

Due to contemporary changes in industry standards, many agencies that have purchased the same brand of defense spray for several years continue to purchase and issue to their officers improperly labeled canisters where the capsaicinoid content is either misstated high or not present on the label at all.

Agencies must take careful steps to ensure that current issue defense sprays are properly labeled in accordance with AOAC Method 995.03 and ASTA Method 21.3.

CONSEQUENCES

With regard to the potential consequences of purchasing an improperly labeled aerosol projector, it is essential to consider:

If a label contains inexact information, particularly as it relates to the pungency or strength of the formulation, a plaintiff's counsel may argue that the agency was not diligent or worse, negligent, by not taking appropriate steps to ensure that the defense spray being used is in fact labeled accurately.

For example, an officer may rely on the efficacy of the product at the stated level. If the stated level is incorrect and the amount of total capsaicinoids is misstated high, but in reality is lower, it could be established that the product used was problematic in that it was not sufficient to accomplish the stated purpose, and as a result, caused an unnecessary escalation in the use of force.

Use the chart below to recognize how recent changes in test methodology affect defense spray labeling. Compare the data in the chart below to the information on your current defense spray's label.

Prior to December 1998 In accordance with ASTA 21.1

- Pure capsaicin = **15,000,000**
- 2,000,000 is **13.3%** of 15,000,000
- 10% of 2,000,000 is **1.33%** of 15,000,000
- 5% of 2,000,000 is **0.67%** of 15,000,000

After December 1998 In accordance with AOAC Method 995.03 & ASTA 21.3

- Pure capsaicin = **16,000,000**
- 2,000,000 is **12.5%** of 16,000,000
- 10% of 2,000,000 is **1.25%** of 16,000,000
- 5% of 2,000,000 is **0.62%** of 16,000,000