at chao.julie@epa.gov.

Regards,

A handwritten signature in cursive script that reads "Venus Eagle".

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

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(Front Panel)

Merit® 1.47% Insecticide Plus Fertilizer

[ABN] Bayer Advanced 12 Month Tree & Shrub Protect & Feed Concentrate

- Stimulates Tree & Shrub recovery
- Green color liquid fertilizer formula
- Dual Action - Protect & Feeds
- Protects and Feeds
- Protects for up to a year (with a single application) and Feeds
- Listed insects stop eating when they feed on the plant
- Protects trees, shrubs, and containerized plants from damaging listed insects with one easy treatment
- Helps keep trees and shrubs strong. Protects new growth
- Kills listed insects that damage trees and shrubs
- Controls listed insects that damage trees and shrubs
- Season long protection
- Year-long insect protection for trees and shrubs
- Systemic insecticide is absorbed through the roots, carried up into the plant and won't wash off
- Prevents listed insects from damaging trees and shrubs
- For use on ornamental trees, shrubs, and containerized plants
- Kills listed insects & prevents new infestations
- One application feeds and protects up to 12 months
- Provides 12-Month Insect Protection
- Rainproof Protection
- Apply around plant and walk away
- Feeds and protects against listed insects in one easy step
- Feeds, and protects against listed insects for up to 12 months
- No spraying, just mix and pour around tree base (trunk)
- No messy spraying
- A new way to protect (and feed) trees and shrubs
- Cost effective alternative to professional treatments
- Do it Yourself Tree Protection
- Protects against listed insects PLUS improves vitality of trees and shrubs
- Provides 12 month insect protection Plus Feeds
- Protects your trees and shrubs from listed insects plus feeds
- Delivers 12 month insect protection
- Delivers year long insect protection
- No Spray technology
- Protects against listed insects plus restores vitality of trees and shrubs
- A breakthrough in Do-it-Yourself tree care
- 12-MONTH PROTECTION with one application
- Protects the entire tree or shrub – especially new growth
- Rainproof protection won't wash off
- Kills devastating listed pests like: Adelgids, Borers, Emerald Ash Borers, Leafminers, Japanese Beetles, and many others
- No spraying! Just mix and pour at base of tree or shrub
- Significantly easier way to protect trees
- Contains MERIT® Insecticide
- 100% Satisfaction Guaranteed *(or your money back)
- Easy Measure-up® Cup
- Protects for 12 months Plus feeds
- Kills listed insects including Japanese Beetles & Emerald Ash borers
- Now Feeds and Protects
- Now 25% more vs. 32 oz size [40 oz size]
- Now 25% more vs. 1 gallon size [1.25 gallon size]
- Insect Protection and Slow Release Fertilizer

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

ACTIVE INGREDIENT:

Imidacloprid 1.47 %

OTHER INGREDIENTS: 98.53 %

TOTAL: 100.00%

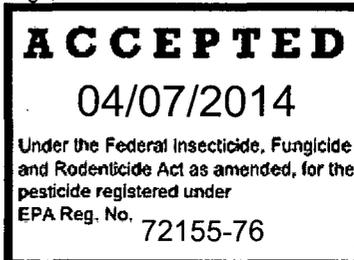
**STOP - Read This Entire Label Before Use
KEEP OUT OF REACH OF CHILDREN**

CAUTION

See Back Panel [Booklet] for Additional Precautionary Statements

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

Text in () is optional.



(BACK PANEL)

This product provides 12-month systemic protection against damaging listed insects including Adelgids, Aphids, Borers (including emerald ash borer), Japanese Beetles, Leafminers, Scale, and Whiteflies plus feeds in a single application. Having beautiful trees and shrubs has never been easier.

No spraying, just mix and pour. Protects and feeds entire tree and shrub.

READ THE LABEL FIRST!

QUICK FACTS

- Provides Year Long (12 month) Insect Protection
- Easy to Use in three steps: Measure, Mix and Apply Around Plant
- Rain or Moisture can not wash off this internal protection
- Rainproof Protection
- Dual action, kills listed insects and feeds your tree
- Two Products in one, an insect killer and a fertilizer
- Two-in-One formula kills listed insects while feeding your tree
- Double Action Formula (2-in-1): kills listed insects before they damage tree and feeds root system
- Provides slow-releasing feeding
- Easy-to-use measuring cup

KILLS	Adelgids, aphids, borers (including emerald ash borer), Japanese beetles, leafminers, scale, whiteflies and other listed pests
WHERE TO USE	Outdoor trees, shrubs, and containerized plants. Do not apply to plants grown for food.
HOW TO USE	1. Measure distance around tree trunk or height of shrub or determine container size 2. Measure and pour required amount of product into bucket of water 3. Pour solution around tree or shrub base or in container
HOW MUCH TO USE	Trees: 1 oz for every inch of distance around trunk; treats 4 trees that measure 8 inches around trunk (32 fl oz size) Shrubs: 3 oz for every foot of height; treats 5 shrubs that are 2 foot tall (32 fl oz size) Containerized Plants: 1 2/3 tablespoons for each five gallon container; treats up to 38 - five gallon containers (32 fl oz size)
	For questions or comments, call toll-free 1-877 BayerAG (1-877-229-3724) or visit our website at www.bayeradvanced.com

FOR OUTDOOR RESIDENTIAL USE ONLY

ACTIVE INGREDIENT:

Imidacloprid 1.47 %

OTHER INGREDIENTS: 98.53 %

TOTAL: 100.00%

Imidacloprid is the chemical name for Merit® Insecticide.

EPA Reg. No. 72155-76

EPA Est. No. XXXX-AA-XX

FERTILIZER ANALYSIS X-X-X

FIRST AID + Neonicotinyl Insecticide	
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 the poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If on skin or clothing:	<ul style="list-style-type: none"> • Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 to 20 minutes. • Call a poison control center or doctor for treatment advice.
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 eye. • Call a poison control center or doctor for treatment advice.
<p>NOTE: Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may contact 877-229-3763 for emergency medical treatment information. Active Ingredient: 1.47% Imidacloprid [CAS # 138261-41-3]</p>	

PRECAUTIONARY STATEMENTS
<p>HAZARDS TO HUMANS AND DOMESTIC ANIMALS</p> <p>CAUTION</p> <ul style="list-style-type: none"> • Harmful if swallowed or absorbed through skin. • Causes moderate eye irritation. • Avoid contact with skin, eyes, or clothing. • Wash thoroughly with soap and water after handling.

ENVIRONMENTAL HAZARDS
<ul style="list-style-type: none"> • This pesticide is toxic to aquatic invertebrates. • Do not dump rinse water into sewers or other bodies of water. • Apply this product only as specified on this label. • 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. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems. • This product is highly toxic to bees exposed to direct treatment or residues on blooming plants or weeds. Do not apply product to blooming plants or weeds if bees are foraging in the treatment area.

DIRECTIONS FOR USE	
<p>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.</p>	
BEFORE YOU USE	<p>RESTRICTIONS</p> <ul style="list-style-type: none"> • Do not apply near lakes, streams, rivers, or ponds. • Do not apply to soils which are waterlogged or saturated. • Bucket or measuring utensils must not be used for any food or drinking water purposes after use with this product. • Children and pets may re-enter the treated area after it has dried. • Do not apply this product, by any application method, to linden, basswood, or other <i>Tilia</i> species. • Do not apply more than 0.4 lbs imidacloprid per acre per year. This bottle contains [x] lbs. of imidacloprid.

HOW TO USE	Determine the amount to use by measuring the distance around the tree trunk or height of the shrub. Pour the required amount into a bucket of water and empty the bucket around the base of the tree/shrub. For containerized plants, determine container size and pour required amount into enough water to wet the potting soil thoroughly but not causing loss of water from bottom of container.																											
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<p>HOW TO APPLY</p>	<p>Pull back mulch and weed barrier before application.</p> <p>Trees and Shrubs:</p> <ul style="list-style-type: none"> • Fill a bucket or watering can with 1 gallon of water. [For trees with circumference greater than 50", use 2 gallons of water.] • Shake the bottle well. • Carefully measure required amount of product into bucket. • Slowly pour the solution evenly around the tree. For best results, pour as close to the TRUNK/main stem of the tree/shrub as possible. • Fill the bucket with clean water and pour it around the trunk as well. <p>Containerized Plants:</p> <ul style="list-style-type: none"> • Apply the solution evenly on top of potting soil and water thoroughly. • For the first 10 days, avoid flushing through the container to the point where it flows out the bottom. • For indoor containerized plants, bring outdoors, make treatment, and return indoors when no excess water is present. <p>Additional Directions:</p> <ul style="list-style-type: none"> • Use this product as part of an overall tree and shrub health care program before problems start (preferably in the fall). (However,) MERIT 1.47% Insecticide Plus Fertilizer can be applied anytime except when the soil is waterlogged or frozen. These conditions inhibit the movement of the product down into the root zone. During prolonged dry periods, saturate the soil around the tree or shrub well with water the night before making an application. • For severe infestations, treat with a foliar insecticide such as (Bayer contact Insecticide), then use this product as part of a routine care program. • Do not apply more than 0.4 lbs of imidacloprid (the active ingredient in this product) per acre per year. This bottle contains [X] lbs of Imidacloprid.
<p>HOW THIS PRODUCT WORKS</p> <p>(SHOW IMAGE OF HOW THE PRODUCT WORKS SYSTEMICALLY)</p>	<p>The insecticide and fertilizer dissolved in water moves down through the soil, where it is absorbed by the roots. Once absorbed, it moves up through the tree or shrub providing year-long insect protection and feeds. This product even moves into new growth after application, thus protecting and feeding it, too! To get complete results, the insecticide and fertilizer must distribute completely through the tree or shrub. Depending on the size and health of the plant, this may take one week to three months (for very large trees). Rain or water cannot wash off this internal protection and feeding.</p>

(NOTE: Application to trees heavily infested may not prevent their eventual loss due to existing pest damage and tree stress.)

<p align="center">STORAGE AND DISPOSAL</p>	
<p>PESTICIDE STORAGE</p>	<p>Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet. Protect from freezing</p>
<p>PESTICIDE DISPOSAL</p> 	<p>If empty:</p> <ul style="list-style-type: none"> • Non-refillable container. Do not refill or reuse container. • Rinse the empty product container thoroughly and disperse the rinse water around tree or shrub as part of application. • 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.

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NOTICE: Research and testing have determined that the "Directions for Use" are appropriate for the proper use of this product under expected conditions. To the extent consistent with applicable law, the Buyer assumes to the extent consistent with applicable law, responsibility for lack of performance or safety if not used according to the directions.

***Money Back Guarantee:** If you are not satisfied with this product, we will gladly refund your original purchase price.

Net Contents: 32 fl. oz., or 40 fl. oz., 64 fl. oz., or 1 Gal., or 1.25 Gal.

PRODUCED FOR



A Division of Bayer CropScience, L.P.
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Merit 1.47 Insecticide Plus Fertilizer (Pending) 03/19/2014