UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH SERVICE
Pesticides Regulation Division
Washington, D.C. 20250

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NOTICE TO MANUFACTURERS, FORMULATORS, DISTRIBUTORS, AND REGISTRANTS OF ECONOMIC POISONS

Attention: Person responsible for Federal Registration of Economic Poisons

STATUS OF DISCLAIMER STATEMENTS ON PESTICIDE LABELING

The Federal Insecticide, Fungicide, and Rodenticide Act, and the regulations promulgated thereunder, provide that an economic poison is misbranded if its labeling bears any statement, graphic representation, or design which is false or misleading in any particular.

Labeling disclaimers which negate or detract from labeling information required under the Act and regulations are not acceptable on products proposed for registration.

An example of a disclaimer which would render a product misbranded is as follows:

> "The information furnished hereon is provided gratuitously by the manufacturer who assumes no responsibility whatsoever for the effectiveness or safety of this product regardless of whether or not it is used as directed."

Such disclaimer is both false and misleading, since adequate directions for use, necessary warnings and cautions, and other essential information on the safe handling and use of a product are required under the Federal Act.

Labeling for registered products bearing disclaimer statements which are either false or misleading must be revised or deleted. Such revisions or deletions will not require reregistration by this Division. However, five copies of such amended labeling should be submitted for our records.

Harry W. Hays

Harry W. Hays, Ph.D.
Director

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There are two major provisions of disclaimer statements which have been used by many registrants that are considered to be false or misleading. These are the claims "that the information is provided gratuitously," and disclaiming on any responsibility "whether used in accordance with the directions or not."

There is no objection to statements that are aimed at protecting the seller against damages from careless or improper handling, or use, so long as they are not false or misleading.

EXAMPLES OF DISCLAIMER STATEMENTS WHICH ARE NOT OBJECTIONABLE

1. Seller makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. Buyer assumes all risk of use and/or handling of this material when such use and/or handling is contrary to label instructions.

2. Follow directions carefully. Timing and method of application, weather and crop conditions, mixtures with other chemicals not specifically recommended, and other influencing factors in the use of this product are beyond the control of the seller. Buyer assumes all risks of use, storage or handling of this material not in strict accordance with directions given herewith.

3. Buyer assumes all risks of use, storage or handling of this material not in strict accordance with directions given herewith.

4. Seller's guarantee shall be limited to the terms of the label, and subject thereto the buyer assumes any risk to persons or property arising out of use or handling and accepts the product on these conditions.

5. Our recommendations for use of this product are based upon tests believed to be reliable. The use of this product being beyond the control of the manufacturer, no guarantee, expressed or implied, is made as to the effects of such or the results to be obtained if not used in accordance with directions or established safe practice. The buyer must assume all responsibility, including injury or damage, resulting from its misuse as such, or in combination with other materials.