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10-06-2010

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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

OCT - 6 2010

Ms. Kathleen Young  
(On behalf of Black Flag Brands, LLC)  
Homax Group, Inc.  
26901 Cannon Road, Suite 190  
Bedford Heights, OH 44146

Subject: Label Amendment

Black Flag Home Insect Control Concentrate  
EPA Registration No. 79529-31

Your letter dated June 30, 2010

Dear Ms. Young;

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable. Two (2) copies of the final printed labeling must be submitted prior to releasing the product for shipment. A stamped copy of the label is enclosed for your records.

If you have any questions regarding this action, please contact me at (703) 305-0120.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Suarez".

Mark Suarez  
Product Manager 13  
Insecticide Branch  
Registration Division (7505P)

Enclosure



United States  
Environmental Protection Agency  
Washington, DC 20460

Registration  
 Amendment  
Other

OPP Identifier Number

**Application for Pesticide - Section I**

1. Company/Product Number 79529-31	2. EPA Product Manager Mark Suarez	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) BLACK FLAG Home Insect Control Concentrate	PM# 13	
5. Name and Address of Applicant (Include Zip Code) Black Flag Brands, LLC c/o The Homax Group, Inc. 26901 Cannon Road, Suite 190 Bedford Heights, OH 44146 <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**

Amendment - Explain below.  Final printed labels in response to Agency letter dated \_\_\_\_\_

Resubmission in response to Agency letter dated \_\_\_\_\_  "Me Too" Application.

Notification - Explain below.  Other - Explain below.

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

Action taken in response to meeting of June 22, 2010 with Mark Suarez:  
Label amendment to rebut EPA Letter of March 11, 2010, comment #4 for the removal of the language added per the June 4, 2009 Environmental Hazard and General Labeling for Pyrethroid Non-Ag Outdoor Products Notification.

**Section - III**

1. Material This Product Will Be Packaged In:		2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Metal <input checked="" 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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container 8 oz, 16 oz, 32 oz	5. Location of Label Directions <input checked="" type="checkbox"/> On Label <input checked="" type="checkbox"/> On Labeling accompanying product
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input checked="" type="checkbox"/> Other Poly label	

**Section - IV**

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

Name Kathleen Young	Title Regulatory Compliance Specialist	Telephone No. (Include Area Code) (440) 786-3120
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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.

2. Signature 	3. Title Regulatory Compliance Specialist	6. Date Application Received  (Stamped)
4. Typed Name Kathleen Young	5. Date June 30, 2010	

EPA Form 8570-1 (Rev. 8-94) Previous editions are obsolete.



The Homax Group, Inc.

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www.homaxgroup.com

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June 30, 2010

Document Processing Desk (AMEND)  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, VA 22202-4501

ATTN: Mr. Mark Suarez  
Product Manager 13  
Insecticide Branch

**Subject: BLACK FLAG® Home Insect Control Concentrate  
EPA Registration No. 79529-31  
Label Amendment to Rebut EPA Letter Dated March 11, 2010**

Dear Mr. Suarez:

Attached please find our amendment in response to our meeting of June 22, 2010. At that meeting we discussed the confusion caused by the communications we received from The Agency dated October 26, 2009 from Dana Pilitt for Richard Gebken, and March 11, 2010 under your signature. We are rebutting your comments in #4 for the removal of the language we added per the Agency's June 4, 2009 Letter concerning Environmental Hazard and General Labeling for Pyrethroid Non-ag Outdoor Products for the following reasons:

#4 advises us to delete the use instructions at the bottom of page 3 of our September 10, 2009 submission because these additional use instructions, as stated are in conflict with the approved uses for this Me-too product registration.

Our Me-too registration is under Valent BioSciences EPA Reg. No. 73049-448. On June 9, 2010 Valent submitted their notification of revised labeling to add the required language per the June 4, 2009 Environmental Hazard Notification.

With the language added by Valent to their label, our label (revised copy attached) should no longer be in conflict.

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BLACK FLAG BRANDS, LLC  
WALCO LINCK COMPANY

26901 CANNON ROAD, SUITE 190  
BEDFORD HEIGHTS, OH 44146

TEL: 440.786.2122 FAX: 440.786.2100

**Actions Taken to Our Label dated June 30, 2010:**

1. We have added back the three paragraphs supporting the June 4, 2009 Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products Notification.
2. We have taken this opportunity to add marketing claims supporting a new concentrate refill size and a reference statement added to the refill instructions referring the user to the complete instructions found on the 1.33 gallon label.
3. We have removed the claims noted in 1-3 of your letter of March 11, 2010.

We are enclosing two copies of the label, one with changes highlighted. No other changes have been made to the labeling of this product other than what is highlighted in the attached label.

If you should have any questions regarding this matter, please feel free to contact me at (440) 786-3120 or [kyoung@homaxproducts.com](mailto:kyoung@homaxproducts.com).

Sincerely,



Kathleen Young  
Regulatory Compliance Specialist  
THE HOMAX GROUP, INC  
On Behalf of Black Flag Brands, LLC  
26901 Cannon Road, Suite 190  
Bedford Heights, OH 44146  
Tel: 440-786-3120  
Fax: 440-786-3102  
[kyoung@HomaxProducts.com](mailto:kyoung@HomaxProducts.com)  
Enclosures

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## BLACK FLAG HOME INSECT CONTROL CONCENTRATE

- Kills [62] listed insects *{Note to reviewer: The actual number used in claim "Kills xx listed insects" is dependent on the specific final printed label for each size bottle. Some uses may be omitted due to space limitations. The actual number of insects will not exceed 62.}*
- Save money!
- Do it yourself and save!
- Do your own bug [pest] [insect] control
- Do bug [pest] [insect] control yourself [and save]
- Do it yourself bug [pest] [insect] control
- Best Black Flag [product name] concentrate value!
- Super concentrate
- Makes 2 gallons
- Bonus [refill] [concentrate] makes 2 [extra] gallons
- Bonus [value] pack 3.33 gallons\*
- \*1.33 gallons of ready-to-use product and 2 diluted gallons from the attached 16 oz. container
- Perfect for tank sprayers
- Fragrance free
- 16 oz Refill Makes 2 Gal [gallons] of ready-to-use spray
- 32 oz Refill Makes 4 Gal. [gallons] of ready-to-use spray
- Single Use Refill [makes][makes up][produces][supplies][yields] [1.5 Gal.][1.3 Gal][1.0 Gal] of spray.
- Single Use Refill [makes][makes up][produces][supplies][yields] [1.5 Gal.][1.3 Gal][1.0 Gal] of ready-to-use spray
- Makes up to [1] [2] Gal. of [finished product][ready-to-use spray][spray].
- Concentrated Formula 16 oz [makes] [makes up][produces][provides] [supplies][yields] up to 2 Gal. ready-to-use spray.
- Concentrated Formula 16 oz [makes][makes up][produces][provides] [supplies][yields] two 1 Gal. of [ready-to-use spray][spray]
- Concentrated Formula 32 oz [makes] [makes up] [produces] [provides] [supplies] [yields] up to 4 Gal. of [ready-to-use] [spray]
- [16 oz] Refill to [make][produce][make up] [2] Gal. [ready-to-use spray][spray]
- [32 oz] Refill to [make] [produce] [make up] [4] Gal. [ready-to-use spray] [spray]
- Black Flag Home Insect Control Refill
- Concentrated Formula 12 oz. [makes] [makes up][produces][supplies][yields] 1.5 Gal. [ready to use spray] [of spray]
- Concentrated Formula 10.4 oz. [makes][makes up][produces][supplies][yields] 1.3 Gal. [ready to use spray] [of spray]
- Concentrated Formula 8 oz. [makes][makes up][produces][supplies][yields] 1.0 Gal. [ready to use spray] [of spray]

**ACCEPTED  
with COMMENTS  
In EPA Letter Dated  
OCT - 6 2010**  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
as amended, for the pesticide  
registered under EPA Reg. No.  
79529-31

- Refill Concentrate
- Refill To Make [Produce][Make up]1.5 Gal [1.3 Gal][1.0 Gal] Ready to Use Spray
- Refill To Make [Produce][Make up]1.5 Gal [1.3 Gal][1.0 Gal] of spray.
- Water-Based
- For Indoor and Outdoor Use
- Kills on Contact!
- Kills by Contact!
- Kills Fast!
- Long Lasting
- Kills German Cockroaches for Up to 3 months [12 weeks] [Indoors]
- Up to 3 months [12 weeks] German Cockroach control [Indoors]
- Kills German Cockroaches for Up to 9 months [36 weeks][Indoors] on non-porous surfaces
- Up to 9 months [36 weeks] German Cockroach control [Indoors] on non-porous surfaces
- Kills Houseflies for up to 5 months [20 weeks]
- Up to 5 months [20 weeks] control of houseflies
- Keeps killing Carpenter Ants Up To 4 Weeks [30 Days, 1 Month] on non-porous surfaces
- Kills ants, bed bugs, mosquitos, flies, roaches, fleas, ticks, centipedes, scorpions, spiders
- Kills Ticks that may transmit Lyme Disease
- Kills stable flies for up to 4 months [18 weeks]
- Up to 4 months [18 weeks] control of stable flies
- Non-Staining
- Guaranteed to work or your money back
- America's 1<sup>st</sup> name in pest control since 1833
- Won't Stain Or Discolor
- Easy-To-Use
- No Drips – No Runs
- Stays where you spray
- No drip formula
- Kills listed home invading pests
- Kills pantry pests
- [32 oz] [16 oz] [12 oz][10.4oz][8oz] refill [conc][concentrate] available
- For indoor and [&] outdoor insect [pest] control [use]
- Ready-to-use
- Home [Bug][Pest][Insect] control
- Bug [pest] [insect]control system
- Keeps listed insects out of your home
- Kills [hidden] bugs [in cracks][crevices]
- Whole house [home] treatment for listed insects
- Use indoors, kitchens, bathrooms, doors & windows, basements, attics

- For Use Around Horse Stables
- For Use on Houseplants and Ornamental Plants
- For Use on Roses, Asters, Azaleas, Mums, Marigolds, Snapdragons, Zinnias, and Other Ornamentals
- Kills [Controls] Aphids, Japanese Beetles, Armyworms, Lace Bugs, Spider Mites, Mealybugs
- Dual Purpose – Kills Indoor [Pests] and Outdoor Ornamental Garden Pests
- Long Lasting and Gives Immediate Results When Spraying Insects Directly
- No Oily [Greasy] Residue]

ACTIVE INGREDIENT:

Deltamethrin.....	0.32%
OTHER INGREDIENTS.....	<u>99.68%</u>
	100.00%

[Peel Here For [Complete] Directions and Precautions]

KEEP OUT OF REACH OF CHILDREN

CAUTION

See back panel for additional precautionary statements

Net Contents:

- 8 Fl oz
- 10.4 Fl oz
- 12 Fl oz
- 16 Fl oz (473 mL)
- 32 Fl oz (946 mL)

DIRECTIONS FOR USE

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

For Indoor and Outdoor Residential [Home] Use Only:

Do not water the treated area to the point of run-off. Do not make applications during rain. All outdoor applications must be limited to spot or crack and crevice treatments only, except for the following permitted uses: (1) Treatment to soil or vegetation around structures; (2) Applications to lawns, turf, and other vegetation; (3) Applications to building foundations, up to a maximum height of 3 feet.

Other than applications to building foundations, all outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches and structural surfaces (such as windows, doors, and eaves) are limited to spot and crack-and-crevice applications, only.

Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.

To Be Used As A Refill for Black Flag Home Insect Control [or product name] [Only].

To an empty [Black Flag Home Insect Control] [or product name] [container] [sprayer] [remove the pump handle and] add [8 oz] [1 bottle] [8 Fl oz] for 1 Gal] [12 Fl oz for 1.5 Gal], [10.4 Fl oz for 1.3 Gal], of Black Flag Home Insect Control Refill Concentrate [or product name] and fill slowly with water to make [1 Gallon] [1.5 Gallon] [1.3 Gallon] of [Ready-To-Use Spray] spray. Replace [pump handle] [cap] [sprayer] and shake well before using. [Shake sprayer well before each use.] Store unused Black Flag Home Insect Control Concentrate [product name] in original container, with cap tightly closed in a cool, dry area away from children. See Storage and Disposal for additional storage instructions. [See Black Flag Home Insect Control 1.33 Gal. label for complete [sprayer] [container] [Pump'N Spray] instructions.]

*{Note to Reviewer: Marketing language for 16 oz Black Flag Home Insect Control Concentrate refill}*

One 16 oz bottle [will make] [makes] [provides] [yields] [supplies] [up to] 2 Gal. of Black Flag Home Insect Control [or product name] Ready-To-Use Spray.

*{Use Instructions for 16 Fl oz Black Flag Home Insect Control Concentrate Refill}*

To an empty [product name] [container] [sprayer] remove the pump handle and add [1/2 bottle] [8 oz] of Black Flag Home Insect Control Concentrate [or product name] and fill slowly with water to make 1 Gallon of [Ready-To-Use Spray] spray. Replace [pump handle] [cap] [sprayer] and shake well before using. [Shake sprayer well before each use.] Store unused Black Flag Home Insect Control Concentrate [product name] in original container, with cap tightly closed in a cool, dry area away from [inaccessible to] children. See Storage and Disposal for additional storage instructions. [See Black Flag Home Insect Control 1.33 Gal. label for complete [sprayer] [container] [Pump'N Spray] instructions.]

[Note: If sprayer does not function properly, remove nozzle cover and check nozzle and holes in rubber component for obstructions. Replace nozzle cover and use as instructed.]

#### **HOW TO USE:**

Hold container upright. Do not spray up into air. Use only for spot treatment. Adjust sprayer to [mist or spray] [begin] [desired pattern] [ON [position]]. Hold sprayer 12 inches from the insect or surface to be sprayed. Spray until the surface is slightly moist but not to the point of runoff. Repeat treatment [application] as necessary but do not apply more than [once per week][one application per week]. Children and pets may re-enter treated areas after the spray has dried.



Cover all food handling surfaces and cover or remove all food and cooking utensils or wash thoroughly after treatment. Exposed food should be covered or removed.

**INDOORS:**

To Kill Cockroaches, Ants (including Carpenter Ants), Box Elder Bugs, Carpet Beetles, Centipedes, Crickets, Firebrats, Gnats, Ground Beetles, Houseflies, Mosquitos, Palmetto Bugs, Scorpions, Silverfish, Small Flying Moths, Sowbugs, Spiders, and Waterbugs:

Spray directly on insects or indoor areas where these insects may live and hide including in kitchens and bathrooms; behind baseboards; along cracks and crevices; behind and under refrigerators, sinks, stoves, storage areas, and cabinets; around doors and windows; around plumbing; in attics, basements, and crawl spaces; garbage cans; edges of floor coverings and under rugs. Flying insects resting on treated surfaces will be killed.

**To Kill Fleas & Ticks:**

Remove pet bedding and destroy or clean thoroughly. Spray pet resting quarters until moist. Put fresh bedding down once spray has dried. Do not spray animals directly. For best results, pets should be treated with an appropriate flea and/or tick control product registered for use on pets before allowing them to return to the treated area. Also treat rugs and carpets that may be infested.

**Horse Stables:** To Kill stable flies, horn flies, houseflies, face flies, horse flies, deer flies, mosquitos and gnats:

Apply thoroughly to surfaces until wet. Insects coming to rest on treated surfaces will be killed or repelled. Do not treat more than once per week. Do not spray animals or humans, or apply to animal feed or watering equipment. Controls stable flies for up to 4 months.

**To Kill Pantry Pests** including Rusty, Merchant and Saw-Toothed Grain Beetles, Red and Confused Flour Beetles, Chocolate Moths, Cigarette Beetles, Clover Mites, Cluster Flies, Drugstore Beetles, Elm Leaf Beetles, Rice Weevils, Lesser Grain Borers, Spider Beetles, and Tobacco Moths:

Treat exposed stages. Remove all foodstuffs, utensils and shelf paper from area to be treated. Apply spray to shelves and in cracks and crevices behind and under pantry. Allow to dry prior to replacement of shelf paper, food, and utensils. Wash any exposed food handling surfaces and utensils before use.

**Webbing Clothes Moth:** Apply as a crack and crevice treatment in closets and other storage areas where these pests are found. This treatment will not control moth larvae already on clothes. Do not apply to clothing.

**To Kill Bedbugs:**

Apply to cracks and crevices where evidence of bedbugs occurs. This includes bed frames, box springs, inside empty dressers and clothes closets and carpet edges, high and

low wall moldings and wallpaper edges. Do not use this product on mattresses, pillows, bed linens, or clothes. Remove all clothes and other articles from dressers or clothes closets before application. Allow all treated areas to dry thoroughly before use. Not recommended for use as sole protection against bedbugs. If evidence of bedbugs is found in/on mattresses, use products approved for this use.

**OUTDOORS:**

Spray with wind if breeze is blowing. Do not contaminate fish ponds or apply directly to water. Remove all exposed food and cooking utensils. Cover all food handling surfaces or wash thoroughly after treatment and before use. Do not use on edible crops.

To Kill Ants, Crickets, Sowbugs (Pillbugs), Cockroaches including Asian Cockroaches, Centipedes, Dog Ticks, Fleas, Gnats, Houseflies, Lone Star Ticks, Mole Crickets, Mosquitos, Silverfish, and Waterbugs:

Spray directly on insects or outdoor areas where insects live and hide including the perimeter of foundations around homes and residential storage buildings; doors and windows; window screens and frames; light fixtures; eaves; porches; patios, decks; garages; and infested bushes, grass, and weeds. Spray ant trails and hills. Spray ant nests until wet.

To Kill Carpenter Ants or Carpenter Bees:  
Apply to voids or channels of damaged wood. Treat cracks and crevices of wooden sections between the wood and foundation of the home or outdoor storage structures.

To Kill Wasps, Hornets, Yellow Jackets and Bees:  
Spray directly at nest openings. Applications should be made late in the evening when insects are at rest.

Houseplants: To Kill Aphids, Japanese Beetles, Lace Bugs, Leafminers, Mealybugs, Mites, and Spider Mites. Remove plants from living and eating areas prior to spraying. Plants can be returned after the leaves are dry. If plants cannot be moved, cover or remove exposed food and food handling surfaces.

Spray both leaf surfaces. Avoid wetting blossoms if possible. Do not apply more than once per week.

Ornamental Garden Insects: To Kill Japanese Beetles, Whiteflies, Aphids, Armyworms, Lace Bugs, Mealybugs, Exposed Thrips, Pavement Ants, Spiders, Spider and Red Mites, Clover Mites and Leafminers.

Spray directly to insects on African Violets, Asters, Azaleas, Begonias, Camellias, Carnations, Chrysanthemums[Mums], Dahlias, Delphiniums, Dogwoods, English Ivy,

Euonymus, Fushia, Geraniums, Crassula, Grape Vine, Kentia Palm, Laurel, Marigolds, Rhododendrons, Roses, Rubber Plants, Snapdragons, Stocks, Wandering Jew, Zinnias, and other ornamentals.

Apply spray at least 18 inches from plants. Cover both leaf surfaces thoroughly, but not to the point to runoff. Tender foliage, young plants, and new growth may be damaged if temperatures exceed 90° F. Do not apply to vegetable plants or other plants used for food. Not for use on plants grown for sale or other commercial use.

#### STORAGE AND DISPOSAL

STORAGE: Store in original container in a cool, dry area away from [inaccessible to] children. [Do not transport or store below 32° F (0 ° C).] [Protect from freezing.] [Store above 32° F.] If freezing occurs, allow product to thaw and shake well before using [use]. [Some product separation may occur on freezing which is reversible on shaking]. Freezing does not adversely affect [this product][performance].

#### DISPOSAL:

Nonrefillable container. Do not reuse or refill this container. If empty: Place in trash or offer for recycling if available. If partially filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

### PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

#### **CAUTION**

Harmful if inhaled. Avoid breathing spray mist. Contact with product may result in transient tingling and reddening of the skin. Avoid contact with skin or clothing. Remove and wash contaminated clothing before reuse. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

#### FIRST AID

IF INHALED: 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.

Have the product container or label with you when calling a poison control center or doctor or going for treatment. In case of medical emergencies or health and safety inquiries or in case of fire, leaking or damaged containers, information may be obtained by calling 1-866-767-5047.

#### ENVIRONMENTAL HAZARDS

This product is extremely toxic to fish and aquatic invertebrates. This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

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.

#### PHYSICAL OR CHEMICAL HAZARDS

Do not apply this product in or on electrical equipment due to possibility of shock hazard.

Notice: To the extent consistent with applicable law, the buyer assumes all responsibility for safety and use not in accordance with directions.

Questions? Comments? Call (800) 887-3524 or E-mail [info@BlackFlagBrands.com](mailto:info@BlackFlagBrands.com)

Sold By:  
© Black Flag Brands, LLC  
3300 Corporate Drive  
Joliet, IL 60431  
[(800) 887-3524 or E-mail [info@blackflag.com](mailto:info@blackflag.com)]

EPA REG NO: 79529-31  
EPA EST NO: XXXX

The [first] letter(s) of the lot code correspond to the establishment.