

BISM, JWOD, & Skilcraft Letter

Current as of: July 26, 2004

Ms. Janine Polizzi
ChemReg International, LLC
1990 Old Bridge Road, Suite 201
Lake Ridge, VA 22192

Dear Ms. Polizzi:

This is in response to your inquiry of April 8, 2004 describing a situation in which a registrant would like to have a pesticide product packaged by Blind Industries and Services of Maryland (BISM) and be able to use logo(s) and language associated with BISM on their pesticide label. In addition, the registrant is also interested in the use of logos affiliated with Jarvis-Wagner-O'Day (JWOD) and Skilcraft, since BISM provides employment for people who are blind or visually impaired and participates in the JWOD program a source for Skilcraft products. The proposed logos and associated language are listed below. This letter will provide guidance regarding the use of logos and language associated with BISM, JWOD and Skilcraft.

Use of the following logos and/or language associated with BISM, JWOD and Skilcraft are being requested:

1. "Packaged by Blind Industries and Services of Maryland Baltimore, MD 21223"
2. "Created with pride by Americans who are Blind"
3. JWOD logo
4. Skilcraft logo
5. "Skilcraft is a registered trademark licensed by National Industries for the Blind"

The Skilcraft logo (# 4) is proposed for the top of the front panel of the label. The Skilcraft language (# 5) would be placed on the back or side panel of the label. There is no indication of where # 1, 2 or 3 would be placed on the label.

The Agency reviews and approves logos for use on pesticide product labels on a case-by-case basis. The Agency does so to ensure that the logo and/or associated language meets our statutory and regulatory labeling requirements. In determining whether you can use a particular logo and/or language associated with BISM, JWOD or Skilcraft, including where to place the logos and associated language on a pesticide label, you should take into account the following:

Could the logo be considered to be false or misleading? As defined in FIFRA 2(q)(1)(A), a pesticide is misbranded if its labeling bears any statement, design or graphic representation which is false or misleading. FIFRA 12(a)(1)(E) states that it is unlawful for any person to distribute or sell any pesticide which is misbranded. Proposed logos and any associated language need to be examined to

ensure that they do not misrepresent the product and convey information that is not accurate or could be misleading to the purchaser or user of the product.

Does any of the language associated with the logo misrepresent the product in any way?

Are all of the statements factual and not readily subject to interpretation or could one or more words or phrases be misinterpreted. For example, in statement # 2 the term "Created" is used. This term can be interpreted to mean that BISM actually manufactures the product. In this instance, BISM is only repackaging the product not actually producing the product. The term then is likely to misrepresent what BISM actually does with the product. Alternatively, the term "Packaged" may more accurately represent what BISM does with the product.

Does the logo misrepresent the effectiveness of the product, the composition of the product or the value of the product for purposes other than a pesticide or device? Logos and/or associated language must not misrepresent the effectiveness of the product, that is, make any claim, either direct or indirect, that are not on the pesticide label. Logos and/or associated language must not contain words or phrases that imply heightened efficacy of a product. The logo and/or language must not suggest that the product contains an ingredient which is not in the product. Words that imply a product possesses unique characteristics because of its composition are likely to pose a problem. Finally, the logo and/or associated language should not imply that the product is something other than a pesticide.

Are there any safety claims implied by the logo? Logos and any associated language must not contain symbols, graphics or pictures implying safety or nontoxicity of a product (See 40 CFR 156.10(a)(5)).

Could use of the logo be interpreted as a comparative claim? Comparative claims are generally not acceptable for use on pesticide labeling. You need to ensure that any logo or associated language does not involve or suggest comparative claims (See 40 CFR 156.10(a)(5)).

Would placement of the logo or any associated language detract or negate required labeling statements? Logos and any associated language should not be placed in a position on the label which might negate or detract from required labeling statements. For example, the front panel of the label contains important information about the product which usually consists of the signal word, child hazard warning, ingredient statement, product name and precautionary language if appropriate. Placement of a logo on the front panel could cause some confusion and detract from the required front panel information. Logos usually do not convey essential information about the hazards of the product or even how to use the product.

As pointed out earlier in this letter, the Agency approves logos for use on pesticide products on a case by case basis. At a minimum the logo must be submitted through the Agency's notification process as described in PR Notice 98-10. Before coming in with your notification, you should contact your product manager for further guidance. A copy of the proposed modification of the label bearing the actual logo and any associated language must be submitted with the notification.

In summary, we recognize that logos may, in some cases, convey useful information to the consumer/user which is consistent with the requirements of FIFRA. The guidance provided in this letter should help assure that the logo and associated language is consistent with the purposes and requirements of FIFRA and its regulations.

Sincerely,

/ s /

Frank T. Sanders, Director
Antimicrobials Division (7510C)