

73327-5

9/13/2010

10 of 11



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

SEP 13 2010

Ms. Jessica McLaughlin
Swiss Farms Products., Inc.
3993 Howard Hughes Pky, Suite 250
Las Vegas, NV 89169-6754

Subject: Notification of an Alternate Brand Name (Vigoro Crabgrass Preventer & Lawn Fertilizer); Optional Marketing Claims; and Revision of Annual Feeding Program Under PR Notice 98-10
Swiss Farms Crabgrass Preventer Lawn Food (Zero P)
EPA Reg. No. 73327-5
Application, Dated July 23, 2010, as Amended by Email September 8, 2010

Dear Ms. McLaughlin:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for the subject product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested (notification of the alternate brand name "Vigoro Crabgrass Preventer & Lawn Fertilizer", optional marketing claims, and revision of Annual Feeding Program) falls within the scope of PRN 98-10. The label submitted with the application has been date-stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at (703) 305-1243 or Susan Stanton of my staff at (703) 305-5218.

Sincerely,

Susan L. Stanton, for
Kathryn Montague, Product Manager 23
Herbicide Branch
Registration Division (7505P)
Office of Pesticide Programs

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| | | |
|---|--|-----------------------|
| EPA United States Environmental Protection Agency Washington, DC 20460 | <input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other | OPP Identifier Number |
|---|--|-----------------------|

Application for Pesticide - Section I

| | | |
|--|---|--|
| 1. Company/Product Number 73327-5 | 2. EPA Product Manager Kathryn Montague | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) Swiss Farms Products, Inc. / Swiss Farms Crabgrass Preventer Lawn Food (Zero P) | PM# 23 | |
| 5. Name and Address of Applicant (Include ZIP Code) Swiss Farms Products, Inc. 3993 Howard Hughes Pky, Suit 250 Las Vegas, NV 89169-6754 <input type="checkbox"/> Check if this is a new address | 6. Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(I), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____ | |

Section II

| | |
|--|--|
| <input type="checkbox"/> Amendment - Explain below. <input type="checkbox"/> Resubmission in response to Agency letter dated _____ <input checked="" type="checkbox"/> Notification - Explain below. | <input type="checkbox"/> Final printed labels in response to Agency letter dated _____ <input type="checkbox"/> "Me Too" Application <input type="checkbox"/> Other - Explain below. |
|--|--|

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Label Notification: Submission of one (1) highlighted copy and one (1) clean copy of labeling being modified to incorporate revisions per PR Notice 98-10. See attached cover for further details.

Section III

| | | | |
|--|---|---|--|
| 1. Material This Product Will Be Packaged In: | | | |
| Child-Resistant Packaging <input type="checkbox"/> Yes* <input type="checkbox"/> No | Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No | 2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____ |
| *Certification must be submitted | | If "Yes" Unit Packaging wgt. No. per Container | If "Yes" Package wgt. No. per Container |
| 3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container | 4. Size(s) Retail Container | 5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product | |
| 6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Other <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | | |

Section IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

| | | |
|----------------------------|--|---|
| Name Jessica McLaughlin | Title Scientist, Regulatory Affairs | Telephone No. (Include Area Code) 937-578-5703 |
|----------------------------|--|---|

| | | |
|--|---|--|
| Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. | | Date Application Received (Stamped) |
| 2. Signature BY: The Scotts Company LLC | 3. Title Scientist, Regulatory Affairs | 6. Date Application Received (Stamped) |
| 4. Typed Name Jessica McLaughlin | 5. Date July 23, 2010 | |

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The Scotts Company LLC
and Subsidiaries

July 23, 2010

Kathryn Montague, PM 23
Office of Pesticide Programs (7505P)
U.S. Environmental Protection Agency
Document Processing Desk (NOTIF)
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202

*Label references
invalid product
name. See corrected
label, submitted
9/8/10
S.S.*

Subject: Notification of General Label Revisions per PR Notice 98-10
EPA Reg. No. 73327-5 – Swiss Farms Crabgrass Preventer Lawn Food (Zero P)

Dear Ms. Montague,

Swiss Farms Products, Inc. (Swiss Farms, EPA Company Number 73327) is submitting a revised label for Swiss Farms Crabgrass Preventer Lawn Food (Zero P) EPA Reg. No. 73327-5. The enclosed product label has been updated as follows:

- Addition of Alternate Brand Name "Vigoro Crabgrass Preventer & Lawn Fertilizer"
- Addition of optional marketing claims
- Revision of "Annual Feeding Program"

Enclosed please find the following documents to support this request:

- One (1) copy of Application form (EPA Form No. 8570-1)
- Two (2) copies of the updated Master Label: one (1) with changes highlighted in yellow and one (1) clean copy.

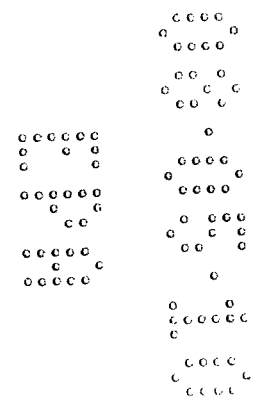
This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR §152.46 and §156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and CFR §152.46 and §156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under section 12 and 14 of FIFRA.

If you have any questions regarding this submission, please contact me at 937-578-5703.

Best Regards,

Jessica McLaughlin
Scientist, Regulatory Affairs

Enclosures



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Note: **Bold, italicized** text is information for the reader and is not part of the label.
[bracketed] information is optional text. Text separated by / denotes and/or options.

EPA Reg. No. 73327- 5

[FRONT]
For Outdoor Residential Use Only

Swiss Farms Crabgrass Preventer Lawn Food (Zero P)

EPA Reg. No. 73327-5
TREATS / COVERS 5,000/15,000 sq. ft.

ALTERNATE BRAND NAMES

[Vigoro Ultra Turf Phosphorus-Free Turf Fertilizer with Weed Stop]
[Vigoro Crabgrass Preventer & Lawn Fertilizer]

NOTIFICATION

SEP 13 2010

ACTIVE INGREDIENT:

| | |
|--------------------------|----------------|
| Dithiopyr* | 0.20% |
| OTHER INGREDIENTS | 99.80% |
| TOTAL | 100.00% |

*CAS # 97886-45-8

[Other ingredients in this product are clay granules used as a carrier and dipropylene glycol to adhere the active ingredient on the clay.]

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back / side / top / bottom [panel / label] for additional Precautionary Statements.

NET WT. 14.5 lbs. [6.5 kg.] / 43.5 lbs. [19.7 kg.] / XX lbs. [XX kg.]

Note: **Bold, italicized** text is information for the reader and is not part of the label. [bracketed] information is optional text. Text separated by / denotes and/or options.

EPA Reg. No. 73327- 5

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

CAUTION: Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Harmful if inhaled. Avoid breathing dust. Remove and wash contaminated clothing before reuse. Prolonged or repeated skin contact may cause allergic skin reactions in some individuals.

| FIRST AID | |
|---|---|
| If in Eyes | <ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 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. |
| 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 mouth-to-mouth if possible. • Call a Poison Control Center or doctor for further treatment advice. |
| NOTE: Have the product container or label with you when calling a Poison Control Center or doctor, or going for treatment. | |

ENVIRONMENTAL HAZARDS

This product is toxic to fish and highly toxic to other aquatic organisms including oysters and shrimp. Drift and runoff from treated turf may adversely affect aquatic organisms in adjacent aquatic sites.

Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Do not contaminate water when disposing of equipment wash waters or rinsate. Do not apply when weather conditions favor drift from treated areas.

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. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.

DIRECTIONS FOR USE

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

Do not allow people or pets to enter the treated area until this material is washed into turf and grass is dry.

Before You Use / Apply

Read and follow these use precautions when you use this product:

- Apply only to lawns and ornamental turf that are well established.
- Wait at least 12 weeks after using this product before reseeding, overseeding or sprigging of grass into areas that have been treated.
- Use of product on new lawns or grass that has been weakened or stressed by drought, excessive temperatures or pests increases chance of injury to grass.
- Heavy raking should be done prior to application as raking after application may scratch the barrier and reduce the effectiveness of this product.
- When applying around ponds or other bodies of water, do not apply in windy conditions or where product can run off into water.
- Do not use grass clippings as mulch around vegetables or fruit trees.
- [This product may be applied to flowers listed on this label.]

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EPA Reg. No. 73327-5

- IN NEW YORK—The maximum application rate of Dithiopyr is 0.25 lb of active ingredient per acre per year. Do not make more than 1 application of this product to the same area in the same year.
- FOR ALL OTHER STATES, the maximum number of applications is 2 per year. Allow at least a 4 month interval between applications.

General Use Directions

1. Determine size of area to be treated—measure length and width in feet, then multiply to determine coverage area in sq ft (length x width). **Next, subtract non-lawn areas.**
2. Use the spreader setting chart to determine appropriate setting.
3. Treat as directed—thorough coverage is important. Be sure to water in after application

When to Use / Apply

- In New York, this product may be applied only in the early Spring OR early Fall for the control of weeds. See New York directions above.
- Product may be applied in early Spring AND early Fall for the [control] [prevention] of weeds.
- Product will provide up to 4 months control of listed weeds when used as directed, although length of control can be affected by weather, grass conditions and weed pressures.
- To [prevent] [get control of] listed weeds other than crabgrass, applications must be made before weeds emerge.

What [it] [Swiss Farm Crabgrass Preventer Lawn Food (Zero P)] Does

- [This product] [Swiss Farm Crabgrass Preventer Lawn Food (Zero P)] provides the nutrients your lawn needs to grow thick and green while forming a protective barrier on the soil that blocks crabgrass and other listed weeds from germinating.
- [This product] [Swiss Farm Crabgrass Preventer Lawn Food (Zero P)] will [control] [prevent] crabgrass up to the first tillering, which is when crabgrass is first visible in a lawn or turf.
- [This product] [Swiss Farm Crabgrass Preventer Lawn Food (Zero P)] will provide season long Crabgrass [control] [prevention], up to [3] [4] months when used as directed, although length of control can be affected by weather, grass conditions and weed pressures.

Where To Use / Apply

[This product] [Swiss Farm Crabgrass Preventer Lawn Food (Zero P)] can be used on the following types of grass when applied as directed:

Cool Season Grasses: Bentgrass, (creeping) [Agrostis stolonifera], Bluegrass, (Kentucky) [Poa pratensis], Fescue fine [Festuca rubra], Fescue tall [Festuca arundinacea], Ryegrass, (perennial) [Lolium perenne]

Warm Season Grasses: Bahia [Paspalum notatum], Bermuda [Cynodon dactylon], Buffalograss [Buchloe dactyloides], Carpetgrass [Axonopus affinis], Centipede [Eremochloa ophiuroides], Kikuyugrass [Pennisetum clandestinum], St. Augustine [Stenotaphrum secundatum], Zoysiagrass [Zoysia japonica]

How To Use / Apply

Always use a fertilizer spreader. See spreader settings chart for spreader setting rates.

1. Apply this product at the rate of 2.9 lbs. per 1000 sq. ft. (1 bag treats 5,000/15,000 sq. ft.). For best results, water within 2-3 days after application.
2. Calibrate your spreader according to the spreader manufacturer's directions. Adjust settings as needed to apply the recommended rate of product.
3. Using a drop-type or rotary spreader, apply granules evenly over grass, avoiding streaking, skips or overlaps. Avoid using spreaders that apply product in narrow or concentrated bands.
4. Check calibration of spreader frequently to ensure spreader is functioning properly and applying product evenly.

Note: **Bold, italicized** text is information for the reader and is not part of the label. [bracketed] information is optional text. Text separated by / denotes and/or options.

EPA Reg. No. 73327- 5

Important: Follow directions carefully as over application may cause injury to your lawn. Spreader settings are approximate. Differences may occur due to condition of spreader, speed of application, and roughness of area treated. Be sure to calibrate spreader before beginning, and adjust as necessary. **Never apply by hand.**

To avoid gaps and streaks, first spread border of lawn and then fill in center with uniform, parallel passes. Walk at a steady pace to apply evenly throughout the lawn.

Typically a lawn utilizes 1 to 4 lbs. of nitrogen per 1000 sq. ft. per growing season. When applied as directed, this product provides xx lbs. of nitrogen per 1000 sq. ft. Contact your local Extension Service for information specific to your geographic region.

SPREADER SETTINGS

A 14.5 lb. bag covers/treats 5,000 sq. ft. and a 43.5 lb. bag covers/treats 15,000 sq. ft. Use the settings below to apply at a rate of 2.9 lbs. per 1,000 sq ft.

| Broadcast/Rotary Spreaders | Drop Spreaders |
|----------------------------|----------------|
| X | X |
| X | X |
| X | X |

WEEDS CONTROLLED

Pre- and Early Post-Emergent

- Crabgrass [smooth, large, Southern]

Pre-Emergent (Preventative)

Grass Weeds: Annual Bluegrass, Annual Ryegrass, Barnyardgrass, Crabgrass [smooth, large, Southern], Crowfootgrass, Goosegrass, Green Foxtail, Kikuyugrass [seedling], Perennial Ryegrass, Smutgrass [seedling], Yellow Foxtail

Broadleaf Weeds: Bittercress, Black Medic, Buttercup Oxalis, Carolina Geranium, Carpetweed, Chickweed, Common Lespedeza, Common Purslane, Corn Speedwell, Creeping Oxalis, Henbitt, London Rocket, Maretail, Mustard, Parsley-piert, Pineappleweed, Prostrate Spurge, Spotted Spurge, Shepherdspurse, Redroot Pigweed, Yellow Woodsorrel.

Fall Application:

When applied pre-emergence (prior to germination) in late summer through early fall (late August through November) this product will control or suppress the following weeds: Annual Bluegrass, Bittercress, Common Chickweed, Carolina Geranium, Corn Speedwell, Henbit, Mustard, Parsley-piert, Pineappleweed, Shepherdspurse.

STORAGE AND DISPOSAL

PESTICIDE STORAGE: Store in a clean, dry place. Reseal opened bag [by folding top down and securing].

PESTICIDE CONTAINER 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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EPA Reg. No. 73327-5

OPTIONAL ADVERTISING CLAIMS [Claims may appear on any or all label panel(s)]

[Pesticidal Claims]

- Also [controls] other grasses and broadleaf weeds such as annual bluegrass, goosegrass, yellow foxtail, spotted spurge, chickweed, oxalis, henbit and other weeds listed on this label
- [Controls] crabgrass and other listed weeds
- [Controls] crabgrass, oxalis, spurge, chickweed, henbit, and many other listed weed grasses and broadleaf weeds
- Controls/prevents crabgrass up to [3][4] months
- [Controls] weeds while feeding your lawn
- Crabgrass Control for Home Lawns
- Keeps weeds from ever germinating
- Pre- and early Post-Emergence [Control] of crabgrass
- [Controls] crabgrass for up to 120 days
- Stops crabgrass and many other weed grasses & broadleaf weeds before they start (*See [back][side] for a complete list of weeds controlled)
- Up to [3][4] months of crabgrass & weed control
- Use before or after germination of crabgrass for pre-emergent and early post-emergent [control]

[Fertilizer Claims]

- [Brand name] products with POLYON® timed-release nitrogen work differently than other slow-release products. POLYON® timed-release nitrogen releases in response to soil temperature rather than moisture level. Other slow release products release according to the amount of moisture present in the soil the more moisture the quicker the nutrients release putting your grass at risk from burning. Because [brand name] products contain POLYON® timed-release nitrogen, your grass is fed for up to XX months [at 72° F].
- Contains Polyon® timed-release nitrogen for a beautiful green vibrant lawn
- Its [POLYON®] the green inside
- Timed-Release Fertilizer - Polyon® If its not Green...Its not Polyon®
- Contains timed-release nitrogen for extended feeding
- Contains time-released nitrogen for extended feeding
- Phosphorus free!
- Delivers a long lasting feeding without burning, for a stronger, greener lawn
- Early spring application [apply in [early] spring]
- Enriches soil—feeds the lawn
- Feeds for up to 2 months at 72° F
- Feeds up to 3 months
- Greens in 72 hours [and] [promotes thick, green growth]
- Promotes thick, green growth
- Provides a quick spring green-up
- Timed-release for extended feeding
- Time-release nitrogen feeds and enriches the soil, resulting in a thick, green, strong lawn
- Zero phosphate fertilizer specially formulated for lawns located near lakes and streams

• What the numbers mean:

| XX | XX | XX |
|--|--|---|
| Nitrogen (N) | Phosphate (P ₂ O ₅) | Potash (K ₂ O) |
| Contains timed-release nitrogen for growing a thick green lawn | Improves root and plant establishment | Improves plant hardiness and drought resistance |

[General Benefit Claims]

- Early spring or fall application
- Apply Early Spring or Fall
- ENCOURAGES QUICK GREENING & PROVIDES EXTENDED FEEDING
- Non-staining [Formula] [!]
- Treats/Covers 5,000/15,000 sq. ft. [square feet]

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EPA Reg. No. 73327- 5

- Turf note, apply early for best results! To win the battle against crabgrass, you must apply preventer products early in the spring season before crabgrass emerges. A good general rule is to apply Swiss Farms Crabgrass Preventer Lawn Food (Zero P) when forsythia bushes bloom. Apply the product to dry grass and then water it in to create a barrier at the soil level for weed prevention.
- Will not harm listed ornamentals or shrubs.
- Works the first time or your money back! [ICON]
- Beautiful Lawns Since 1924
- Why use this product?

This product is specially formulated to complement the phosphorus already present in some soils and give your turf the additional primary nutrients needed for a good turf feeding. A soil test can help you determine if your soil has an adequate supply of phosphorus and if this is the best product for your soil type. Proper watering and mowing practices along with regular feedings will help promote a beautiful green lawn.

Seasonal product application options

Plan your feeding schedule. Choose the right product for your lawn.

[[Insert Brand Name] Recommended Annual Feeding/Lawn Care Program]

Any Season - Apply any season if weeds or bugs are not a problem: [insert product name] [brand name] [Fertilizer]

Early Spring - February-April – To Control Crabgrass: [insert product name] [brand name] [Fertilizer plus Weed Preventer]

Late Spring - April-June – If you have weeds / To kill weeds: [insert product name] [brand name] [Fertilizer plus Weed & Feed]

Summer - June/July-August – If you have bugs / To kill bugs: [insert product name] [brand name] [Fertilizer]

Fall - September – November - [insert product name] [Fall/Winter/Winterizer/Fertilizer] / Fertilizer plus Weed & Feed [if you have fall weeds]

Why fertilize the/your lawn?

While it is easy to see that/a satisfying deep green/greening when you fertilize, regular feedings [can] actually do much more...

- Promote a deep and dense root system that is better able to reach water and find nutrients during tough heat & drought, so lawn stays greener, longer and bounces back faster
- Thicken lawn with new/additional blades of grass, making it more resistant to bare spots and thinning
- Help prevent weeds by making it difficult for weed[s] [seeds in the air] to find soil to root, [as well as]/[and] crowd out existing weed[s] [seeds in the soil]

Feed every 8 weeks for optimal results

- [[Icon] Unfed Lawn v./vs. [Icon] Regularly fed Lawn/4 annual feedings]
- [[Icon] Unfed Lawn]
- [[Icon] 1 annual feeding]
- [[Icon] 2 annual feedings]
- [[Icon] 3 annual feedings]
- [[Icon] 4 annual feedings]

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EPA Reg. No. 73327- 5

[Recommended] Next Feeding

[ICON: bag] Vigoro® Ultra Turf™ Weed & Feed for Bahia and Mixed Lawns – Apply anytime weeds are actively growing* *maximum of 2 applications per year

or [use]

[ICON: bag] Vigoro® Lawn Fertilizer – Apply anytime during the growing season
[Optional Use Tip Box]

- | |
|--|
| <p>"To do" List</p> <ul style="list-style-type: none"> • Measure lawn • Subtract non-lawn areas • Apply at recommended rate |
|--|

[Optional Product Facts Box]

- | |
|---|
| <p>"Product fast facts"</p> <ul style="list-style-type: none"> • What it does: Provides pre and early post emergent crabgrass control • When to use: early spring or fall • Questions & Comments: call (insert number) or visit us at (insert website) |
|---|

GUARANTEED ANALYSIS

| | |
|---|--------|
| Total Nitrogen (N)..... | XX.00% |
| X.X% Ammoniacal Nitrogen | |
| X.X% Urea Nitrogen* | |
| Available Phosphate (P ₂ O ₅)..... | XX.00% |
| Soluble Potash (K ₂)..... | XX.00% |

Derived from: Polymer-coated urea, urea, diammonium phosphate and muriate of potash.
*Contains X.X% slowly available urea nitrogen from polymer-coated urea.

NOTICE: To the extent consistent with applicable law, buyer assumes all responsibility for safety and use not in accordance with terms of this label and directions for use.

Information regarding the contents and levels of metals in this product is available on the Internet at <http://www.regulatory-info-sb.com>

Swiss Farms Products, Inc. No-Quibble Guarantee®

If for any reason you, the consumer, are not satisfied after using this product, you are entitled to your money back. Simply send us proof of purchase, and we will mail you a refund check promptly.

Swiss Farms Products, Inc.
3993 Howard Hughes Pky, Suite 250
Las Vegas, NV 89169-6754

Questions / Information

Consumer Helpline
1-800-543-TURF (8873)

110911

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World rights reserved
Made in U.S.A.

EPA Reg. No. 73327-5
EPA Est. No. XXX-XX-X
[Superscript used is first letter of run code on end of container]