



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 WYNKOOP STREET  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

OCT 18 2007

Ref: 8ENF-UFO

**Certified Mail**  
**Return Receipt Requested**

Dustin Stein  
Jinx Distributing  
1275 Foxcrest Court  
Park City, Utah 84098

Re: Stop Sale, Use, Or Removal Order

Dear Mr. Stein:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136 *et seq.*, the U.S. Environmental Protection Agency (EPA or the Agency) has determined that Jinx Distributing is selling or distributing a pesticide, Advantage flea and tick treatment for cats and dogs, which is not registered with the EPA, and may be selling unregistered Frontline flea and tick treatment.

Based on the sale or distribution of unregistered Advantage flea and tick treatment for cats and dogs, and an inspection conducted by the Utah Department of Agriculture and Food, we are issuing the enclosed Stop Sale, Use, Or Removal Order (Enclosure 1) pertaining to products under your control and strongly recommend that your company take immediate steps to withdraw this pesticide product from the market. Specifically:

1. Your company should identify and be prepared to notify EPA of the locations of all quantities of unregistered Advantage and Frontline flea and tick treatment for cats and dogs in stock, sold or distributed by Jinx Distributing and the amount of such pesticide product;
2. Your company should request the return of all quantities of the pesticide product to your company from all purchasers;
3. You should inform us of: (a) all steps your company has taken in connection with the recall of this pesticide product, and (b) the completeness of the recall action.



The Agency will monitor and supervise this action through the Office of Enforcement, Compliance & Environmental Justice, U.S. EPA Region VIII, 1595 Wynkoop Street, Denver, CO 80202. You are requested to contact David Golden at (303) 312-6501 to discuss your proposed follow-up. Regardless of your actions, the Agency is issuing a Stop Sale, Use or Removal Order (SSURO) pursuant to FIFRA Section 13, 7 U.S.C. § 136k, at this time and may also issue a civil administrative action pursuant to FIFRA Sections 14, 7 U.S.C. § 136l.

You have the opportunity to discuss these actions with EPA. You are encouraged to present your views either orally or in writing. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, reading "Mark A.R. Chalfant". The signature is written in dark ink and is positioned above the printed name and title.

Mark A.R. Chalfant, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2007 OCT 18 AM 11:57

Docket No.: FIFRA-08-2008-0002

EPA REGIONAL VIO  
HEARING OFFICE

To: \_\_\_\_\_ )  
 )  
Dustin Stein )  
Jinx Distributing )  
1275 Foxcrest Court )  
Park City, Utah 84098 )

**STOP SALE, USE, OR  
REMOVAL ORDER**

**A. INTRODUCTION**

1. The United States Environmental Protection Agency (EPA) is authorized under Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), as amended, 7 U.S.C. § 136(k)(a), to issue orders prohibiting the sale, use, or removal of any pesticide whenever there is reason to believe the pesticide is in violation of any provision of FIFRA.
2. The Director of the Technical Enforcement Program has been duly delegated the authority to issue such orders.
3. FIFRA § 12(a)(1)(A), 7 U.S.C. § 136(j)(a)(1)(A), provides that it shall be unlawful for any person in any State to distribute or sell to any person any pesticide this is not registered under section 3 or whose registration has been canceled or suspended, except to the extent that distribution or sale otherwise has been authorized by the Administrator under this Act.

**B. ORDER**

4. EPA hereby orders Jinx Distributing to stop the sale, use, or removal of Advantage and Frontline flea and tick products owned by, controlled by, or in the custody of Jinx Distributing that are not registered with the U.S. EPA. The stop sale order extends to all Advantage and Frontline products without a valid EPA registration number and establishment number.
5. This Order pertains to all quantities and sizes of Advantage flea and tick products for cats and dogs and Frontline flea and tick treatment for cats and dogs within the ownership, control, or custody of Jinx Distributing that are not registered with U.S. EPA. The product shall not be sold, used, or removed other than in accordance with the provisions of this Order or any further Stop Sale, Use, or Removal Order that may be issued in connection with Advantage and Frontline flea and tick treatment products to Jinx Distributing.
6. Any person violating the terms or provisions of this Order shall be subject to CIVIL or CRIMINAL PENALTIES or both as set forth in FIFRA § 14, 7 U.S.C. § 136(l).
7. This order shall be EFFECTIVE IMMEDIATELY upon receipt by any representative of Jinx Distributing.

### C. BASIS FOR ORDER

8. On September 27, 2007, an inspector from the Utah Department of Agriculture and Food conducted an inspection to determine if sales of Advantage and Frontline products were in compliance with FIFRA. Subsequent to that inspection, it was determined that Jinx Distributing is distributing or selling a pesticide, Advantage flea and tick treatment products, which is not registered under section 3 of FIFRA. The inspection was conducted as a result of a complaint made to EPA by a private citizen who purchased a box of Advantage from Jinx Distributing on eBay that did not have a valid EPA registration number or EPA establishment number.

9. As the seller and distributor of a pesticide, Jinx Distributing is in violation of FIFRA § 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), which provides in relevant part that it shall be unlawful for any person in any State to distribute or sell to any person not registered under section 3 of FIFRA.

### D. OTHER MATTERS

10. For resolution of this Order, you are encouraged to contact:

David Golden  
US EPA Region 8 (ENF-UFO)  
1595 Wynkoop Street  
Denver, CO 80202  
303.312.6501

11. This Stop, Sale, Use or Removal Order will be supervised by the US EPA Region 8 Technical Enforcement Program unless you are otherwise notified.

10-18-2007  
Date



Mark A.R. Chalfant, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice