

72155-79

11/04/2008

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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Charles W. Boyd
Bayer Advanced
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

NOV 4 2008

Dear Mr. Boyd:

Subject: Labeling Amendment; Addition of Rebate Coupon
Imidacloprid NT & SS Pack
EPA Registration No. 72155-79
Submission Date: October 22, 2008

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:

1. 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 above mentioned label before releasing the product for shipment. If you have any questions regarding this label, please contact me at (703) 306-0415.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kable Bo Davis", written over a horizontal line.

Kable Bo Davis
Entomologist
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure- Stamped Labeling

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(Front Panel)

Insecticide NT&SS Pack

(ABN)Bayer Advanced 3-in-1 Tree & Shrub Plant Starter Ready-To-Use Throw Pack

Fertilizer/Water Retention Claims:

- Gets ornamental (plants,) trees and shrubs off to a Good Start
- Boosts newly planted trees & shrubs
- Increases (Improves) (Advances) (Promotes) plant growth (health)
- Improves (Advances) (Promotes) plant health
- Stimulates newly planted trees & shrubs
- Provides slow release nitrogen (feeding)
- Increases (Improves) (Promotes) plant survival
- Provides the nutrients new trees and shrubs need
- Feeds for up to (1) (2) 3 months
- Helps new plants get the right amount of water (for up to (1) (2) 3 months)
- Improves water holding power (strength)
- Reduces transplant shock
- Reduces watering
- Enhance/ Improves plant stress tolerance
- Reduces planting/ transplanting losses
- Minimize plant stress associated with transplanting (and poor soil conditions)
- Helps to reduce plant/root heat stress
- Increases plant water absorption
- Promotes rapid root growth/deeper roots
- Reduces watering
- Improves soil aeration
- Reduces effect of transplant shock and temporary drought
- Feeds: starts feeding instantly and lasts up to (1) (2) 3 months
- Moisture: roots get the right amount of water for up to (1) (2) 3 months
- Water-holding crystals (gel): decreases risk of drought for up to (1) (2) 3 months
- Fertilizer: provides the needed nutrients for up to (1) (2) 3 months
- Increases (Enhances) (Improves) vitality of new planted trees and shrubs
- Promotes plant and root growth

General Claims:

- Complete (All-in-One) (3-in-1) Tree and Shrub Planting Aid
- Tree & Shrub (Plant) Starter (Start)
- Tree & Shrub Protect & Feed (Throw Pack) Planting Aid

- Tree & Shrub Planting Insurance
- Tree & Shrub Planting Starter
- Gets Trees and Shrub off to the Right Start
- Start Healthy
- Just throw in planting hole, and water in for a Stronger Plant
- Helps Trees and Shrubs get a Healthy Start
- Planting Insurance
- Ensure your trees get off to the Right Start
- Feeds, Provides Needed Moisture, and Protects your newly planted trees and shrubs
- Complete (All-in-One) (3-in-1) New Tree and Shrub Starter
- Ensures New Tree and Shrub Survival
- Provides the moisture needed, gives the nutrients, and protects from insects for up to (1) (2) 3 months
- Treats 1 newly planted tree(s) or 2 newly planted shrubs
- One application feeds and protects up to (1) (2) 3 months
- Feeds, provides moisture control, and protects against insects in one easy step
- Fast releasing (dissolving) (bursting) pouch
- Ready-to-Use pouch (no mixing, no measuring)
- Rainproof Protection
- No messy spraying
- Do it Yourself Tree (and Shrub) Survival Pack
- Patented formula – Provides moisture (control), feeds, and protects from insects for up to (1) (2) (3) months
- Insurance for your plants survival
- Provides feeding, moisture control, and insect protection

Insecticidal Claims:

- Protects: kills plant damaging insects for up to (1) (2) 3 months
- Insect Protection: kills plant damaging insects for up to (1) (2) 3 months
- Protects from damaging insects for up to (1) (2) 3 months
- Kills (Controls) insects that damage trees and shrubs
- Systemic insecticide is absorbed through the roots, carried up into the plant and won't wash off
- Prevents insects from damaging trees and shrubs
- For use on all ornamental (plants,) trees and shrubs
- Kills insects & prevents new infestations
- Contains Merit® (a proprietary formula)
- Up to 3 month protection

ACTIVE INGREDIENT:

Imidacloprid 99.89%

OTHER INGREDIENTS:

..... 99.81%

Net Contents: 2.6 Ounces [2 – 1.3 ounce packets]

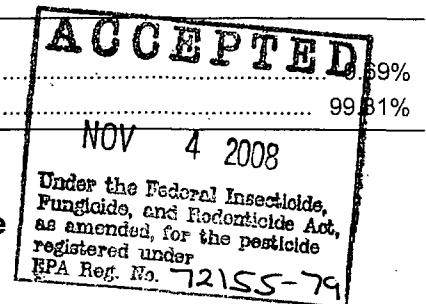
**STOP - Read This Entire Label Before Use
KEEP OUT OF REACH OF CHILDREN**

CAUTION

See Back Panel [and Insert] 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 is perfect whenever you are planting or transplanting ornamental (plants), trees, and shrubs. (It provides plants with the nutrients, moisture, and protection from damaging insects they need to get off to a good, healthy start). This exclusive, patented formula combines a slow release fertilizer, moisture control agent, and insect control all in an easy to use pouch. Simply place the entire (sealed) (fast dissolving) pouch in the planting hole to increase survival, plant growth, and vitality of the newly planted tree or shrub. Now getting plants off to a strong healthy start is easier than ever. (Beautiful, stronger plants are just a pack away).

READ THE LABEL FIRST!

QUICK FACTS

- Three-in-One tree & shrub planting formula feeds, helps plantings, get the right amount of moisture, and provides insect protection.
- Provides nutrients, moisture control, and insect protection for up to (1) (2) 3 months
- Easy to Use . . . Place Pouch in Planting Hole, Water In, and Walk Away
- Unique Triple Action Planting/Transplanting Formula (3-in-1): provides nutrients, moisture control, and insect protection
- Ready-to-Use – no mixing, no measuring

FEEDS	Provides initial and extended feeding for up to (1) (2) 3 months
MOISTURE CONTROL	Helps to retain vital soil moisture (for up to (1) (2) 3 months)
KILLS	Adelgids, aphids, lace bugs, leafminers, scale, whiteflies and other listed pests for up to (1) (2) 3 months. Adelgids Aphids Armored Scales (suppression) Fungus Gnats Japanese Beetles, Adult Lace bugs Leaf Beetles (including Elm Leaf and Viburnum Leaf Beetles) Leafhoppers (including Glassy-winged Sharpshooter) Leafminers (including Birch and Boxwood Leafminers) Mealybugs Pine Tip Moth Larvae Psyllids Root Weevil Larvae (including black vine weevil) Royal Palm Bugs Sawfly Larvae Soft Scales (including lobate lac scales) Thrips Whiteflies White Grub larvae (such as Japanese Beetles, Chafers, European Chafer, Oriental Beetle, Asiatic Garden Beetle)
COVERAGE	Treats 1 newly planted tree or 2 newly planted shrubs
WHERE TO USE	Outdoor trees and shrubs, plus non-bearing fruit and nut trees
HOW TO USE	1. Dig planting hole bigger than root ball 2. Place plant in hole 3. Place pouch(es) 4-6 inches deep on side of root ball 4. Fill soil around root ball 5. Water in and walk away
HOW MUCH TO USE	Use 2 pouches per newly planted tree or 1 pouch per newly planted shrub
	For questions or comments, call toll-free 1-877 BayerAG (1-877-229-3724) or visit us on-line at www.BayerAdvanced.com

FOR OUTDOOR RESIDENTIAL USE ONLY

ACTIVE INGREDIENT:	
Imidacloprid	0.69 %
OTHER INGREDIENTS:	99.31 %
	100.00%


EPA Reg. No. 72155-79


EPA Est. No. XXXX-AA-XX

FERTILIZER ANALYSIS X-X-X

Merit Insecticide is the brand name for Imidacloprid

DIRECTIONS FOR USE			
It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. For best results, read and follow all label directions.			
BEFORE YOU USE Read and follow directions when using.	<ul style="list-style-type: none"> Do not apply near lakes, streams, rivers, or ponds. Do not apply to soils which are water-logged or saturated. Do not allow pouches to become wet prior to placing in the planting hole. Do not handle the pouches with wet hands or gloves. Rough handling may cause breakage. 		
HOW TO USE	Place plant in planting hole. Place pouch 4-6 inches deep on the side of the root ball, fill hole with soil or media, and water the plant thoroughly.		
FOR USE ON	Outdoor ornamental (plants), trees, and shrubs, plus non-bearing fruit and nut trees		
HOW MUCH TO APPLY	<table border="1" style="width: 100%;"> <tr> <td>Newly Planted Trees: use 2 pouches (Each pouch contains 1.3 oz of product).</td> <td>Newly Planted Shrubs: use 1 pouch (Each pouch contains 1.3 oz of product).</td> </tr> </table>	Newly Planted Trees: use 2 pouches (Each pouch contains 1.3 oz of product).	Newly Planted Shrubs: use 1 pouch (Each pouch contains 1.3 oz of product).
Newly Planted Trees: use 2 pouches (Each pouch contains 1.3 oz of product).	Newly Planted Shrubs: use 1 pouch (Each pouch contains 1.3 oz of product).		
FOR BEST RESULTS	<p>Place pouch on the side of the planting hole 4-6 inches deep so that it can be available to the roots of the newly planted tree or shrub. Water the plant thoroughly after planting.</p> <p>For established Trees & Shrubs: to protect trees and shrubs for up to 12 months from insects, use Bayer Advanced's 12-month Tree and Shrub Insect Control Concentrate or Bayer Advanced 12-month Tree and Shrub Protect and Feed Ready-to-Use- Granules.</p>		
HOW IT WORKS	With watering, the contents (ingredients) of the pouch quickly release. The nutrients and insecticide move up throughout the plant, even to new growth. Essential nutrients and insect protection are provided to the newly developing plant. Moisture control helps retain water so that it is available when the plant needs it. This triple action formula helps increase plant survival, plant health, and overall vitality of the plant.		

	Children and pets may re-enter the treated area after it has dried.
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Important – Directions for Storage and Disposal	
Storage Conditions	Store in original container in a cool, dry place, out of the reach of children, preferably a locked storage cabinet.
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.

**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS**

CAUTION

- 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.

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: 0.69% Imidacloprid [CAS # 138261-41-3]</p>	

ENVIRONMENTAL HAZARDS

- This pesticide is toxic to aquatic invertebrates. Do not apply directly to lakes, streams, rivers or ponds.
- Apply this product only as specified on this label.

NOTICE: Research and testing have determined that the "Directions for Use" are appropriate for the proper use of this product under expected conditions. The Buyer assumes 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.



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

Insecticide NT & SS Pack (PENDING) 10/20/08, Resubmitted 11/04/08



Now That You've Purchased
3-in-1 Tree & Shrub Plant Starter



SAVE \$5

On Your Next Purchase Of Any Bayer Advanced
Tree & Shrub Protect & Feed Granules or Concentrate Product
(with mail-in rebate)

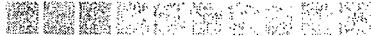
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Insect Protection Plus Fertilizer. No Spraying Required!



How To Obtain Your \$5 Mail-In Rebate

- 1) Purchase any one (1) Bayer Advanced 12 Month Tree & Shrub Protect & Feed Granules or Liquid Concentrate product.
- 2) Save original dated cash register receipt dated between 01/01/09-10/31/11 and circle qualifying purchase.
- 3) Enter the 10-digit UPC code here: (REQUIRED)



OFFICIAL MAIL-IN REBATE
Requests Must Be Postmarked by 11/30/11

- 4) Mail completed original rebate form and original cash register receipt to:
Bayer Advanced \$5 Tree & Shrub Rebate, PO Box 2090, Grand Rapids, MN 55745-2090

Please send my rebate to: Yes, please e-mail me the Bayer Advanced Garden Gazette newsletter.

First Name _____ Middle Initial _____ Last Name _____

Street Address _____ City _____ State _____ Zip _____

Daytime Phone _____ E-mail Address _____ Store Name (where product purchased) _____

ALWAYS READ AND FOLLOW LABEL INSTRUCTIONS. 1-877-BayerAG
Photocopies of original dated STORE receipt and offer form are accepted. Limit one \$5 rebate per household. Offer not valid with any other offer. Offer good only in USA. Void where prohibited, taxed, restricted by law. Allow 6-8 weeks for delivery. Bayer Advanced is not responsible for lost, stolen, late, mutilated, postage-due or misdirected mail. ALL REQUESTS NOT IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS OFFER WILL BE REJECTED.

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