

## PROPER DEFENSE SPRAY LABELING

Agencies should take careful steps to assure that defense sprays are properly labeled in accordance with industry standards in their most current editions. With regard to the potential consequences of purchasing an improperly labeled aerosol projector, it is essential to consider:

- If a label contains incorrect information, particularly as it relates to the products performance and/or strength, then an Agency would be subject to suits by those who determine that it is not good (or effective) as that currently on the market. For example, if the amount of Total Capsaicin is misstated high, but in reality is in fact lower, an officer may rely on the efficacy of the product at the stated level. If the stated level is incorrect, then the Agency may find that use of the product may be problematic in that it may cause or require an unnecessary escalation in the use of force.
- Agencies using a product which is improperly labeled opens itself to liability in the sense that a plaintiff's council could argue that the Agency was not diligent or worse, negligent, by not taking appropriate steps to ensure that the non-lethal weapon being used is as stated, and therefore either contained products which are damaging or products which were not sufficient to accomplish the stated purpose in an effective and timely manner.

Due to the fact that many agencies have been using one particular brand for many years, it is a fact that some very large agencies continue to use improperly labeled defense spray canisters where the Total Capsaicin content is either not present at all on the label or, incorrectly stated due to recent changes in industry test standards.

### For Instance:

#### Prior to December 1998:

- 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.

*In accordance with ASTA 21.1 (Post 1997)*

#### After December 1998:

- 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.

*In accordance with AOAC Revised Method 995.03 & ASTA 21.3.*

Toxicologists recommend that agencies use only defense sprays that are labeled with “all components”, and most importantly, the absolute concentration of Total Capsaicinoids, rather than just % OC and/or SHU value. Please find below the 3 most common defense spray formulations used by U.S. law enforcement agencies and the appropriate way each should be labeled in accordance with AOAC Revised Official Method 995.03 and ASTA 21.3, in their most current editions:

1. Active Ingredient: 10% Capsaicin  
\*Scoville Heat Units: 2,000,000  
Scoville Value: 200,000  
\*Total Capsaicinoids: 1.25%

2. Active Ingredient: 5% Capsaicin  
\*Scoville Heat Units: 2,000,000  
Scoville Value: 100,000  
\*Total Capsaicinoids: 0.62%

3. Active Ingredient: 10% Capsaicin  
\*Scoville Heat Units: 500,000  
Scoville Value: 50,000  
\*Total Capsaicinoids: 0.31%

\* In accordance with AOAC Revised Official Method 995.03 and ASTA 21.3.

