

GROUP 3 FUNGICIDE

TOPGUARD® FUNGICIDE

For use on corn (field corn, field corn grown for seed, and popcorn); cotton (foliar application only); vegetables, cucurbit, group 9 (excluding muskmelons); vegetables, fruiting, group 8-10; peanut; grain sorghum; soybean; sugar beet; pecan and other tree nuts; triticale; wheat (spring and winter).

ACTIVE INGREDIENT:

*Flutriafol.....11.8%

OTHER INGREDIENTS:.....88.2%

TOTAL:.....100.0%

*Contains 1.04 pounds per gallon of the active ingredient flutriafol. Suspension concentrate.

KEEP OUT OF REACH OF CHILDREN CAUTION / PRECAUCIÓN

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

**For MEDICAL
EMERGENCY
1-866-303-6950**

**For SPILLS
CHEMTREC
1-800-424-9300**

Notice: Read the entire Directions for Use, Warranty Disclaimer, Inherent Risks of Use, and Limitation of Remedies before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

SEE ADDITIONAL PRECAUTIONARY STATEMENTS AND DIRECTIONS FOR USE IN BOOKLET
SEE FIRST AID STATEMENT ON BACK PANEL OF BOOKLET.

EPA Reg. No. 67760-75

NET CONTENTS: 2.5 Gallons

Manufactured For:
CHEMINOVA INC.
PO Box 110566
Research Triangle Park, NC 27709
1-800-548-6113

 **CHEMINOVA**
HELPING YOU GROW

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PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION. Harmful if absorbed through skin. Harmful if swallowed. Causes moderate eye irritation. Avoid contact with skin, eyes or clothing. Prolonged or frequently skin contact may cause allergic reactions in some individuals.

FIRST AID	
If on skin:	-Take off contaminated clothing. -Rinse skin immediately with plenty of water for 15-20 minutes. -Call a poison control center or doctor for treatment advice.
If swallowed:	-Call a poison control center or doctor immediately for treatment advice. -Have person sip a glass of water if able to swallow. -Do not induce vomiting unless told to by a poison control center or doctor. -Do not give anything to an unconscious person.
If in eyes:	-Hold eye open and rinse slowly and gently with water for 15-20 minutes. -Remove contact lenses, if present, after the first 5 minutes, then continue rinsing. -Call a poison control center or doctor for treatment advice.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-866-303-6950 for emergency medical treatment information.	
Note to Physician: No specific antidote. Treat symptomatically.	

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and all other handlers must wear: long-sleeved shirt and long pants, chemical-resistant gloves, and shoes plus socks.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

ENGINEERING CONTROLS STATEMENT

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

USER SAFETY RECOMMENDATIONS

Users should: Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinseate.

Ground Water Advisory: Flutriafol has properties and characteristics associated with chemicals detected in ground water. This chemical may leach into ground water if used in areas where soils are permeable, particularly where the water table is shallow.

Surface Water Advisory: This product may impact surface water quality due to runoff of rain water. This is especially true for poorly draining soils and soils with shallow ground water. This product is classified as having a high potential for reaching surface water via runoff for several months or more after application.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Not for sale, distribution, or use in Nassau or Suffolk Counties of New York State.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Workers Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about Personal Protective Equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI). The REI for each crop is located in the use directions for each crop.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil or water, is: coveralls, chemical resistant gloves, and shoes plus socks.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage and disposal.

Pesticide Storage: Store unused product in original container in a cool, dry, secure area.

Pesticide Disposal: Pesticide wastes may be hazardous. Improper disposal of excess pesticide, spray mixture or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

Container Handling: Nonrefillable container. Do not reuse or refill this container. Offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure 2 more times.

PRODUCT DIRECTIONS

READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS, AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

CHEMIGATION: Do not apply this product through any type of irrigation system.

Rainfastness: TOPGUARD Fungicide is rainfast 2 hours after application. Disease control will be reduced if rainfall occurs within 2 hours of application.

Crop Rotation: Fields treated with an application rate of greater than 0.228 lbs./acre/season may be planted to the following crops that have tolerances established for residues of flutriafol: field corn; field corn grown for seed; popcorn; cotton; cucurbits; fruiting vegetables; grapes; Brassica leafy vegetables crop group 5; leafy vegetables, except Brassica, crop group 4; peanut; pome fruit; grain sorghum; soybean; stone fruit; strawberry; sugar beet; tomato; tree nuts; triticale; or wheat immediately after the last application. Fields treated with application rates less than or equal to 0.228 lbs./acre/season may be planted to the crops listed above, and may also be planted to sweet corn 180 days after the last application. Rotation to any other crop is prohibited.

RATE EQUIVALENCY TABLE

Product Rate (fl. oz./A)	Equivalent Active Ingredient Rate (lb a.i./A)
7.0	0.057
8.0	0.065
9.0	0.073
10.0	0.081
11.0	0.089
12.0	0.098
13.0	0.106
14.0	0.114

Compatibility Jar Test: TOPGUARD Fungicide is compatible with most products, however not all combinations have been tested. Use the following compatibility jar test to ensure physical compatibility.

Using a quart jar, add the proportionate amounts of the products to approximately one quart of water with agitation. Add wettable powders and water dispersible granular products first, next liquid flowables, then emulsifiable concentrates, and last liquid soluble products. After thorough mixing, allow this mixture to stand for 5 minutes. If the combination remains mixed or can be readily remixed, it is physically compatible. Once compatibility has been proven, use the same procedure for adding products to the spray tank. Use tank mix combinations on a small number of plants before treating larger areas. When tank mixing, follow more restrictive labeling of any tank mix partner. Do not tank mix with any product that contains a prohibition on tank mixing.

Use of Adjuvants: An adjuvant may be used with TOPGUARD Fungicide unless otherwise specified in the crop use directions. TOPGUARD Fungicide is compatible with most products, however not all have been tested. Use the compatibility jar test to ensure physical compatibility.

Tank Mixing: TOPGUARD Fungicide may be tank mixed with other fungicides, herbicides, insecticides, and/or other additives unless prohibited on the label of the tank mix partner. Follow more restrictive labeling of any tank mix partner. Although TOPGUARD Fungicide is compatible with most products, not all combinations have been tested. Use the compatibility jar test to ensure physical compatibility. Before applying any tank mixture not specifically recommended on this label, the crop safety of the target crop should be confirmed by applying the mixture to a small area of the target crop in accordance to the label instructions.

Spray Equipment/Volume: TOPGUARD Fungicide should be applied in sufficient water volume to ensure thorough coverage as a broadcast foliar application for good disease control.

For ground application, use a minimum of 10 gallons of spray solution per acre by ground sprayer. For aerial application, use aircraft spray equipment in a minimum of 10 gallons of spray solution per acre for tree nut crops, 2 gallons of spray solution per acre for corn, cotton, grain sorghum, soybean, wheat and triticale, and 5 gallons of spray solution per acre for all other crops.

Resistance Management: TOPGUARD Fungicide contains the active ingredient flutriafol, which is a Group 3 fungicide based on the mode of action classification system. Repeated use of the same group of fungicides for a targeted disease may lead to the selection of resistant strains of fungi and result in reduced disease control.

To maintain performance of TOPGUARD Fungicide and other fungicides in the same group, tank mix or rotate with a different fungicide group for good disease resistance management. For assistance on a particular crop and disease control situation, consult your local agricultural dealer, consultant, applicator, or state extension personnel for specific practices or recommendations in your area.

High Disease Pressure: Where a range is given, use the higher rate of TOPGUARD Fungicide and/or reduced spray interval when disease pressure is high and/or conditions are favorable for disease development.

CROP USE DIRECTIONS

Use Directions for Corn (Field Corn, Field Corn Grown for Seed, and Popcorn)

Diseases	Product Rate (fl.oz./A)	Application Directions	Application Interval (Days)
Gray Leaf Spot <i>(Cercospora zeae-maydis)</i> Southern Corn Leaf Blight <i>(Cochliobolus heterostrophus)</i> Northern Corn Leaf Blight <i>(Setosphaeria turcica)</i> Rust, Common <i>(Puccinia sorgh)</i> Southern Rust <i>(Puccinia polysora)</i> Eyespot <i>(Aureobasidium zeae)</i> Anthracnose Leaf Blight <i>(Colletotrichum graminicola)</i> Northern Corn Leaf Spot <i>(Cochliobolus carbonum)</i>	7 to 14	Apply preventatively or when conditions are favorable for disease development. One repeat application may be made. Apply no later than growth stage R4 (early dough stage). For aerial application, use a minimum of 2 gallons of spray solution per acre.	7
Restrictions: <ul style="list-style-type: none"> • No single application may exceed 14 fl. oz. of product/A. • Do not apply more than 2 applications per year. • Do not apply more than 28 fl. oz. of product/A per year. • An adjuvant may be used with TOPGUARD Fungicide prior to the V8 corn growth stage and after the VT corn growth stage. • Restricted Entry Interval (REI): The REI for detasselling field corn and popcorn grown for seed is 5 days. The REI for all other activities is 12 hours. • Preharvest Interval: Zero (0) day of harvest for forage, and 7 days for stover and grain of field corn and popcorn. 			

Use Directions for Cotton (foliar application only)

Diseases	Product Rate (fl.oz./A)	Application Directions	Application Interval (Days)
Alternaria Leaf Spot, Boll Rot <i>(Alternaria spp.)</i> Anthracnose, Boll Rot <i>(Glomerella spp.)</i> Ascochyta Blight, Boll Rot <i>(Ascochyta gossypii)</i> Cercospora Blight and Leaf Spot <i>Cercospora spp.)</i> Diplodia Boll Rot <i>(Diplodia spp.)</i> Fusarium Boll Rot <i>(Fusarium spp.)</i> Phoma Blight, Boll Rot <i>(Phoma spp.)</i> Rust <i>(Puccinia spp., Phykopsora spp.)</i> Stemphyllium Leaf Spot <i>(Stemphyllium spp.)</i> Target Spot <i>(Corynespora cassiicola)</i>	7 to 14	Apply preventatively or when conditions are favorable for disease development. Repeat as necessary if conditions are favorable for disease development.	7
Restrictions: <ul style="list-style-type: none"> • No single application may exceed 14 fl. oz. of product/A. • Do not apply more than 2 foliar applications per year. • Do not apply more than 0.488 lb.ai of flutriafol/acre per year (including foliar and soil applications). • Restricted Entry Interval (REI): The REI is 12 hours. • Preharvest Interval: Do not apply within 30 days of harvest. 			

Use Directions for Vegetables, Cucurbit, Group 9 (excluding Muskmelons). See below for a list of crops.

Diseases	Product Rate (fl.oz./A)	Application Directions	Application Interval (Days)
Powdery Mildew (<i>Sphaerotheca fuliginea</i> , <i>Erysiphe cichoracearum</i>)	10 to 14	Apply preventatively or when conditions are favorable for disease development. Repeat as necessary if conditions are favorable for disease development.	7
Gummy Stem Blight (<i>Didymella bryoniae</i>) Target Spot (<i>Corynespora cassicola</i>)	10 to 14	Apply preventatively or when conditions are favorable for disease development. Repeat as necessary if conditions are favorable for disease development. Tank mix with KOVERALL Fungicide (mancozeb) for resistance management. In fields with known triazole resistance, apply TOPGUARD Fungicide with KOVERALL® Fungicide or alternate fungicide group for disease control.	7

List of Cucurbits: Chayote (Fruit), Chinese Waxgourd, Citron Melon, Cucumber, Gherkin, Gourd Edible (*Lagenaria* spp.) (Includes Hyotan, Cucuzza, Hechima, Chinese Okra), *Momordica* spp. (Includes Balsam Apple, Balsam Pear, Bittermelon, Chinese Cucumber), Pumpkin, Squash (Summer), Squash (Winter – Includes Butternut Squash, Calabaza, Hubbard Squash, Acorn Squash, Spaghetti Squash), Watermelon.

Restrictions:

- No single application may exceed 14 fl. oz. of product/A.
- Do not apply more than 4 applications per year.
- Do not apply more than 56 fl. oz. of product/A per year.
- Restricted Entry Interval (REI) is 12 hours.
- Preharvest Interval: May be applied the day of harvest (0 day PHI).

Use Directions for Peanuts

Diseases	Product Rate (fl.oz./A)	Application Directions	Application Interval (Days)
Early Leaf Spot (<i>Cercospora arachidicola</i>) Late Leaf Spot (<i>Cercosporidium personatum</i>) Peanut Rust (<i>Puccinia arachidis</i>) Leaf Scorch/ Pepper Spot (<i>Leptosphaerulina crassiasca</i>) Web Blotch (<i>Phoma arachidicola</i>)	7 to 14	Apply on a preventive spray schedule for effective disease control in peanuts. TOPGUARD Fungicide can be tank mixed with KOVERALL Fungicide (mancozeb) for improved disease control and resistance management.	14
Suppression of Soil Borne Diseases: White Mold / Southern Stem Rot (<i>Sclerotium rolfsii</i>)	7 to 14	For soil-borne diseases, rainfall or irrigation will optimize activity of TOPGUARD® Fungicide. Tank-mix with other labeled fungicides for improved activity on soil-borne diseases.	14

Restrictions:

- No single application may exceed 14 fl. oz. of product/A.
- Do not apply more than 4 applications per year.
- Do not apply more than 56 fl. oz. of product/A per year.
- Restricted Entry Interval (REI) is 12 hours.
- Preharvest Interval: Do not apply within 7 days of harvest.

Use Directions for Pecans and Other Tree Nuts. See below for a list of crops.

Diseases	Product Rate (fl.oz./A)	Application Directions	Application Interval (Days)
Pecan Scab (<i>Fusicladium effusum</i>) Powdery Mildew (<i>Microsphaera penicillata</i>) Alternaria Leaf and Fruit Spot (<i>Alternaria alternata</i>) Anthracnose (<i>Colletotrichum acutatum</i>) Shothole (<i>Wilsonomyces carpophilus</i>) Eastern Filbert Blight (<i>Anisogramma anomale</i>) Brown Rot Blossom Blight (<i>Monilinia fructicola</i>) Leaf Rust (<i>Tranzschelia discolor</i>) Downy Spot (<i>Mycosphaerella caryigena</i>) Zonate Leaf Spot (<i>Cristulariella moricola</i>)	7 to 14	For Pecan Scab control, start application at bud break. Continue application 10-14 days pre-pollination; 14-21 days post-pollination. For all other disease apply preventatively or when conditions are favorable for disease development. Repeat as necessary if conditions are favorable for disease development.	7
List of Tree Nuts: African Tree Nut, Brazil Nut, Burr Oak, Butternut, Cajou, Cashew, Castanha-Do-Maranhao, Coconut, Coquito Nut, Dika nut, Guiana Chestnut, Hazelnut, Heartrnut, Hickory Nut, Japanese Horse-Chestnut, Macadamia Nut, Monogongo Nut, Monkey-Pot, Pachira Nut, Pecan, Sapucaia Nut.			
Restrictions: <ul style="list-style-type: none"> No single application may exceed 14 fl. oz. of product/A. Do not apply more than 4 applications per year. Do not apply more than 56 fl. oz. of product/A per year. Restricted Entry Interval (REI) is 12 hours. Preharvest Interval: Do not apply within 14 days of harvest. 			

Use Directions for Vegetable, Fruiting, Group 8-10. See below for list of Fruiting Vegetables.

Diseases	Product Rate (fl.oz./A)	Application Directions	Application Interval (Days)
Powdery Mildew (<i>Leveillula taurica</i>) Anthracnose (<i>Colletotrichum coccodes</i> , <i>C. acutatum</i>) Cercospora Leaf Spot (<i>Cercospora capsici</i>)	14	Apply preventatively or when conditions are favorable for disease development. Repeat as necessary if conditions are favorable for disease development.	7
List of Fruiting Vegetables: African Eggplant, Bell Pepper, Eggplant, Martynia, Non-Bell Pepper, Okra, Pea Eggplant, Pepino, Roselle, Scarlet Eggplant. Including cultivars, varieties and/or hybrids of these crops.			
Restrictions: <ul style="list-style-type: none"> No single application may exceed 14 fl. oz. of product/A. Do not apply more than 4 applications per year. Do not apply more than 56 fl. oz. of product/A per year. Restricted Entry Interval (REI) is 12 hours. Preharvest Interval: May be applied the day of harvest (0 day PHI). 			

Use Directions for Grain Sorghum

Diseases	Product Rate (fl.oz./A)	Application Directions	Application Interval (Days)
Anthracnose Leaf Blight <i>(Colletotrichum graminicola)</i> Ergot <i>(Claviceps sorghi)</i> Gray Leaf Spot <i>(Cercospora sorghi)</i> Leaf Blight <i>(Exserohilum turcicum</i> or <i>Setosphaeria turcica)</i> Rust, Common <i>(Puccinia purpuria</i> Ladder Leaf Spot <i>(Cercospora fusimaculans)</i> Rough Spot <i>(Ascochyta sorghi)</i> Sooty Stripe <i>(Ramulispora sorghi)</i> Target Leaf Spot <i>(Bipolaris cookei)</i> Zonate Leaf Spot and Sheath Blight <i>(Glöecercospora sorghi)</i>	7 to 14	For Ergot make first application at, or just prior to, flowering. For all other diseases apply preventatively or when conditions are favorable for disease development. Repeat as necessary if conditions are favorable for disease development.	7
Restrictions: <ul style="list-style-type: none"> • No single application may exceed 14 fl. oz. of product/A. • Do not apply more than 2 applications per year. • Do not apply more than 28 fl. oz. of product/A per year. • Restricted Entry Interval (REI) is 12 hours. • Preharvest Interval: Do not apply within 30 days of harvest for stover, forage or grain. 			

Use Directions for Soybeans

Diseases	Product Rate (fl.oz./A)	Application Directions	Application Interval (Days)
<p>Cercospora Leaf Blight and Purple Seed Stain (<i>Cercospora kikuchii</i>)</p> <p>Frogeye Leaf Spot (<i>Cercospora sojina</i>)</p> <p>Brown Spot (<i>Septoria glycines</i>)</p> <p>Powdery Mildew (<i>Microspora diffusa</i>)</p> <p>Target Spot (<i>Corynespora cassiicola</i>)</p> <p>Suppression: White Mold / Stem Rot (<i>Sclerotinia sclerotiorum</i>)</p> <p>Southern Blight (<i>Sclerotium rolfsii</i>)</p>	7 to 14	<p>For Cercospora Leaf Blight begin applications at first flower (R1).</p> <p>For other diseases apply beginning at first visible flower or when conditions are favorable for disease development.</p> <p>Apply additional applications if environmental conditions are favorable for continued disease development.</p>	14 – 35
<p>Rust (<i>Phakopsora pachyrhizi</i>)</p>	7 to 14	<p>Apply beginning at first visible flower or when conditions are favorable for disease development.</p> <p>Apply additional applications if environmental conditions are favorable for continued disease development.</p>	21 – 35

Restrictions:

- No single application may exceed 14 fl. oz. of product/A.
- Do not apply more than 3 applications per year.
- Only one application of product at 14 fl. oz. of product/A may be made to any one field during a single growing season. Additional applications to this field can be made at 7 fl. oz. of product/A.
- Do not apply more than 28 fl. oz. of product/A per year.
- Restricted Entry Interval (REI) is 12 hours.
- Do not feed forage or hay to animals or permit animals to graze.
- Preharvest Interval: Do not apply within 21 days of harvest.

Use Directions for Sugar Beets

Diseases	Product Rate (fl.oz./A)	Application Directions	Application Interval (Days)
<p>Cercospora Leaf Spot (<i>Cercospora beticola</i>)</p>	10 to 14	<p>Apply preventatively or when conditions are favorable for disease development. Repeat as necessary if conditions are favorable for disease development.</p> <p>Tank mix with KOVERALL Fungicide (mancozeb) for resistance management.</p>	14
<p>Powdery Mildew (<i>Erysiphe betae</i>)</p>	10 to 14	<p>Apply preventatively or when conditions are favorable for disease development. Repeat as necessary if conditions are favorable for disease development.</p>	14

Restrictions:

- No single application may exceed 14 fl. oz. of product/A.
- Do not apply more than 2 applications per year.
- Do not apply more than 28 fl. oz. of product/A per year.
- Restricted Entry Interval (REI) is 12 hours.
- Preharvest Interval: Do not apply within 21 days of harvest.

Use Directions for Wheat (Spring and Winter) and Triticale

Diseases	Product Rate (fl.oz./A)	Application Directions	Application Interval (Days)
Rust (<i>Puccinia</i> spp.) Powdery Mildew (<i>Blumeria graminis tritici</i>) Leaf and Glume Blotch (<i>Septoria</i> spp.)	10 to 14	Apply preventatively or when conditions are favorable for disease development. Repeat as necessary if conditions are favorable for disease development. For aerial application, use a minimum of 2 gallons of spray solution per acre.	7
Suppression: Fusarium Head Blight (<i>Fusarium</i> spp.)	10 to 14	Apply at anthesis (Feekes Growth Stage 10.51). Spray equipment nozzles should be properly set up to ensure good coverage of the head. For aerial application, use a minimum of 2 gallons of spray solution per acre.	7
Restrictions: <ul style="list-style-type: none"> No single application may exceed 14 fl. oz. of product/A. Do not apply more than 2 applications per year. Do not apply more than 28 fl. oz. of product/A per year. Restricted Entry Interval (REI) is 12 hours. Preharvest Interval: Do not apply within 30 days of harvest when grown for grain, 15 days of harvest grown for hay, zero (0) day PHI when grown for forage. 			

WARRANTY DISCLAIMER

Cheminova warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, CHEMINOVA MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

INHERENT RISKS OF USE

It is impossible to eliminate all risks associated with use of this product. Crop injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label, such as unfavorable temperatures, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of Cheminova or the Seller. All such risks shall be assumed by Buyer and User. Buyer and User agree to hold Cheminova and the Seller harmless for any claims related to such factors.

LIMITATION OF REMEDIES

To the extent consistent with applicable law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories), shall be limited to one of the following, at Cheminova's election:

- Refund of purchase price paid by buyer or user for product bought, or
- Replacement of amount of product used.

To the extent consistent with applicable law, Cheminova shall not be liable for consequential, incidental, or special damages or losses.

The terms of the Warranty Disclaimer above and this Limitation of Remedies cannot be varied by any written or verbal statements or agreements. No employee or sales agent of Cheminova or the Seller is authorized to vary or exceed the terms of the Warranty Disclaimer or this Limitation of Remedies in any manner.

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