

www.liphatech.com: “**Superior Weatherability** - Rozol does not lose its effectiveness when wet. It outlasts Zinc Phosphide.” (Emphasis in original).

282. This claim is substantially different than any claim made for “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, as part of its May 13, 2009 “accepted label.”

283. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

284. On November 18, 2009, Respondent made the following claims in the Product Information sheet regarding “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, on www.liphatech.com: “**Provides control, regardless** - With many alternative methods, if the target rodent is not in the burrow during application - success is reduced or control is lost altogether.”(Emphasis in original).

285. This claim is substantially different than any claim made for “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, as part of its May 13, 2009 “accepted label.”

286. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

287. On November 18, 2009, Respondent made the following claims in the Product Information sheet regarding “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, on www.liphatech.com: “**Best Bait Acceptance & Favorable Toxicity Profile** - According to the EPA’s overall risk assessment, Rozol offers lower overall risk than Zinc Phosphide or Diphacinone, And Prairie dogs will eat it in the burrow, so there is less risk to non-target wildlife.” (Emphasis in original).

288. This claim is substantially different than any claim made for “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, as part of its May 13, 2009 “accepted label.”

289. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

290. On November 18, 2009, Respondent made the following claims in the Product Information sheet regarding “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, on www.liphatech.com: “**Lower Primary Poisoning Potential** - Rozol’s toxicity to birds is 20X (times) less than for ZP. Rozol less toxic to dogs than ZP or Diphacinone.” (Emphasis in original).

291. This claim is substantially different than any claim made for “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, as part of its May 13, 2009 “accepted label.”

292. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

*Claims in brochure entitled “Control Range Rodents”
regarding “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286,
on November 18, 2009*

293. On November 18, 2009, Respondent made the following claims in its brochure entitled “*Control Range Rodents*” regarding “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, on www.liphatech.com: “**Outstanding Single Application Effectiveness**” (Emphasis in original).

294. This claim is substantially different than any claim made for “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, as part of its May 13, 2009 “accepted label.”

295. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

296. On November 18, 2009, Respondent made the following claims in its brochure entitled “*Control Range Rodents*” regarding “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286,

on www.liphatech.com: “**Proven Reliability** - In university trials on over 11,400 burrows to provide over 94% control in one treatment (when properly and thoroughly applied to all active burrows in a colony).” (Emphasis in original).

297. This claim is substantially different than any claim made for “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, as part of its May 13, 2009 “accepted label.”

298. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

299. On November 18, 2009, Respondent made the following claims in its brochure entitled “*Control Range Rodents*” regarding “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, on www.liphatech.com: “**Highly Palatable** - Food-grade winter wheat grain (10% protein) is a preferred feed source for field rodents and provides excellent acceptance and control” (Emphasis in original).

300. This claim is substantially different than any claim made for “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, as part of its May 13, 2009 “accepted label.”

301. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

302. On November 18, 2009, Respondent made the following claims in its brochure entitled “*Control Range Rodents*” regarding “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, on www.liphatech.com: “**Superior Weatherability** - Rozol does not lose its effectiveness when wet - it outlasts zinc phosphide and can be used under diverse weather conditions.” (Emphasis in original).

303. This claim is substantially different than any claim made for “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, as part of its May 13, 2009 “accepted label.”

304. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

305. On November 18, 2009, Respondent made the following claims in its brochure entitled "*Control Range Rodents*" regarding "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286, on www.liphatech.com: "**Easy-to-Use/Less Work** - No need to pre-treat and less repeat applications." (Emphasis in original).

306. This claim is substantially different than any claim made for "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286, as part of its May 13, 2009 "accepted label."

307. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

308. On November 18, 2009, Respondent made the following claims in its brochure entitled "*Control Range Rodents*" regarding "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286, on www.liphatech.com: "**Lower Primary Poisoning Potential to Non-Target Birds and Livestock** - Rozol's primary toxicity to birds is much less than that of acute toxicants." (Emphasis in original, footnote deleted).

309. This claim is substantially different than any claim made for "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286, as part of its May 13, 2009 "accepted label."

310. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

***Claims in brochure entitled “Control Range Rodents”
regarding “Rozol,” EPA Reg. No. 7173-244,
on November 18, 2009***

311. On November 18, 2009, Respondent made the following claims in its brochure entitled “*Control Range Rodents*” regarding “Rozol,” EPA Reg. No. 7173-244, on www.liphatech.com: “**Outstanding Single Application Effectiveness**” (Emphasis in original).

312. This claim is substantially different than any claim made for “Rozol,” EPA Reg. No. 7173-244, as part of its March 2, 2005 “accepted label.”

313. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

314. On November 18, 2009, Respondent made the following claims in its brochure entitled “*Control Range Rodents*” regarding “Rozol,” EPA Reg. No. 7173-244, on www.liphatech.com: “**Proven Reliability** - In university trials on over 11,400 burrows to provide over 94% control in one treatment (when properly and thoroughly applied to all active burrows in a colony).” (Emphasis in original).

315. This claim is substantially different than any claim made for ““Rozol,” EPA Reg. No. 7173-244, as part of its March 2, 2005 “accepted label.”

316. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

317. On November 18, 2009, Respondent made the following claims in its brochure entitled “*Control Range Rodents*” regarding “Rozol,” EPA Reg. No. 7173-244, on www.liphatech.com: “**Highly Palatable** - Food-grade winter wheat grain (10% protein) is a preferred feed source for field rodents and provides excellent acceptance and control” (Emphasis in original).

318. This claim is substantially different than any claim made for “Rozol,” EPA Reg. No. 7173-244, as part of its March 2, 2005 “accepted label.”

319. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

320. On November 18, 2009, Respondent made the following claims in its brochure entitled “*Control Range Rodents*” regarding “Rozol,” EPA Reg. No. 7173-244, on www.liphatech.com: “**Superior Weatherability** - Rozol does not lose its effectiveness when wet - it outlasts zinc phosphide and can be used under diverse weather conditions.” (Emphasis in original).

321. This claim is substantially different than any claim made for “Rozol,” EPA Reg. No. 7173-244, as part of its March 2, 2005 “accepted label.”

322. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

323. On November 18, 2009, Respondent made the following claims in its brochure entitled “*Control Range Rodents*” regarding “Rozol,” EPA Reg. No. 7173-244, on www.liphatech.com: “**Easy-to-Use/Less Work** - No need to pre-treat and less repeat applications.” (Emphasis in original).

324. This claim is substantially different than any claim made for “Rozol,” EPA Reg. No. 7173-244, as part of its March 2, 2005 “accepted label.”

325. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

326. On November 18, 2009, Respondent made the following claims in its brochure entitled “*Control Range Rodents*” regarding “Rozol,” EPA Reg. No. 7173-244, on

www.liphatech.com: “**Lower Primary Poisoning Potential to Non-Target Birds and Livestock** - Rozol’s primary toxicity to birds is much less than that of acute toxicants.”

(Emphasis in original, footnote deleted).

327. This claim is substantially different than any claim made for “Rozol,” EPA Reg. No. 7173-244, as part of its March 2, 2005 “accepted label.”

328. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

329. On February 10, 2010, this inspector conducted another search of www.liphatech.com.

330. On February 10, 2010, Respondent’s website at www.liphatech.com made the same claims as it did on November 18, 2009.

331. On February 19, 2010, this inspector conducted another search of www.liphatech.com.

332. On February 19, 2010, Respondent’s website at www.liphatech.com made the same claims as it did on November 18, 2009.

333. On February 23, 2010, this inspector conducted another search of www.liphatech.com.

334. On February 23, 2010, Respondent’s website at www.liphatech.com made the same claims as it did on November 18, 2009.

***Claims in the Product Information Sheet
regarding “Rozol,” EPA Reg. No. 7173-244
on February 23, 2010***

335. On February 23, 2010, Respondent made the following claims in its Product Information sheet regarding “Rozol,” EPA Reg. No. 7173-244, on www.liphatech.com: “More

readily available and less toxic than strychnine-treated millo products labeled for burrow-builder use.”

336. This claim is substantially different than any claim made for “Rozol,” EPA Reg. No. 7173-244, as part of its March 2, 2005 “accepted label.”

337. This claim constitutes misbranding because it is false and misleading in accordance with 40 C.F.R. § 156.10(a)(5).

338. The information on Respondent’s website at www.liphatech.com, on November 18, 2009, constitutes advertisements, subject to the requirements of 40 C.F.R. § 168.22.

339. The information on Respondent’s website at www.liphatech.com, on February 10, 2010, constitutes advertisements, subject to the requirements of 40 C.F.R. § 168.22.

340. The information on Respondent’s website at www.liphatech.com, on February 19, 2010, constitutes advertisements, subject to the requirements of 40 C.F.R. § 168.22.

341. The information on Respondent’s website at www.liphatech.com, on February 23, 2010, constitutes advertisements, subject to the requirements of 40 C.F.R. § 168.22.

342. On November 18, 2009 through February 23, 2010, Respondent’s website, www.liphatech.com, offered “Rozol,” EPA Reg. No. 7173-244, for distribution or sale as that term is defined in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), and 40 C.F.R. § 152.3.

343. The claims made on Respondent’s website from November 18, 2009 through February 23, 2010, were made as a part of the distribution or sale of “Rozol,” EPA Reg. No. 7173-244.

344. On November 18, 2009 through February 23, 2010, Respondent’s website, www.liphatech.com, offered “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, for distribution

or sale as that term is defined in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), and 40 C.F.R. § 152.3.

345. The claims made on Respondent's website from November 18, 2009 through February 23, 2010, were made as a part of the distribution or sale of "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286.

346. On March 4, 2010, due to the claims Respondent was making on its website, www.liphatech.com, from November 18, 2009 through February 23, 2010, EPA issued another SSURO to Respondent regarding "Rozol," EPA Reg. No. 7173-244.

347. The March 4, 2010 SSURO also addressed "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286.¹

348. Under the August 22, 2008 Amended SSURO, Respondent was prohibited from distributing marketing material or labeling regarding "Rozol," EPA Reg. No. 7173-244, until any such material was reviewed by EPA.

349. EPA did not approve nor authorize the advertisements that were found on Respondent's website, www.liphatech.com, on November 18, 2009, February 10, 2010, February 19, 2010, and February 23, 2010 regarding "Rozol," EPA Reg. No. 7173-244.

350. EPA did not approve nor authorize the advertisements that were found on Respondent's website, www.liphatech.com, on November 18, 2009, February 10, 2010, February 19, 2010, and February 23, 2010 regarding "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286.

351. EPA did not approve the distribution of any advertisements that were found on Respondent's website, www.liphatech.com, on November 18, 2009, February 10, 2010, February 19, 2010 and February 23, 2010 in the form of any literature, flyers, or advertisements to

¹ The March 4, 2010 SSURO also covered a third product, "Rozol Pocket Gopher Bait," EPA Reg. No. 7173-184.

Respondent's distributor partners for either "Rozol," EPA Reg. No. 7173-244, nor "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286.

352. After the March 4, 2010 Federal SSURO was issued, Respondent sent letters to 48 of its distribution partners (*See Attachment I*) requesting that they each destroy/disregard "any and all literature, flyers, advertisements" regarding "Rozol," EPA Reg. No. 7173-244, and "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286, including brochures entitled "*Control Range Rodents*," dated September 24, 2009 or older.

353. The claims made to Respondent's 48 distribution partners through its advertisements, which included brochures entitled "*Control Range Rodents*," dated September 24, 2009 or older, were made as a part of the distribution or sale of "Rozol," EPA Reg. No. 7173-244.

354. The claims made to Respondent's 48 distribution partners through its advertisements, which included brochures entitled "*Control Range Rodents*," dated September 24, 2009 or older, were made as a part of the distribution or sale of "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286.

355. Between on or about September 24, 2009 and on or about February 23, 2010, Respondent offered for sale, "Rozol," EPA Reg. No. 7173-244, to 48 separate distributor partners (*See Attachment I*).

356. Between on or about September 24, 2009 and on or about February 23, 2010, Respondent offered for sale, "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286, to 48 separate distributor partners (*See Attachment I*).

Prefiling Notices

357. On September 18, 2009, Complainant issued a Notice of Intent to File an Administrative Complaint against Liphatech, Inc. to Respondent.

358. On April 1, 2010, Complainant issued an Updated Notice of Intent to File an Administrative Complaint (Updated Notice) against Liphatech, Inc. to Respondent.

359. In the Updated Notice, EPA advised Respondent that it was planning to file an administrative complaint for civil penalties against Liphatech, Inc., for violations of FIFRA as follows: (a) Liphatech distributed or sold registered pesticides, "Rozol Pocket Gopher Bait Burrow Builder Formula," EPA Reg. No. 7173-244, and "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286, with claims made for them as part of their distribution or sale that substantially differed from claims made for them as part of the statements required in connection with their registrations under Section 3 of FIFRA in violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B); (b) Liphatech distributed or sold "Rozol Pocket Gopher Bait Burrow Builder Formula," EPA Reg. No. 7173-244, and "Rozol Prairie Dog Bait," EPA Reg. No. 7173-286, which were misbranded in violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E); and (c) Liphatech advertised "Rozol Pocket Gopher Bait Burrow Builder Formula," EPA Reg. No. 7173-244, a product registered under FIFRA for restricted use, without giving the classification of the product assigned to it under Section 3 of FIFRA in violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E).

360. The April 1, 2010 Updated Notice identified a proposed penalty of \$2,941,456, although the letter specified that the notice was not a demand to pay a penalty.

361. The Updated Notice advised Respondent to submit the following financial documentation if Respondent believed it was unable to pay the proposed penalty because of

financial reasons: audited or certified complete financial statements including balance sheets, income statements and all notes to the financial statements, and the company's signed income tax returns with all schedules and amendments for the last three years. The Respondent was also advised to send this financial information for itself as well as for all its parent corporations up to and including the ultimate parent of the corporate family.

362. Respondent, Liphatech Inc., is a wholly owned subsidiary of DeSangosse, located in France.

363. DeSangosse's Headquarters is located in Pont Du Casse, France.

364. On March 25, 2010, DeSangosse's website, www.desangosse.com, stated "the company (DeSangosse) in 2009 recorded a turnover of €272 million."

365. The Dun & Bradstreet, Inc., Corporate Leads Portal report for Liphatech, Inc., dated April 2, 2008 estimated its annual sales to be \$39,500,000.

366. To date, Respondent has not submitted any financial information to support a claim that it is unable to pay the proposed penalty of \$2,941,456.

367. Respondent has the ability to continue in business if it pays the proposed penalty of \$2,941,456.

368. For purposes of calculating the proposed penalty under EPA's *Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act*, dated December 2009, Respondent's gross revenues from all revenue sources based on Respondent's entire corporate family, including its parent company, during calendar year 2009 were over \$10,000,000.

Counts 1 through 120

369. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

370. On or about October 8, 2007 to on or about December 21, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 120 separate occasions by broadcasting 120 separate radio advertisements on *KXXX-AM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See Attachment E*).

371. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 120 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 120 separate occasions.

Counts 121 through 349

372. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

373. On or about January 15, 2008 to on or about March 2, 2008, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 229 separate occasions by broadcasting 229 separate radio advertisements on *KBUF* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See Attachment F*).

374. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 229 separate occasions subjects Respondent to the issuance of an

Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 229 separate occasions.

Counts 350 through 671

375. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

376. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 322 separate occasions by broadcasting 322 separate radio advertisements on *KICX-AM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See* Attachment G).

377. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 322 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 322 separate occasions.

Counts 672 through 993

378. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

379. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 322 separate occasions by broadcasting 322 separate radio advertisements on *KBRL-AM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See* Attachment G).

380. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 322 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 322 separate occasions.

Counts 994 through 1053

381. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

382. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 60 separate occasions by broadcasting 60 separate radio advertisements on *KRKU-FM* regarding "Rozol," EPA Reg. No. 7173-244, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction. (*See Attachment G*).

383. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 60 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 60 separate occasions.

Counts 1054 through 1349

384. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

385. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 296 separate occasions by broadcasting 296 separate radio advertisements on *KJBL-FM* regarding "Rozol," EPA Reg. No.

7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See* Attachment G).

386. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 296 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 296 separate occasions.

Counts 1350 through 1488

387. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

388. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 139 separate occasions by broadcasting 139 separate radio advertisements on *KFNF-FM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See* Attachment G).

389. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 139 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 139 separate occasions.

Counts 1489 through 1548

390. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

391. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 60 separate occasions by

broadcasting 60 separate radio advertisements on *KADL-FM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See* Attachment G).

392. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 60 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 60 separate occasions.

Counts 1549 through 1870

393. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

394. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 322 separate occasions by broadcasting 322 separate radio advertisements on *KSTH-FM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See* Attachment G).

395. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 322 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 322 separate occasions.

Counts 1871 through 2058

396. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

397. On or about November 20, 2007 to on or about April 26, 2008, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 188 separate occasions by broadcasting 188 separate radio advertisements on *KGNC-AM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See Attachment H*).

398. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 188 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 188 separate occasions.

Counts 2959 through 2117

399. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

400. On or about November 20, 2007 to on or about April 26, 2008, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 59 separate occasions by broadcasting 59 separate radio advertisements on *KXGL-FM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See Attachment H*).

401. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 59 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 59 separate occasions.

Count 2118

402. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

403. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the October 2007 issue of *Cattle Guard*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

404. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2119

405. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

406. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the October 2007 issue of *Kansas Stockman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

407. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2120

408. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

409. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the November 2007 issue of *Kansas Stockman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

410. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2121

411. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

412. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the January 2008 issue of *Kansas Stockman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

413. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2122

414. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

415. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the February 2008 issue of *Kansas Stockman*,

which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

416. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2123

417. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

418. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the October 2007 issue of *Nebraska Cattleman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

419. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2124

420. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

421. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the November 2007 issue of *Nebraska Cattleman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

422. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2125

423. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

424. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising "Rozol," EPA Reg. No. 7173-244, in the December 2007 issue of *Nebraska Cattleman*, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction.

425. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2126

426. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

427. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising "Rozol," EPA Reg. No. 7173-244, in the January 2008 issue of *Nebraska Cattleman*, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction.

428. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2127

429. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

430. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the February 2008 issue of *Nebraska Cattleman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

431. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2128

432. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

433. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the February 2008 issue of *Oklahoma Cowman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

434. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2129

435. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

436. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the October 2007 issue of *The Cattleman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

437. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2130

438. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

439. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the November 2007 issue of *The Cattleman* which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

440. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. §136l(a).

Count 2131

441. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

442. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the March 2008 issue of *The Cattleman*, which

did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

443. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2132

444. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

445. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the April 2008 issue of *The Cattleman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

446. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2133

447. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

448. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the February 16, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

449. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2134

450. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

451. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising "Rozol," EPA Reg. No. 7173-244, in the February 23, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction.

452. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2135

453. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

454. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising "Rozol," EPA Reg. No. 7173-244, in the March 1, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction.

455. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2136

456. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

457. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the March 8, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

458. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2137

459. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

460. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the March 15, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

461. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2138

462. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

463. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the March 22, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

464. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2139

465. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

466. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the March 29, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

467. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2140

468. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

469. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the April 5, 2008, weekly issue of *Wyoming*

Livestock Roundup, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

470. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2141

471. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

472. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about October 1, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to United Suppliers Inc., located at 30473 260th Street, Eldora, Iowa 50627, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

473. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about October 1, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to United Suppliers Inc., located at 30473 260th Street, Eldora, Iowa 50627, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

474. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2142

475. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

476. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about October 8, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Agriliance Service Center, located at East Highway 23 and 61, Grant, Nebraska 69341, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

477. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about October 8, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Agriliance Service Center, located at East Highway 23 and 61, Grant, Nebraska 69341, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

478. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2143

479. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

480. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about October 19, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Agriliance Service Center, located at 1250 Rundell Road, Gering, Nebraska 69341, with claims

made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

481. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about October 19, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Agriliance Service Center, located at 1250 Rundell Road, Gering, Nebraska 69341, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

482. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2144

483. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

484. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about October 29, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Jim Knuth, located at 104 Applewood Court, Council Bluffs, Iowa 51503, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

485. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about October 29, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Jim Knuth, located at 104 Applewood Court, Council

Bluffs, Iowa 51503, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

486. Respondent's violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2145

487. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

488. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 3, 2007, by distributing or selling "Rozol," EPA Reg. No. 7173-244, to Estes, Inc., located at 11333 East 55th Avenue, Unit C, Denver, Colorado 80239, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 "accepted label."

489. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about December 3, 2007, by distributing or selling "Rozol," EPA Reg. No. 7173-244, to Estes, Inc., located at 11333 East 55th Avenue, Unit C, Denver, Colorado 80239, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

490. Respondent's violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2146

491. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

492. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 4, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, (Shipper’s No./Carrier’s No. 012559) to Van Diest Supply, located at 1434 220th Street, Webster City, Iowa 50595, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

493. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about December 4, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, (Shipper’s No./Carrier’s No. 012559) to Van Diest Supply, located at 1434 220th Street, Webster City, Iowa 50595, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

494. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2147

495. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

496. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 4, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, (Shipper’s No./Carrier’s No. 012563) to Van Diest Supply, located at 1434 220th Street, Webster

City, Iowa 50595, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

497. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about December 4, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, (Shipper’s No./Carrier’s No. 012563) to Van Diest Supply, located at 1434 220th Street, Webster City, Iowa 50595, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

498. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2148

499. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

500. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 6, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Van Diest Supply, located at 1434 220th Street, Webster City, Iowa 50595, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

501. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about December 6, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Van Diest Supply, located at 1434 220th Street, Webster

City, Iowa 50595, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

502. Respondent's violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2149

503. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

504. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 7, 2007, by distributing or selling "Rozol," EPA Reg. No. 7173-244, to Helena Chemical, located at 425 Railroad Avenue, Bridgeport, Nebraska 69336, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 "accepted label."

505. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about December 7, 2007, by distributing or selling "Rozol," EPA Reg. No. 7173-244, to Helena Chemical, located at 425 Railroad Avenue, Bridgeport, Nebraska 69336, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

506. Respondent's violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2150

507. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

508. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 12, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Wilbur Ellis, located at 2765 FM 2397, Frionia, Texas 79035, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

509. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about December 12, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Wilbur Ellis, located at 2765 FM 2397, Frionia, Texas 79035, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

510. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2151

511. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

512. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 19, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Helena Chemical, located at North Highway 385/87, Hartley, Texas 79044, with claims made for

the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

513. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about December 19, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Helena Chemical, located at North Highway 385/87, Hartley, Texas 79044, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

514. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2152

515. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

516. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about January 18, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to UAP Distribution North, located at 2025 South Old Highway 83, Garden City, Kansas 67846, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

517. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about January 18, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to UAP Distribution North, located at 2025 South Old

Highway 83, Garden City, Kansas 67846, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

518. Respondent's violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2153

519. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

520. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about January 23, 2008, by distributing or selling "Rozol," EPA Reg. No. 7173-244, to Pro-Chem, located at 900 Ross Street, Amarillo, Texas 79404, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 "accepted label."

521. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about January 23, 2008, by distributing or selling "Rozol," EPA Reg. No. 7173-244, to Pro-Chem, located at 900 Ross Street, Amarillo, Texas 79404, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

522. Respondent's violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2154

523. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

524. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about January 24, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Helena Chemical, located at North Highway 385/87, Hartley, Texas 79044, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

525. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about January 24, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Helena Chemical, located at North Highway 385/87, Hartley, Texas 79044, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

526. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2155

527. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

528. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about January 25, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Estes, located at 4302 Locust Street, Lubbock, Texas 79404, with claims made for the product as part

of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

529. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about January 25, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Estes, located at 4302 Locust Street, Lubbock, Texas 79404, which was misbranded as defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and 40 C.F.R. § 156.10(a)(5).

530. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) and/or Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2156

531. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

532. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about February 5, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Pro-Chem, located at 900 Ross Street, Amarillo, Texas 79404, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

533. Additionally or in the alternative, Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on or about February 5, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Pro-Chem, located at 900 Ross Street, Amarillo, Texas