



BEYOND PESTICIDES

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March 12, 2007

Maureen Serafini, Director
New York State Department of Environmental Conservation
Pesticide Program
625 Broadway, 9th Floor
Albany NY 12233-7254

Re. Clorox “Cause-Related Marketing” Pesticide Label Violations

Dear Ms. Serafini:

Beyond Pesticides has become aware that your state’s pesticide regulatory office will be reviewing newly modified labels for a select group of Clorox Company products. These labels have been modified to include “cause-related marketing” language, which allows the display of the Red Cross symbol and language. Beyond Pesticides and several other groups and individuals are extremely concerned over EPA’s recent decision to allow this change on a pesticide product label (or printing on a pesticide product label a company or organization other than the registrant). We ask you to consider the following discussion when reviewing the labels in question. Our interest in this issue lies in our goal to seek to adequately regulate pesticide use in a manner that protects public health and the environment.

We have notified EPA that we believe that “cause-related marketing” labels blatantly violate the *Federal Insecticide Fungicide and Rodenticide Act* (FIFRA). FIFRA states at 136a(c)(9) that labeling information “**shall not be false or misleading, shall not conflict with or detract from any statement required by law** or the Administrator as a condition of registration, and shall be substantiated on the request of the Administrator.”

Additionally, EPA’s own pesticide labeling guidelines specifically state the use of the Red Cross symbol is unacceptable:

III. UNACCEPTABLE GRAPHICS & SYMBOLS

A. If the draft label under review contains graphics or symbols that violate FIFRA e.g., 12(a)(1)(b) or the applicable regulations e.g., false and misleading in 156.10(a)(5), then the label reviewer must advise the registrant to remove these from the label. Examples have included the following:

9. Symbols implying safety or nontoxicity, such as a **Red Cross** or a medical seal of approval (caduceus).¹

¹ US EPA. Label Review Manual Chapter 16: Graphics & Symbols on Labels. Accessed January 31, 2007.
<http://www.epa.gov/oppfead1/labeling/lrm/chap-16.htm>

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To the extent that this label violates federal law and constitutes misleading information that will compromise public safety, we believe that the state should not move ahead with the registration of these products with the new “cause-related” label changes.

It may be the intent, and it is certainly the effect, of the Clorox Company to associate itself and its product with the American Red Cross, which represents an American institution chartered by Congress and founded on the positive fundamental principles of humanity, impartiality, neutrality, independence, voluntary service, unity and universality. The Red Cross symbol itself internationally represents (largely due to the Geneva Convention’s adoption of its use) neutrality, humanitarianism, safety and denotes medical aid. The EPA registration process and the product, which bears the EPA-approved label, should not be confused with any of these principles and qualities. The use of the Red Cross symbol implies an endorsement of the product and may imply an endorsement of its safety to many, which may mislead users and contribute to product misuse.

The inherent danger is that misleading the public about pesticides can result in harm to consumers who either do not, unfortunately, take the time to read pesticide labels or who cannot read or comprehend labels (e.g. non-English speaking citizens, visually impaired persons, children). EPA has allowed the use of the phrase, “Dedicated to a Healthier World,” as well as the prominent placement of the Red Cross logo on both the front and back panels, on five Clorox products, which further compounds the false message that such a label communicates.

The products EPA has approved for Red Cross cause-related marketing language are listed in the box below.²

Product Name	Registration Number
Tackle	5813-21
Pine-Sol Spray 19054	5813-40
Ultra Clorox Brand Regular Bleach	5813-50
Spruce-Ups	5813-58
Clorox 409-R	5813-67

² US EPA Antimicrobials Division, Personal Correspondence; US EPA. Pesticide Product Label System. Accessed February 15, 2007. <http://oaspub.epa.gov/pestlabl/ppls.home>

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Consider the significance of allowing the use of a symbol that implies safety. It is important to note that labeling language is a key risk mitigation strategy employed by EPA. An EPA literature review has explored the dynamics that influence whether or not people read pesticide labels. EPA cites multiple studies that find while a certain segment of the population never reads labels, “Studies showed that consumer perception of product hazardousness is the most significant indicator of whether or not they will read the precautionary label, followed in significance by the level of familiarity with a product.”³ The bottom line is that misleading information on pesticide labels can contribute to pesticide misuse. Take the example of Ultra Clorox Brand Regular Bleach product. For all product uses, the label requires the dilution of the bleach in water. The dilution rates vary depending on the prescribed use, such as nonporous surfaces, mildew removal or disinfection.

Lastly, we recognize that this decision currently affects only a few (albeit widely used) products, but we are greatly concerned about the precedent this decision sets. EPA’s own notes show the agency is developing criteria for future similar situations.

Beyond Pesticides asks your state to protect its citizens by upholding federal and state law and EPA guidelines. Please deny registrations for pesticide product labels that display the Red Cross symbol and language.

Thank you for your attention to this matter.

Sincerely,

Laura Hepting
Special Projects Coordinator

Jay Feldman
Executive Director

³ US EPA. 1996. Consumer Labeling Initiative: Phase I Report. EPA-700-R-96-001.