

“Brand” vs. “Brand Name”

The allowance in the Act for “Products registered as single pesticide” or Alternate Brand Name does not apply to separate brands of pesticides even if the pesticides are manufactured by the same person. For the purposes of state registration, an Alternate Brand Name (ABN) is an alternately named product within the same brand line which bears identical labeling to the primary product.

For example, let’s assume that the fictional “Smith Chemical Company” has two brand lines “Acme” and “Zenith”. Smith Chemical produces a disinfectant product and sells it as “Acme Sink Sanitizer” and also as “Zenith Sink Sanitizer” The EPA registration number of both products is the same. Each product label makes the same claims and formulation. Smith Chemical is listed as the manufacturer of both products. Under the provisions of § 3.2-3919. (Each brand or grade to be registered; fees), each product must be registered separately and each requires a separate fee. We would not consider the two products to be “Alternate Brand Names”

Now let’s assume that Smith Chemical produces two products “Acme Sink Sanitizer” and “Acme Basin Sanitizer”. Both products have the same EPA#, same label claims and formulation. Smith Chemical is listed as the manufacturer of both products. Both products are “Acme” brand. In this case, the two products qualify as ‘Alternate Brand Names’ and only one fee need be paid for the two products. (Both must be registered, no fee for the second product)

Here’s how the fees would apply to the three products mentioned in the example:

Product	EPA#	VA Reg. Fee
Acme Sink Sanitizer	1111-2222	\$160.00
Acme Basin Sanitizer	1111-2222	No Fee (ABN)
Zenith Sink Sanitizer	1111-2222	\$160.00

Code Sections Listed on the Reverse.

§ 3.2-3914. (Effective October 1, 2008) Registration required.

Every pesticide manufactured, distributed, sold, offered for sale, used, or offered for use shall be registered in accordance with regulations adopted by the Board. Registration shall lapse unless the registrant pays an annual fee set forth in regulations adopted by the Board.

(Code 1950, § 3-208.19; 1966, c. 702, § 3.1-221; 1976, c. 627; 1981, c. 260; 1989, c. 575, § [3.1-249.35](#); 1993, c. 773; 2008, c. 860.)

§ 3.2-3916. (Effective October 1, 2008) Products registered as single pesticide.

Products that: (i) have the same formula; (ii) are manufactured by the same person; (iii) include labelings with the same claims; and (iv) bear designations identifying the products as the same pesticide may be registered as a single pesticide without an additional fee.

(Code 1950, § 3-208.22; 1960, c. 535; 1966, c. 702, § 3.1-224; 1981, c. 260; 1989, c. 575, § [3.1-249.37](#); 2008, c. 860.)

§ 3.2-3919. (Effective October 1, 2008) Each brand or grade to be registered; fees.

Before manufacturing, distributing, selling, offering for sale, or offering for use any pesticide, the registrant shall register each brand or grade of a pesticide with the Commissioner annually upon forms furnished by the Department and shall pay the Department an annual registration fee for each brand or grade offered for sale or use. The Commissioner shall issue a registration entitling the registrant to manufacture, distribute, or sell all registered brands until the expiration of the registration.

(Code 1950, § 3-208.25; 1966, c. 702, § 3.1-227; 1970, c. 376; 1976, c. 627; 1981, c. 260; 1989, c. 575; § [3.1-249.40](#); 2008, c. 860.)