

Repellent runs afoul of federal rules By Paul Cowley Advocate Staff

Alix emu rancher Edie Stutter has been marketing a natural insect repellent for years - but is finding Health Canada regulations the real pest.

Stutter was served with a warning last November for selling an unregistered insect repellent at an Edmonton boat show the previous March. She faces a \$4,000 fine if she breaks the rules again.

The problem lies with Stutter's Nature's Defense, a natural product that contains soy bean oil, rose geranium, lemon grass, cyclomethicone, eucalyptus, catnip and emu oil.

While she said it is an effective insect repellent, Stutter cannot advertise it as such because it has not been registered.

The owner of E3 Emu Products has been pitching the product as an outdoor spray or lotion since 2003, when Health Canada's Pest Management Regulatory Agency was informed she was selling an unregistered insect repellent through a Sylvan Lake store.

She immediately yanked about 500 bottles and replaced the label with an agency-approved version that does not mention insect repellent. It cannot even say it is DEET-free.

At the March boat show, a salesman sold a bottle of the product to a pest management inspector and mentioned its insect-repelling properties. A brochure also quoted a University of Guelph study showing catnip was 10 times more effective than DEET as an insect repellent.

The brochure led to the warning, she said. It was announced in an agency news release earlier this week.

Stutter had 30 days to respond to the warning but did not and was presumed guilty, said the agency release.

Stutter admitted she did not read the fine print of the warning and wished she had argued her case. Stutter finds the whole issue absurd.

"This has been the biggest exercise in frustration that I have ever had."

The ingredients are safer than ingredients in many well-known approved insect repellents, including those using DEET, she said. "I could drop 5,000 gallons of (Nature's Defense) on the ground and it would do nothing." Try the same with a standard, approved insect repellent and "you would cause environmental problems for years."

Stutter said to get the agency approval for her spray, she would need to have its so-called technical active - the main ingredient that makes it an effective repellent - registered. But that can take years and cost \$100,000 or more, plus a percentage of future sales. "As far as I can see it's just a money grab, period." "It is not about safety. It's strictly about money."

Stutter wants Canada to take a similar approach to the United States, where a special exemption exists for safe, natural products, fast-tracking them through approval processes.

She has taken her case to her MP Dale Johnston and is hoping he will develop a private member's bill. Johnston would not comment on his work on behalf of constituents when reached in Ottawa Wednesday.

.Barry Gordon, regional manager for the Pest Management Regulatory Agency, said Nature's Defense was targeted because it is not registered as an insect repellent.

His agency's job is to ensure that products that tout themselves as insect repellents or other similar products comply with the Pest Control Products Act.

Consumers expect that products on the market will not be harmful and will perform as promised. "Who's going to be the first person taken to task if we approve something out there that causes harm? There is a reason for this process. (The regulations) can be onerous and they are there for a reason."

The grey area has been allowed to give makers of natural products an out. As long as they do not tout their products as insect repellents - which would require agency approval - outdoor lotions or sprays or similarly named products can be sold. That is allowed because the products are legitimate lotions or body oils..

"Because it is a lotion, we allow it to be sold as a lotion." Gordon acknowledges it is a "bit of an end run" around regulations.

"(But) they're not creating the expectation by the consumer that it's going to have any particular quality to protect them from insect bites. If we were been hard-nosed, we wouldn't even let that happen."

The cost and length of time it takes to get products registered has been criticized by those selling natural products. Gordon acknowledges it could take years for a complicated product to get approval. But it is impossible to say how long a given product will take without specific information on each case, he said.

Costs include fees for the scientific evaluation, registration fees and maintenance fees to pay for continued review of products. A sliding scale exists for products with low volumes.

Canada has not adopted the U.S. fast-track system, but lower-risk products can be registered through a system requiring less extensive scientific work and evaluations.

Insect repellents have taken a higher profile in recent years because of West Nile virus scares.

Other products such as Bite Blocker emerged that ran into the same kind of registration problems. Bite Blocker, which was imported from the U.S. was pulled from shelves in 2003.

John Kellas, who owns a natural products business called Banff's Mountain Parameters, was selling Bite Blocker when he ran afoul of the pest management agency.

Kellas estimated it would take three to five years and \$300,000 to have registered the product by agency rules. He went back to the drawing board and now sells a product called Summer Survivor outdoor mist, that makes no claims of repelling insects. Kellas said Stutter was unfortunate to be singled out, and speculated it may be because of the size of her business drew attention.

"There are lots of companies selling their product, flying under the radar, calling it a repellent." Kellas said he is "saddened and disappointed" that the public are not easily able to discover a product that has been proven an effective natural repellent against insects.

Asked if he was soured by his insect repellent experiences with the agency, he said, "I guess it would have to. It has definitely refocused me onto different things."

"At the moment, I don't see any really big future in it."

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Photo by RANDY FIEDLER/Advocate Staff

Edie Stutter of E3 Emu Products boxes bottles of Nature's Defense outdoor spray in her emu farm's warehouse west of Alix. She has been warned by Health Canada inspectors, and now faces a \$4,000 fine if she continues marketing the spray as an insect repellent.