

## **EPA Region 2 Settles with Reckitt Benckiser on Violations Related to Sales of Mislabeled Rodenticides**

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On October 7, 2021, U.S. Environmental Protection Agency (EPA) Region 2 [announced](#) a settlement with Reckitt Benckiser, LLC (Reckitt Benckiser) regarding alleged violations under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The specific alleged violations relate to 239 sales and distributions of two rodenticide products in the United States that EPA asserts had misleading advertising claims on the packaging. Reckitt Benckiser has agreed to pay a civil penalty of \$458,000 under the settlement to resolve these violations.

Reckitt Benckiser is a supplemental distributor of two rodenticide products that are bait stations registered under FIFRA to kill mice. EPA states that in 2019, it conducted inspections of a Home Depot in South Plainfield, New Jersey, and Reckitt Benckiser's offices in Parsippany, New Jersey. EPA thereafter determined that Reckitt Benckiser was selling these two rodenticide products in packaging or labeling that made comparative claims as to the effectiveness of the product. Specifically, the packaging stated that the products were "10x Tastier Than Lead Competitor." The labels EPA approved for the two products did not contain this comparative claim language, and at the time of registration, data associated with the products' claims were never provided. EPA's regulations at 40 C.F.R. Section 156.10(a)(5)(iv) provide that statements or representations in the labeling which constitute misbranding include a "false or misleading comparison with other pesticides or devices." EPA states that because "the comparative claims were not subject to verification, they were 'false and misleading comparisons' prohibited under [FIFRA]."

This case serves as another reminder to registrants and supplemental distributors to review all labeling and advertising claims to ensure conformity with EPA-approved labels and avoidance of claims that EPA identifies as false or misleading.

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