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Your file *Votre référence*

Our file *Notre référence*

By registered mail:

Moving Sound Technologies Inc.
280 Nelson Street
Unit 246
Vancouver, BC
V6B 2E2

October 15, 2008

Dear Mr. Mike Gibson:

Re: Mosquito Teen Repellent

The purpose of this letter is two fold: 1) To inform you of your regulatory responsibility as an importer/distributor of radiation emitting devices, and 2) To inform you of the results of our background check of the subject device.

1) Regulatory Responsibility

It is our understanding that the Mosquito devices are manufactured in the U.K. by a company called Compound Security Systems (<http://www.compoundsecurity.co.uk>) and imported and distributed into Canada through Moving Sound Technologies Inc. The device is also sold in Canada through a distributor called NoLoitering Technology.

Based on claims stated on your website, the purpose of the device is to deter teenagers from loitering, by creating an annoying siren-like buzz. The subject device falls under the Radiation Emitting Devices Act (REDA). As the importer/distributor, it is your responsibility to ensure that the sale, lease, importation and advertising in Canada are in compliance with the REDA (<http://laws.justice.gc.ca/en/R-1/index.html>). Please note Section 4 of the Act covers prohibitions of the sale, lease, and importation of the device. Section 5 of the Act covers misrepresentation relating to the emission of ultrasound. However, under the Act, there are no regulations prescribing specifications for the subject device.

2) Results of Background Check

This part of the letter is in response to your call regarding the status of our background check for the subject device. Our background check is complete. To help ensure the safe use of the subject device, we have the following recommendations for text in the instructions for use (our rationales follow in italics):

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1) This device should not be used to expose people to airborne ultrasound while they work, take breaks from work, or otherwise have rightful access to an area.

Rationale: It does not seem possible to use the device for its claimed purpose and provide Safety Code 24's protection to people with rightful access to an area.

2) The device should be installed at an appropriate height (approximately 2.5 metres from the ground) to prevent people's ears from coming within 30 cm of the device. A warning label, legible from 0.5 metre away, should be incorporated on the device indicating that hearing damage could occur if the speaker is 30 cm or closer to your ear.

Rationale: At 10 cm from the subject device, the sound pressure levels could be as high as 110 -115 dB and the occupational exposure limits would be breached in less than 2 minutes (based on a criterion level of 85 dBA with a 3 dB exchange rate). Based on an assumed exposure time of 15 minutes, the maximum permitted occupational exposure limit is 100 dBA, which is approximately 30 cm from the device.

3) For more information about the effects of airborne ultrasound, Health Canada's Safety Code 24 - Guidelines for the Safe Use of Ultrasound: Part II - Industrial and Commercial Applications, 1991, is available online at <http://www.hc-sc.gc.ca/ewh-semt/radiation/clini/ultraso/index-eng.php>.

Rationale: To help prevent misuse of the subject device.

To help understand these recommendations and rationales, we also suggest you review Safety Code 24 - Guidelines for the Safe Use of Ultrasound: Part II - Industrial and Commercial Applications (Code). Our recommendations are based on the Code, in areas and at times where people work, take breaks from work, or otherwise have rightful access. However, the Code was not intended for anti-loitering applications and the potential consequent exposures. Therefore, for situations where anti-loitering exposures will occur, our recommendations are based on the most stringent occupational noise exposure limit in Canada. The intent is to minimize the chance of hearing damage to the public.

In particular, since this is a consumer product, we were concerned that the subject device could be mounted in such a way that people, intentionally or unintentionally, could be exposed to ultrasound near the device. As we found the instructions to be vague and lacking a minimum setback distance from the subject device to people's ears, we arrived at recommendation 2) above.

Your cooperation in this matter is most appreciated. Please direct all responses and questions to the undersigned.



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Yours sincerely,

Jason Tsang, P.Eng.

Senior Inspector, Acoustics Unit
Consumer and Clinical Radiation Protection Bureau

CC Robert P Bradley
Director, Consumer and Clinical Radiation Protection Bureau

Stephen Bly
Chief, Acoustics Unit
Consumer and Clinical Radiation Protection Bureau