

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ENFORCEMENT AND GENERAL COUNSEL
OFFICE OF GENERAL ENFORCEMENT
PESTICIDES ENFORCEMENT DIVISION**

**NOTICES OF JUDGMENT UNDER THE FEDERAL
INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT**

NOS. 1301-1350

Notices of Judgment report cases involving seizure actions taken against products alleged to be in violation, and criminal and civil actions taken against firms or individuals charged to be responsible for violations. The following Notices of Judgment are approved for publication as provided in Section 16(d) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136n).

A handwritten signature in black ink, appearing to read "Alan G. Kirk II". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alan G. Kirk II
Assistant Administrator for
Enforcement and General Counsel

Washington, D.C.

1301. EPA v. Central Chemical Corp., EPA Region III, March 20, 1974. (I.F.&R. Nos. III-7 and 23, I.D. Nos. 69320 and 104404.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); 136(q)(1)(G); and 135a(a)(1). The action pertained to shipments made on April 30 and May 4, 1973, from Hagerstown, Maryland, to Butler and Mercersburg, Pennsylvania. The pesticides involved were **FARMRITE DRY POWDERED ARSENATE/LEAD** and **URAB GRANULAR BRUSH & WEED KILLER**; charges included nonregistration, claims made for product differed in substance from the representations made in connection with its registration, and misbranding—lack of adequate warning or caution statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$1,150.00.

1302. EPA v. Monsey Products Co., EPA Region III, May 20, 1974. (I.F.&R. No. III-32, I.D. No. 104252.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); and 136(q)(2)(A). The action pertained to a shipment made on May 29, 1973, from Kimberton, Pennsylvania, to Hagerstown, Maryland. The pesticide involved was **MONSEY L-11 CREOSOTE WOOD PRESERVING COMPOUND**; charges included nonregistration and misbranding—lack of adequate ingredient statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$1,200.00.

1303. Plantabbs Corp, EPA Region III, June 3, 1974. (I.F.&R. No. III-46C, I.D. No. 104283.)

This was a civil action in which the respondent was charged with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E); 136(q)(1)(A); and 136(c)(1). The action pertained

to a product held for distribution or sale on October 4, 1973, at Plantabbs Corp., Timmonium, Maryland. The pesticide involved was **PLANTABBS HOUSE PLANT INSECTICIDE**; charges included misbranding and adulteration—strength or purity fell below the professed standard of quality represented in labeling.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$500.00.

1304. EPA v. Crest Chemical Company, EPA Region IV, February 15, 1974. (I.F.&R. No. IV-3C, I.D. Nos. 88289 and 88293.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135(a)(1); 135b; and 135a(a)(1). The action pertained to shipments made on December 13, 1972, and February 14, 1973, from Oldsmar, Florida, to Hickory, North Carolina. The pesticides involved were **CEDAR SCENTED MOTH KILLER** and **KILLS MILDEW**; charges included nonregistration and composition differed from that represented in connection with its registration.

The respondent neither admitted nor denied the facts and charges alleged in the Civil Complaint, but consented to pay a civil penalty of \$1,600.00.

1305. EPA v. White Laboratories, EPA Region IV, May 9, 1974. (I.F.&R. No. IV-15C, I.D. Nos. 88240 and 88122.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136(a)(1)(E); 136(q)(1)(G); and 136(q)(2)(C)(V). The action pertained to shipments made on November 9 and December 8, 1972, from Orlando, Florida, to Charlotte, North Carolina, and Knoxville, Tennessee. The pesticide involved was **X14 INSTANT MILDEW REMOVER**; charges included nonregistration and misbranding—lack of adequate warning or caution statement on labels.

A civil penalty of \$1700.00 was assessed by Default Order.

1306. EPA v. Kel-San Products Co., EPA Region IV, June 2, 1974. (I.F.&R. No. IV-71C, I.D. No. 95674.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E) and 136(q)(1)(G). The action pertained to a product held for distribution or sale on November 29, 1973, at Kel-San Products, Inc., Knoxville, Tennessee. The pesticide involved was **BIG K PINE DISINFECTANT**; the charge was misbranding—lack of adequate warning or caution statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$300.00.

1307. U.S. v. William Bretan and Gro Chemical Company, U.S. District Court, Southern District of Florida, Criminal No. 74-201-CR-PF, May 15, 1974. (I.F.&R. No. 1295, I.D. Nos. 86506, 86507, 86508, 86509, and 86510.)

This was a criminal action prepared by EPA charging the defendant in a 15 count indictment with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1). The action pertained to shipments made on June 2 and 26, and August 21, 1970, from Miami, Florida, to Houston, Texas. The pesticides involved were **CHINCH LAWN SPRAY, SUPER CHINCH LAWN SPRAY WITH DDT BHC DIAZIN, SUPER CHINCH LAWN SPRAY WITH DDT BHC ETHION, SUPER CHINCH LAWN SPRAY WITH DDT BHC TRITHION,** and **DO IT YOURSELF TERMITE KILLER**; the charge was nonregistration.

The defendant entered a plea of not guilty. The jury found the defendants guilty on counts 3, 6, 9, 12, and 15. The remaining counts were dismissed.

A fine of \$5000.00 was levied. Mr. Bretan, an officer of the firm, and Gro Chemical Co. were each fined \$2500.00 on the same counts.

1308. EPA v. Chemed Corporation, EPA Region V, October 15, 1973. (I.F.&R. No. V-007C, I.D. No. 102454.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); and 136(q)(1)(A). The action pertained to shipments made on October 27 and November 8, 1972, from Sharonville, Ohio, to Davenport, Iowa. The pesticide involved was **DUKLOR**; charges included nonregistration and misbranding—labels bore a false or misleading registration number implying that the product was registered.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$2,500.00.

1309. EPA v. Erbrich Products Company, Inc., EPA Region V, October 16, 1973. (I.F.&R. No. V-002C, I.D. No. 87122.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E) and 136(q)(1)(G). The action pertained to a shipment made on March 12, 1973, from Indianapolis, Indiana, to Champaign, Illinois. The pesticide involved was **JANCO**; the charge was misbranding—lack of adequate warning or caution statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$550.00.

1310. EPA v. Knox Fertilizer and Chemical Company, EPA Region V, October 31, 1973. (I.F.&R. No. V-006C, I.D. No. 93771.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E); 136(c)(1); and 136(q)(1)(A). The action pertained to a shipment made on February 21, 1973, from Knox, Indiana, to Lansing, Michigan. The pesticide involved was **WONDER GRO MAGIC GARDENER**; charges included adulteration and misbranding—strength or purity fell below the professed standard of quality as expressed on its labeling.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$375.00.

1311. EPA v. Frank J. Curran Co., Guarantor for F. W. Woolworth Co., EPA Region V, November 2, 1973. (I.F.&R. No. V-0012C, I.D. No. 93721.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1) and 135b. The action pertained to a shipment made on October 24, 1972, from Chicago, Illinois, to Fairmont, Minnesota. The pesticide involved was **SCENTED MOTH CRYSTALS CURRAN OLD FASHIONED ROSE**; the charge was nonregistration.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$425.00.

1312. EPA v. A. E. Staley Manufacturing Company, Inc., EPA Region V, November 19, 1973. (I.F.&R. No. V-022C, I.D. No. 87331.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); and 136(q)(1)(A). The action pertained to a shipment made on January 23, 1973, from Chicago, Illinois, to Ft. Wayne, Indiana. The pesticide involved was **SNO BOL LIQUID DISINFECTING TOILET BOWL CLEANER**; charges included nonregistration and misbranding—labels bore a false or misleading registration number implying that the product was registered.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$650.00.

1313. EPA v. Universal Cooperatives, Inc., EPA Region V, November 27, 1973. (I.F.&R. No. V-010C, I.D. No. 93823.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E); 136(q)(1)(A); 135(a)(a)(1); and 135b. The action pertained to a shipment made on April 23, 1973, from Alliance, Ohio, to Columbus, Wisconsin. The pesticide involved was **UNICO VAPONA DAIRY SPRAY**; charges included nonregistration and

misbranding—labels bore a false or misleading registration number implying that the product was registered.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$750.00.

1314. EPA v. Universal Cooperatives, Inc., EPA Region V, November 27, 1973. (I.F.&R. No. V-017C, I.D. No. 69334.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E) and 136(q)(1)(G). The action pertained to a shipment made on May 31, 1973, from Alliance, Ohio, to Baltimore, Maryland. The pesticide involved was **UNICO PREMIUM GRAIN FUMIGANT NO. 2**; the charge was misbranding—lack of adequate warning or caution statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$500.00.

1315. Universal Cooperatives, Inc., EPA Region V, November 27, 1973. (I.F.&R. No. V-019C, I.D. No. 86934.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E); 136(q)(1)(A); and 136(c)(1). The action pertained to a shipment made in January, 1973, from Alliance, Ohio, to Indianapolis, Indiana. The pesticide involved was **UNICO GARDEN DUST**; charges included adulteration and misbranding—strength or purity fell below the professed standard of quality represented in labeling.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$500.00.

1316. EPA v. Hyde Oil Company, EPA Region V, December 4, 1973. (I.F.&R. No. V-020C, I.D. No. 101943.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C.

135a(a)(1); 135b; 136j(a)(1)(E); and 136(q)(1)(A). The action pertained to a shipment made on April 4, 1973, from Pipestone, Minnesota, to Mitchell, South Dakota. The pesticide involved was **CIODRIN AND VAPONA INSECTICIDE READY-TO-USE ANIMAL SPRAY SOLUTION**; charges included nonregistration and misbranding—labels bore a false or misleading registration number implying that the product was registered.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$500.00.

1317. EPA v. Farmers Seed and Nursery Company, EPA Region V, January 4, 1974. (I.F.&R. No. V-016C, I.D. Nos. 93756 and 93759.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); and 136(q)(1)(G). The action pertained to a shipment made on February 1, 1973, from Faribault, Minnesota, to Chicago, Illinois. The pesticides involved were **ALASKA DEODORIZED FISH FERTILIZER** and **ROSS SYSTEMIC INSECTICIDE CARTRIDGES**; charges included nonregistration and misbranding—lack of adequate warning or caution statement on labels and claims made for product differed in substance from the representations made in connection with its registration.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$1000.00.

1318. EPA v. Hooker Paint Manufacturing Company, Inc., EPA Region V, January 4, 1974. (I.F.&R. No. V-027C, I.D. No. 87314.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; and 136j(a)(1)(E). The action pertained to a shipment made on May 4, 1974, from Chicago, Illinois, to Brookfield, Wisconsin. The pesticide involved was **PATIO TORCH FUEL**; charges included nonregistration and misbranding—lack of adequate warning statements and lack of an ingredient statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$350.00.

1319. EPA v. Carmel Chemical Corporation, EPA Region V, January 10, 1974. (I.F.&R. No. V-009C, I.D. No. 92820.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E); 136(q)(1)(A); and 136(c)(1). The action pertained to a shipment made on April 6, 1973, from Westfield, Indiana, to San Jose, California. The pesticide involved was **FORMULA GH-19**; charges included adulteration and misbranding—strength or purity fell below the professed standard of quality as expressed on its labeling.

The Default Order assessed a civil penalty of \$600.00.

1320. EPA v. Wetch Chemical, Inc., EPA Region V, January 18, 1974. (I.F.&R. No. V-021C, I.D. No. 92598.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(2)(d); 136j(a)(1)(E); 136(q)(1)(A); 136(q)(1)(G); and 136(c)(1). The action pertained to a shipment made on November 21, 1972, from Dilworth, Minnesota, to Devils Lake, North Dakota. The pesticide involved was **WETCH'S NEW DIPHACIN KILLS RATS & MICE ANTICOAGULANT BAIT**; charges included misbranding and adulteration—strength or purity fell below the standard of quality represented in labeling and labels failed to bear the registration number assigned.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$50.00.

1321. EPA v. Boron Oil Company, Inc., EPA Region V, January 25, 1974. (I.F.&R. No. V-023C, I.D. No. 69110.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); 136(q)(1)(G); 136(q)(2)(A); and 135(o). The action pertained to a shipment made on February 26, 1973, from Cleveland, Ohio, to Chelmsford, Massachusetts. The pesticide involved was **BORON GARDEN LITE**; charges included nonregistration and misbranding—lack of adequate warning or caution statement and lack of adequate ingredient statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$500.00.

1322. EPA v. Federal Chemical Co., Inc. EPA Region V, February 25, 1974. (I.F.&R. No. V-025C, I.D. No. 88131.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E); 136(q)(1)(A); and 136(c)(2). The action pertained to a shipment made on February 16, 1973, from Columbus, Ohio, to Nashville, Tennessee. The pesticide involved was **FEDERAL NEW IMPROVED LAWN MASTER WEED AND FEED WITH SILVEX**; charges included adulteration and misbranding—product contained an additional active ingredient not named on the label and another substance had been substituted wholly or in part for the named ingredient.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$700.00.

1323. EPA v. Satellite Industries, Inc., EPA Region V, March 4, 1974. (I.F.&R. No. V-030C, I.D. No. 94870.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); 136(q)(1)(G); and 136(q)(2)(A). The action pertained to a shipment made on February 5, 1973, from Minneapolis, Minnesota, to Atlanta, Georgia. The pesticide involved was **FRESH WAY CHEMICAL TOILET DEODORIZER**; charges included nonregistration and misbranding—lack of adequate warning

or caution statement and lack of adequate ingredient statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$800.00.

1324. EPA v. Sears Roebuck & Co., EPA Region V, March 18, 1974. (I.F.&R. No. V-026C, I.D. No. 93699.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); 136(q)(1)(G); and 136(q)(2)(A). The action pertained to a shipment made on March 29, 1973, from Minneapolis, Minnesota, to Tomah, Wisconsin. The pesticide involved was **AQUA BOWL CLEANER**; charges included nonregistration and misbranding—lack of adequate warning or caution statement and lack of adequate ingredient statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$3000.00.

1325. EPA v. E. H. Leitte Company, Inc., EPA Region V, April 3, 1974. (I.F.&R. Nos. V-035C and V-041C, I.D. Nos. 93976 and 93978.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E); 135a(a)(1); 136(q)(1)(G); and 136(q)(1)(A). The action pertained to products held for distribution or sale on August 21, 1973, at E. H. Leitte Company, Inc., Lake Elmo, Minnesota. The pesticides involved were **LEITTE PYRENONE AEROSOL FOG** and **LEITTE PYRENONE MILL AND ELEVATOR SPRAY**; charges included claims made for the product differed in substance from the representations made in connection with its registration and misbranding—lack of adequate warning or caution statement and labeling bore a statement as to the safety of the product that was false or misleading.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$500.00.

**1326. EPA v. Agro-Chem, Inc., EPA Region V, April 26, 1974.
(I.F.&R. No. V-028C, I.D. No. 101888.)**

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1). The action pertained to a shipment made on March 21, 1973, from Chicago, Illinois, to Denver, Colorado. The pesticide involved was **AMESCO GROW-CONTROL 18-4-8 WITH CRABGRASS PREVENTER**; charges included the claims made for the product and the directions for its use differed in substance from the representations made in connection with its registration.

A civil penalty of \$550.00 was assessed by Default Order.

1327. EPA v. Stem Distributing Company, EPA Region V, May 10, 1974. (I.F.&R. No. V-057C, I.D. No. 102201.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1) and 135b. The action pertained to a shipment made in May 1973, from Maple Heights, Ohio, to Shawnee Mission, Kansas. The pesticide involved was **BUG-OFF**; the charge was nonregistration.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$750.00.

**1328. EPA v. The Andersons, EPA Region V, May 20, 1974.
(I.F.&R. No. V-039C, I.D. No. 102167.)**

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136(q)(1)(A); and 136j(a)(1)(E). The action pertained to a shipment made on February 28, 1973, from Maumee, Ohio, to Kansas City, Missouri. The pesticide involved was **GREEN TURF FERTILIZER PLUS WEED CONTROL**; charges included nonregistration and misbranding—labels bore a false or misleading registration number implying that product was registered.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$900.00.

1329. EPA v. The Dolphin Paint & Chemical Co., EPA Region V, May 20, 1974. (I.F.&R. No. V-054C, I.D. Nos. 94101, 94106, 94107, 94108, and 94112.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E) and 136(q)(1)(G). The action pertained to products held for distribution or sale on September 11, 1973, at The Dolphin Paint & Chemical Co., Toledo, Ohio. The pesticides involved were **DOLFINITE 9142 COPPER BRONZE BOTTOM PAINT, DOLFINITE COLORPAC 9308 BLACK, DOLFINITE COLORPAC 9306 LIGHT GREEN, DOLFINITE COLOR-PAC 9304 DARK GREEN, and DOLFINITE COLORPAC 9301 TURQUOISE**; the charge was misbranding—lack of adequate warning or caution statements on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$1500.00.

1330. EPA v. Misco International Chemicals, Inc., EPA Region V, May 20, 1974. (I.F.&R. No. V-038C, I.D. No. 102283.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); and 136(q)(1)(G). The action pertained to a shipment made on September 7, 1973, from Wheeling, Illinois, to Wichita, Kansas. The pesticide involved was **ELIMINATE**; charges included nonregistration and misbranding—lack of adequate warning or caution statement and lack of adequate ingredient statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$1875.00.

1331. EPA v. The American Lubricants Company, EPA Region V, May 31, 1974. (I.F.&R. No. V-060-C, I.D. No. 115468.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E) and 136(q)(2)(C)(iii). The action pertained to a product held for distribution or sale on March 8, 1974, at The American Lubricants Company, Dayton, Ohio. The pesticide involved was **TIFFANY WATER-REPELLENT NO-MO-ROT WOOD PRESERVER**; the charge was misbranding—labels failed to bear the required statement of net weight or measure of content.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$500.00.

1332. EPA v. Koos, Inc, EPA Region V, May 31, 1974. (I.F.&R. No. V-042-C, I.D. Nos. 93684 and 93685.)

This was a civil action in which the respondent was charged with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E) and 136(q)(1)(A). The action pertained to shipments made on February 13 and 14, 1973, from Kenosha, Wisconsin, to St. Louis Park, Minnesota. The pesticides involved were **C TO C WEED AND FEED 22.3.6** and **C TO C LAWN FERTILIZER WITH CRABGRASS CONTROL**; the charge was misbranding—labels of both products bore false registration numbers.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$500.00.

1333. EPA v. Chase Products Company, EPA Region V, June 4, 1974. (I.F.&R. No. V-032-C, I.D. No. 93719.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); and 136(q)(1)(A). The action pertained to a shipment made on April 18, 1973, from Broadview, Illinois, to Minneapolis, Minnesota. The pesticide involved was **SUPPRESS WITH SPEARMINT AND DOUBLEMINT**; charges included nonregistration and misbranding—label bore false registration number implying that product was registered.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$750.00.

1334. U.S. v. Tropicals Research, U.S. District Court, Western District of Wisconsin, Criminal No. 73-CR-1, February 6, 1973. (I.F.&R. No. V-8, I.D. Nos. 97745, 75915, 75916, 101212, and 83471.)

This was a criminal action prepared by EPA Region V charging the defendant in a 14 count information with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135a(a)(5); 135(z)(2)(d); 135(z)(2)(e); 135b(a); and 135f. The action pertained to shipments made on October 24, 1969; February 25 and May 5, 1970; and January 18 and September 23, 1971, from Onalaska, Wisconsin, to Decatur, Illinois; Denver, Colorado; and Oakland, California. The pesticides involved were **STERILE DIP**, **BACTICIDE TROPICAL FISH REMEDY**, and **BACTICIDE JR.**; charges included nonregistration and misbranding—lack of adequate warning or caution statement and lack of adequate ingredient statement on labels.

The defendant entered a plea of nolo contendere to counts 1, 6, 10, and 12. The remaining counts were dismissed.

A fine of \$400.00 was levied.

1335. U.S. v. U.S. Continental Labs, Inc., U.S. District Court, Southern District of Texas, Criminal No. 73-H-284, July 19, 1973. (I.F.&R. No. VI-19, I.D. Nos. 96131, 100591 and 87825.)

This was a criminal action prepared by EPA Region VI charging the defendant in a 9 count information with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b(a); 135(z)(2)(k); 135(z)(2)(i); and 40 C.F.R. 162.6(c)(2), 162.7a, 162.7d, and 162.9. The action pertained to shipments made on December 10, 1971; and May 30, June 7, and June 13, 1972, from Houston, Texas, to Metairie, Louisiana; Nashville, Tennessee; and Dedham, Massachusetts. The pesticides involved were **MINUTE MILDEW REMOVER** and **MILDEW REMOVER**; charges included

nonregistration and misbranding—lack of adequate warning or caution statement and lack of adequate ingredient statement on labels.

The defendant entered a plea of guilty on three counts of nonregistration. The remaining counts were dismissed.

A fine of \$2,300.00 was levied. The firm was placed on one year probation with \$2,000.00 of the fine being suspended.

1336. EPA v. Thompson-Hayward Chemical Company, EPA Region VII, April 11, 1974. (I.F.&R. No. VII-31C, I.D. No. 90133.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j; 1361(a); and 135a(a)(1). The action pertained to a shipment made on January 26, 1973, from Kansas City, Kansas, to Kansas City, Missouri. The pesticide involved was **DE PESTER CHLORDANE E-4**; the charge was claims made for the product differed in substance from the representations made in connection with its registration.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$1000.00.

1337. EPA v. San Det Corporation, EPA Region VII, May 21, 1974. (I.F.&R. No. VII-34C, I.D. No. 115210.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1) and 135b. The action pertained to a shipment made on August 9, 1973, from Sumner, Iowa, to South St. Paul, Minnesota. The pesticide involved was **SAN DET BOWL CLEANER**; the charge was nonregistration.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$350.00.

1338. EPA v. Dr. Mayfield Laboratories, EPA Region VII, June 4, 1974. (I.F.&R. No. VII-28C, I.D. Nos. 94484 and 102593.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136(j)(a)(1)(E); and 135(q)(1)(A). The action pertained to a shipment made on March 20, 1973, from Charles City, Iowa, to Blooming Prairie, Minnesota, and to a product held for distribution or sale on November 7, 1973, at Dr. Mayfield Laboratories in Charles City, Iowa. The pesticides involved were **DR. MAYFIELD WATER SOLUBLE WARFARIN** and **DR. MAYFIELD WARFARIN CONCENTRATE**; charges included nonregistration, directions for use on the labels differed in substance from representations made in connection with its registration, and misbranding—labels bore incorrect registration number.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$300.00.

1339. U.S. v. Atlas Chemical Corporation, U.S. District Court, District of Iowa, Criminal No. 74-1, March 19, 1974. (I.F.&R. No. VII-2P, I.D. Nos. 76782, 89474, 98748, 99251, and 99617.)

This was a criminal action prepared by EPA Region VII charging the defendant in a seventeen count information with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b(a); 135a(a)(5); 135(z)(1); 135(z)(2)(b); 135(z)(2)(C); 40 CFR 162.14(a)(5); and 40 CFR 162.10(h). The action pertained to shipments made on July 18, 1969; February 8, March 31 and May 7, 1971; and May 5, 1972, from Cedar Rapids, Iowa, to Cincinnati, Ohio; Hammond, Indiana; Rochester, Minnesota; and Topeka, Kansas. The pesticide involved was **THE GIANT DESTROYER**; charges included nonregistration, claims made in labeling differed in substance from those represented in connection with its registration, and misbranding—lack of adequate directions for use on labels and labels bore false or misleading statements.

The defendant entered a plea of guilty to counts 3 and 11. The remaining counts were dismissed.

A fine of \$200.00 was levied.

1340. U.S. v. Thompson-Hayward Chemical Company, U.S. District Court, District of Kansas, Criminal No. T-CR-1956, March 29, 1974. (I.F.&R. No. VII-5P, I.D. Nos. 70206, 85952, 90134, 92363, 99026, 99073, and 99076.)

This was a criminal action prepared by EPA Region VII charging the defendant in a sixteen count indictment with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135(z)(2)(d); 135b(a); 135a(a)(5); 135(z)(1); 135(y); 135(z)(2)(b); 135(z)(2)(e); 135(z)(2)(c); 136j(a)(1)(C); 136j(a)(1)(B); 136(q)(1)(G); and 136j(a)(1)(E). The action pertained to shipments made on February 10, 1969; October 15, 1970; July 20, 1971; May 30 and November 9, 1972; and January 26, 1973, from Kansas City, Kansas, to New Orleans, Louisiana; Kansas City, Missouri; Edina, Missouri; Raytown, Missouri; and Kansas City, Missouri. The pesticides involved were **DE-PESTER DED WEED FOR LAWNS, DE-PESTER GARDEN DUST, DE-PESTER CHLORDANE E-4, DE-PESTER TOMATO DUST, TH DED-WEED LV-33 BRUSH KILL, DE-PESTER CHLORDANE E-8, and DE-PESTER FRUIT TREE SPRAY**; charges included nonregistration, labeling differed in substance from that represented in connection with its registration, adulteration and misbranding—contaminated with an additional active ingredient not declared in labeling, lack of adequate warning or caution statement and lack of adequate directions for use on labels.

The defendant entered a plea of nolo contendere to counts II, IV, and XII. The remaining counts were dismissed.

A fine of \$2,500.00 was levied.

1341. EPA v. The Dune Company, EPA Region IX, April 9, 1974. (I.F.&R. No. IX-40C, I.D. No. 92774.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(A); 135a(a)(1); and 135b. The action pertained to a shipment made on October 15, 1973, from Calipatria, California,

to Somerton, Arizona. The pesticide involved was **PROKILL LANNATE B.T. 2-2 DUST**; the charge was nonregistration.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$5000.00.

1342. EPA v. Empire Chemical Company, EPA Region IX, April 29, 1974. (I.F.&R. No. IX-46C, I.D. No. 92913.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E); 136(q)(1)(A); and 135a(a)(1). The action pertained to a product held for distribution or sale on September 25, 1974, at Empire Chemical Co., Los Angeles, California. The pesticide involved was **SC-10**; charges included composition differed from that represented in connection with its registration and misbranding—label bore false or misleading statements.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$750.00.

1343. EPA v. M. R. McClelland Sons, Inc., EPA Region X, July 2, 1973. (I.F.&R. No. X-8, I.D. No. 75184.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); 136 (q)(1)(G); 136(q)(2)(A); 135(o); and 136(q)(2)(C)(iii). The action pertained to a shipment made on November 8, 1972, from Tacoma, Washington, to Missoula, Montana. The pesticide involved was **FORMULA "B"**; charges included nonregistration and misbranding—lack of adequate warning or caution statement, lack of adequate ingredient statement and lack of net weight or measure of content statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$100.00.

1344. EPA v. Nulife Fertilizers Division, Hygrade Food Products Corporation, EPA Region X, July 2, 1973. (I.F.&R. No. X-9, I.D. No. 103839.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1) and 135b. The action pertained to a shipment made on March 15, 1973, from Tacoma, Washington, to Portland, Oregon. The pesticide involved was **NULIFE IRON SULPHATE**; the charge was nonregistration.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$500.00.

1345. EPA v. Pacemaker Corporation, EPA Region X, July 2, 1973. (I.F.&R. No. X-10, I.D. Nos. 88234 and 88326.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); 136(q)(1)(G); and 136(q)(2)(A). The action pertained to shipments made on July 26 and November 8, 1972, from Portland, Oregon, to Charlotte, North Carolina, and Atlanta, Georgia. The pesticide involved was **PACEMAKER CONCENTRATED INSTRUMENT DISINFECTANT**; charges included nonregistration and misbranding—lack of adequate warning or caution statement and lack of adequate ingredient statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$500.00.

1346. EPA v. Wine-Art Oregon, Inc., EPA Region X, March 4, 1974. (I.F.&R. No. X-5C, I.D. No. 101990.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); 136(q)(1)(G); and 136(q)(1)(F). The action pertained to a shipment made on June 21, 1973, from Portland, Oregon to Denver, Colorado. The pesticide involved was **WINE-ART CHLORINE STERILIZER**; charges included

nonregistration and misbranding—lack of adequate warning or caution statement and lack of adequate directions for use on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$50.00.

1347. EPA v. Pace National Corporation, EPA Region X, April 3, 1974. (I.F.&R. No. X-4C, I.D. No. 93026.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); 136(q)(1)(G); and 136(q)(1)(F). The action pertained to a shipment made on April 16, 1973, from Seattle, Washington, to Fort Richardson, Alaska. The pesticide involved was **MAGNOLIA WEED AND FEED**; charges included nonregistration and misbranding—lack of adequate warning or caution statement and lack of adequate directions for use on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$1,000.00.

1348. EPA v. Alaska Fish Fertilizer Company, Inc., EPA Region X, May 10, 1974. (I.F.&R. No. X-6C, I.D. No. 103941.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135a(a)(1); 135b; 136j(a)(1)(E); 136(q)(1)(G); 136(q)(2)(A); and 135(o). The action pertained to a shipment made on July 18, 1973, from Renton, Washington, to Portland, Oregon. The pesticide involved was **ALASKA DEODORIZED FISH FERTILIZER**; charges included nonregistration and misbranding—lack of adequate warning or caution statement and lack of adequate ingredient statement on labels.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$800.00.

1349. EPA v. Olympic Stain Company, EPA Region X, May 29, 1974. (I.F.&R. No. X-7C, I.D. No. 93071.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E); 136(q)(1)(A); and 136(c)(1). The action pertained to a product held for distribution or sale on September 27, 1973, at Comerco, Inc., dba Olympic Stain Company, Seattle, Washington. The pesticide involved was **OLYMPIC POLAR WHITE**; charges included misbranding and adulteration—strength or purity of product fell below that represented on its labeling.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$800.00.

1350. EPA v. Webfoot Fertilizer Co., Inc., EPA Region X, June 3, 1974. (I.F.&R. No. X-9C, I.D. No. 103940.)

This was a civil action charging the respondent with violating the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136j(a)(1)(E); 136(q)(1)(A); and 136(c)(1). The action pertained to a product held for distribution or sale on November 29, 1973, at Webfoot Fertilizer Co., Inc., Portland, Oregon. The pesticide involved was **WEBFOOT MOSS KILLER AND LAWN FOOD**; charges included misbranding and adulteration—strength or purity of product fell below that represented on its labeling.

The respondent signed a Consent Agreement. The Final Order assessed a civil penalty of \$800.00.

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