

Edgar Filing: SCOTTS COMPANY - Form 8-K

SCOTTS COMPANY  
Form 8-K  
August 09, 2004

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

FORM 8-K

CURRENT REPORT  
Pursuant to Section 13 or 15(d) of the  
Securities Exchange Act of 1934

Date of Report (Date of earliest event reported): August 9, 2004  
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THE SCOTTS COMPANY

-----  
(Exact name of registrant as specified in its charter)

|   |                             |                                      |
|---|-----------------------------|--------------------------------------|
| Ohio  | 1-11593                     | 31-1414921                           |
| -----   | -----                       | -----                                |
| (State or other jurisdiction<br>of incorporation or organization) | (Commission<br>File Number) | (IRS Employer<br>Identification No.) |

14111 Scottslawn Road, Marysville, Ohio 43041  
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(Address of principal executive offices) (Zip Code)

(937) 644-0011  
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(Registrant's telephone number, including area code)

Not Applicable

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(Former name or former address, if changed since last report.)

Index to Exhibits is located on page 4.

Item 7. Financial Statements and Exhibits

- (a) Financial Statements - Not Applicable
- (b) Pro Forma Financial Information - Not Applicable
- (c) Exhibits

| Exhibit No. | Description |
|-------------|-------------|
| -----       | -----       |

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Press Release issued by The Scotts Company  
on August 9, 2004.

Item 9. Regulation FD Disclosure.

On August 9, 2004, The Scotts Company issued a news release announcing the execution of a definitive agreement to acquire Smith & Hawken, Ltd. A copy of this news release is filed as Exhibit 99 to this Current Report on Form 8-K and incorporated herein by reference.

The information in this Current Report on Form 8-K, including Exhibit 99 furnished herewith, is being furnished and shall not be deemed to be "filed" for purposes of Section 18 of the Securities Exchange Act of 1934 (the "Exchange Act") or otherwise subject to the liability of that Section, nor shall such information be deemed to be incorporated by reference in any registration statement or other document filed under the Securities Act of 1933 or the Exchange Act, except as otherwise stated in such filing.

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SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

THE SCOTTS COMPANY

Dated: August 9, 2004

By: /s/ Christopher L. Nagel

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Christopher L. Nagel  
Executive Vice President and  
Chief Financial Officer

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INDEX TO EXHIBITS

Current Report on Form 8-K  
Dated August 9, 2004

Exhibit No.

Description

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Press Release issued by The Scotts Company on August 9, 2004.

