



Marketing Claim

Labelling claims addressing treated articles and substances incorporating NBM antimicrobial Bactiblock®

This document provides guidance to producers of treated articles and substances using preservatives to protect them from microbial deterioration providing that the incorporated pesticide is registered for use in or on the article or substance.

Products treated with antimicrobial BactiBlock® whose claims are under following guidelines are likely to be acceptable under the “treated articles exemption” in 40 CFR 152.25(a)¹.

Treated article label Claims GUIDELINES:

Products treated with antimicrobial pesticides registered for such use and which only bear non public health claims for protection of the article or substance itself, are likely to be acceptable and eligible for the “treated articles exemption”.

01. Examples of Labelling **Unacceptable** Claims

Treated articles would lead to a requirement to register the article as a pesticide product if contains following PUBLIC HEALTH CLAIMS, because they imply or express protection that extends beyond the treated article or substance itself (the following examples are not intended to be an all-inclusive listing of unacceptable treated article labeling claims):

- Antibacterial
- Bactericidal
- Germicidal
- Kills pathogenic bacteria.
- Effective against *E. coli* and *Staphylococcus*.
- Reduces the risk of food-borne illness from bacteria.
- Provides a germ-resistant surface.
- Provides a bacteria-resistant surface.
- Surface kills common gram positive and negative bacteria.
- Surface controls both gram positive and negative bacteria.
- Surface minimizes the growth of both gram positive and negative bacteria.
- Reduces risk of cross-contamination from bacteria.
- Controls allergy causing microorganisms.
- Improves indoor air quality through the reduction of microorganisms.

¹EPA regulations in 40 CFR 152.25(a) exempt certain treated articles and substances from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) if specific conditions are met. Guidelines described in this document are based on EPA Policy. See references at the end of the present document for more information.

02. Examples of Labelling Acceptable Claims

Products treated with antimicrobial pesticides (ex. BactiBlock®), registered for such use and which only bear NON PUBLIC HEALTH CLAIMS for protection of the article or substance itself, are likely to be acceptable and eligible for the “treated articles exemption” with following labelling claims (the following examples are not intended to be an all-inclusive listing of acceptable treated article labeling claims).

MOLD AND MILDEW RESISTANT CLAIMS

- This article has been treated with a fungistatic agent to protect the product from fungal growth.
- Mildew Resistant – treated with a fungistatic agent to protect the paint itself from the growth of mildew.
- Mildew Resistant – This paint contains a preservative which inhibits the growth of mildew on the surface of this paint film.
- Mildew Resistant – Extends useful life of article by controlling deterioration caused by mildew.
- Algae Resistant – This article contains a preservative to prevent discoloration by algae.
- A fungistatic agent has been incorporated into the article to make it resistant to stain caused by mildew.
- Article treated to resist deterioration by mold fungus. o Article treated to resist deterioration from mildew.
- The fungistatic agent in this article makes it especially useful for resisting deterioration caused by mildew.
- Dry coating of this paint mildew resistant. o Dried paint film resists mold fungus.
- Dry enamel coating resists discoloration from mildew. o Cured sealant is mildew resistant.
- Dried film resists stains by mold.
- A mold or mildew resisting component has been incorporated in this article to make its dry film mildew resistant.
- Specially formulated to resist mildew growth on the paint film. o Gives mildew-resistant.
- The mildew resistance of this outside house paint film makes it especially useful in high humidity areas.
- Retards paint film spoilage.
- Resists film attack by mildew.

02. Examples of Labelling Acceptable Claims

ODOR RESISTANT CLAIMS

- This product contains an antimicrobial agent to control odors.
- This product contains an antimicrobial agent to prevent microorganisms fromgrading the product.
- Resists Odors – This product has been treated to resist bacterial odors. o Inhibits the growth of bacterial odors.
- Resists microbial odor development.
- Retards the growth and action of bacterial odors.
- Guards against the growth of odors from microbial causes. o Guards against degradation from microorganisms.
- Reduces odors from microorganisms.
- Odor-resistant.
- Acts to mitigate the development of odors.

03. Other Claim Considerations

Claims such as “antimicrobial,” “fungistatic,” “mildew-resistant,” and “preservative” or related terms are NOT acceptable with the intent of 40 CFR 152.25(a) if they are:

- Part of the name of the product; or
- Not properly qualified as to their intended non-public health use.

Examples of permissible statements would include, but not be limited to:

- “Antimicrobial properties built in to protect the product” and
- “Provides mildew-resistant dried paint coating.”

All references to the pesticidal properties and the required qualifying statements should be located together, should be printed in type of the same size, style, and color, and should be given equal prominence. Moreover, such references should not be given any greater prominence than any other described product feature.

REFERENCES: Labelling Claims guidelines stated in this document are based in EPA Pesticide Registration (PR) Notice to Manufacturers, formulator, producers and registrants of pesticide products. For more information regarding Non Public Health Claims and Public Health Claims for treated articles please consult complete regulation in LINK: http://www.epa.gov/PR_Notices/pr2000-1