

# Spirato<sup>®</sup> IMTM 348 FS

For use as a seed treatment to protect seed and seedlings of listed legume vegetables (including soybeans) against listed insect and disease pests.

**ACTIVE INGREDIENT:**

|                                 |         |
|---------------------------------|---------|
| Imidacloprid .....              | 20.17%  |
| Metalaxyl.....                  | 5.05%   |
| Thiophanate-Methyl.....         | 3.28%   |
| Fludioxonil.....                | 0.81%   |
| <b>OTHER INGREDIENTS:</b> ..... | 70.69%  |
| <b>TOTAL:</b> .....             | 100.00% |

Contains 1.98 lbs imidacloprid, 0.49 lbs metalaxyl, 0.32 lbs thiophanate-methyl, and 0.08 lbs fludioxonil per gallon.

**KEEP OUT OF REACH OF CHILDREN**  
**CAUTION**

SEE INSIDE BOOKLET FOR FIRST AID AND ADDITIONAL PRECAUTIONARY STATEMENTS

For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300  
For Medical Emergencies Only, Call (877) 325-1840

EPA REG. NO. 55146-153

Manufactured for  
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AGT Division  
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Nufarm

Grow a better tomorrow.

| FIRST AID   |  |
|---|--|
| IF SWALLOWED  | <ul style="list-style-type: none"> <li>• Call a poison control center or doctor immediately for treatment advice.</li> <li>• Have person sip a glass of water if able to swallow.</li> <li>• Do not induce vomiting unless told to do so by a poison control center or doctor.</li> <li>• Do not give anything by mouth to an unconscious person.</li> </ul> |
| IF INHALED  | <ul style="list-style-type: none"> <li>• Move person to fresh air.</li> <li>• If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.</li> <li>• Call a poison control center or doctor for further treatment advice.</li> </ul>  |
| IF IN EYES  | <ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>  |
| IF ON SKIN OR CLOTHING  | <ul style="list-style-type: none"> <li>• Take off contaminated clothing.</li> <li>• Rinse skin immediately with plenty of water for 15-20 minutes.</li> <li>• Call poison control center or doctor for treatment advice.</li> </ul>  |
| <b>HOT LINE NUMBER</b><br>Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-877-325-1840 for emergency medical treatment information. |  |

## PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

Harmful if swallowed.

### PERSONAL PROTECTIVE EQUIPMENT (PPE)

**Mixers, loaders, applicators and other handlers must wear:**

- Long-sleeved shirt and long pants,
- Shoes plus socks,
- Chemical-resistant gloves made out of: (Barrier Laminate, Butyl Rubber ≥ 14 mils, Nitrile Rubber ≥ 14 mils, Neoprene Rubber ≥ 14 mils, Polyvinyl Chloride (PVC) ≥ 14 mils, Viton ≥ 14 mils, and

Chemical-resistant apron for mixers, loaders and other handlers exposed to the concentrate.

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

**Note:** Persons involved in bagging treated seed, sewing or moving bags of treated seed, or cleaning up bagging areas or seed treatment equipment are pesticide handlers and must wear the PPE required on this label for pesticide handlers.

### USER SAFETY REQUIREMENTS

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.

## USER SAFETY RECOMMENDATIONS

#### Users Should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing 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

This product is toxic to birds, fish and aquatic invertebrates. For terrestrial use, **DO NOT** apply directly to water, 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 wash water or rinsate. Cover or incorporate spilled treated seeds.

**Groundwater Advisory:** Metalaxyl is known to leach through soil into groundwater under certain conditions as a result of agricultural use. Use of this chemical where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

**Pollinator Precautions:** Imidacloprid is highly toxic to bees. Ensure that planting equipment is functioning properly in accordance with manufacturer specifications to minimize seed coat abrasion during planting to reduce dust which can drift to blooming crops or weeds.

## PHYSICAL AND CHEMICAL HAZARDS

**DO NOT** use or store near oxidizing agents. **DO NOT** mix or allow coming in contact with oxidizing agent. Hazardous Chemical reaction may occur.

## DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a 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.

Spirato IMTM 348 FS is for use only in commercial seed treatment facilities. Not for use on agricultural establishments in hopper-box, planter-box, slurry-box or other seed treatment applications at or immediately before planting.

Mix thoroughly before use or use entire container at one time. All tank mixes should be pre-tested to determine physical compatibility between formulations. Observe the most restrictive use precautions and limitations on labeling of the products used in mixtures.

Spirato IMTM 348 FS contains an EPA approved dye/colorant that imparts an unnatural color to the seed.

Treated seed must not be used for or mixed with food or animal feed or processed for oil. Seed commercially treated with this product must be labeled in accordance with all applicable requirements of the Federal Seed Act.

The Spirato IMTM 348 FS in this container must be used in the use season immediately following purchase from Nufarm.

## USE RESTRICTIONS

- **DO NOT** use as a planter (hopper) box treatment.
- **DO NOT** use treated seed for feed, food, or oil purposes.
- Store treated seed away from feeds and foodstuffs.
- Treated seed must not be used for or mixed with food or animal feed or processed for oil. Seed commercially treated with this product must be labeled in accordance with all applicable requirements of the Federal Seed Act.
- **DO NOT** allow children, pets, or livestock to have access to treated seed.
- **DO NOT** apply a neonicotinoid insecticide within 45 days of planting seed treated with Spirato IMTM 348 FS.
- The maximum application rate for imidacloprid (including seed treatments, foliar applications, soil applications) is 0.5 lbs per acre per calendar year. **DO NOT** apply more than 0.5 lbs ai imidacloprid per acre per calendar year.
- Treated seed must be planted into the soil at a depth greater than 1 inch.
- Exposed treated seed may be hazardous to birds and wildlife. Cover or incorporate spilled treated seed. Excess or leftover seed may be double-sown around the headland or buried away from bodies of water in accordance with local requirements.

## PRODUCT INFORMATION

Spirato IMTM 348 FS is a seed treatment product that protects against certain early season insects, soil-borne and seed-borne diseases of crop plants. Spirato IMTM 348 FS contains the active ingredients imidacloprid, metalaxyl, thiophanate-methyl, and fludioxonil.

Imidacloprid is a systemic seed treatment insecticide in the neonicotinoid class. Imidacloprid protects against listed chewing and sucking insect pests.

Metalaxyl is a fungicide which protects against *Pythium*, *Phytophthora* and systemic downy mildew.

Thiophanate-methyl is a systemic fungicide which protects against *Fusarium* and *Rhizoctonia*.

Fludioxonil is a fungicide which protects against *Fusarium*, *Rhizoctonia*, and suppresses seed-borne *Sclerotinia* and *Phomopsis* spp.

## MIXING INSTRUCTIONS

Mix thoroughly before use or use entire container at one time.

**TANK MIXING:** All tank mixes should be pre-tested to determine physical compatibility between formulations. Follow the most restrictive precautions and limitations of all products used in mixtures. **DO NOT** tank mix with any product that contains a prohibition against tank mixing.

It is the pesticides user's responsibility to ensure that all products in the listed mixtures are registered for intended use. Users must follow the most restrictive directions and precautionary language of the products in the mixture (for example, first aid from one product, spray drift management from another).

**IMPORTANT:** Always re-circulate Spirato IMTM 348 FS thoroughly before using. The typical density of Spirato IMTM 348 FS is 9.84 lbs per gallon. Consult the manufacturer of the application equipment you plan to use for suitability for this application and for instructions on operation and calibration of the equipment. Follow the manufacturer application instructions for the seed treatment equipment being used.

Apply Spirato IMTM 348 FS as a water-based slurry utilizing standard slurry seed treatment equipment which provides uniform seed coverage. Uneven or incomplete seed coverage may not give the desired level of disease control. Thoroughly mix the specified amount of Spirato IMTM 348 FS into the required amount of water or liquid inoculant for the slurry treater and dilution rate to be used.

Certain crops require addition of inoculants when the seed is treated or planted. Spirato IMTM 348 FS is compatible with several liquid inoculant products. Consult the maker of the inoculant product and a Nufarm Americas representative for directions before applying Spirato IMTM 348 FS with inoculants.

Under certain disease conditions, additional amounts of fungicides may be required. When needed, apply additional SEBRING 318 FS or equivalent metalaxyl or mefenoxam containing product and SPIRATO 480 FS or equivalent fludioxonil containing product according to the label **USE SPECIFICATIONS**. Other tank mix partners may be used with Spirato IMTM 348 FS; however, the user must consider the use rate, formulation, seed and crop safety factors and compatibility of each product to be mixed when determining the total application volume.

The total application volume must be sufficient to provide desired level of coverage. Dilution is typically done with water or liquid inoculants. The minimum slurry volume to achieve adequate coverage is 4.0 fluid ounces per 100 pounds of seed. More diluent may be required to obtain complete coverage.

Continuous agitation or mixing of the slurry mixture is necessary to prevent settling out of the solution.

Allow seed to dry before bagging.

Follow planter manufacture specifications for use of talc or other hopper box additives at planting.

Seed must be completely dry before adding to planter.

Spirato IMTM 348 FS contains an EPA approved dye/colorant that imparts an unnatural color to the seed as required by the Federal Seed Act.

Spirato IMTM 348 FS also contains a polymer to improve the adherence of seed treatment components to the seed.

Treated seed must not be used for or mixed with food or animal feed or processed for oil. Seed commercially treated with this product must be labeled in accordance with all applicable requirements of the Federal Seed Act.

## SEED BAG LABELING REQUIREMENTS

Seed commercially treated with this product must be labeled in accordance with all applicable requirements of the Federal Seed Act. The user of this product is responsible for ensuring that the seed bag meets all requirements under the Federal Seed Act.

THE FEDERAL SEED ACT REQUIRES THAT BAGS CONTAINING TREATED SEEDS BE LABELED WITH THE FOLLOWING STATEMENTS:

- This seed has been treated with Spirato IMTM 348 FS (imidacloprid, metalaxyl, thiophanate-methyl, and fludioxonil)
- **DO NOT** use for feed, food, or oil purpose.

THE US ENVIRONMENTAL PROTECTION AGENCY REQUIRES THE FOLLOWING STATEMENTS ON BAGS CONTAINING SEEDS TREATED WITH Spirato IMTM 348 FS (imidacloprid, metalaxyl, thiophanate-methyl, and fludioxonil)

- **Groundwater Advisory:** Metalaxyl is known to leach through soil into groundwater under certain conditions as a result of agricultural use. Use of this chemical where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.
- **Pollinator Precautions:** Imidacloprid is highly toxic to bees. Ensure that planting equipment is functioning properly in accordance with manufacturer specifications to minimize seed coat abrasion during planting to reduce dust which can drift to blooming crops or weeds.
- Store away from feeds and foodstuffs.
- Wear long-sleeved shirt, long pants and chemical resistant gloves when handling treated seed.
- Treated seed must be planted into the soil at a depth greater than 1 inch.
- **DO NOT** graze or feed livestock on treated areas for 45 days after planting.
- **DO NOT** apply a neonicotinoid insecticide within 45 days of planting seed treated with Spirato IMTM 348 FS.
- Exposed treated seed may be hazardous to birds and wildlife. Cover or incorporate spilled treated seeds. Excess or leftover seed may be double-sown around the headland or buried away from bodies of water in accordance with local requirements.
- Dispose of seed packaging in accordance with local requirements.
- **DO NOT** contaminate water bodies when disposing of planting equipment wash water.
- **DO NOT** allow children, pets, or livestock to have access to treated seed.
- In the event of a crop failure or harvest of a crop grown from Spirato IMTM 348 FS treated seed, the field may be replanted immediately to artichoke, barley, borage, Brassica (cole) leafy vegetables, bulb vegetables, canola, cilantro, corn (field or sweet), cotton, cranberry, crambe, cucurbits, eggplant, flax, groundcherry, leafy petiole vegetables, leafy vegetables, legume vegetables (succulent or dried including soybean), millet, mustard seed, oats, okra, pepinos, pepper, popcorn, potato, rapeseed, rye, safflower, sorghum, soybean, strawberry, sugarbeets, sunflower, tomatillo, tomato, triticale, root and tuber vegetables, watercress, and wheat. For cereals including buckwheat, and rice; the minimum plant-back interval is 30 days from the date Spirato IMTM 348 FS treated seed was planted. Cover crops for soil building or erosion control may be planted at any time; but do not graze or harvest for food or feed. For all other crops not listed on an imidacloprid label, or for crops for which no imidacloprid, tolerance for the active ingredient has been established, a 12-month plant-back interval must be observed.
- The maximum application rate (including seed treatment, foliar application, and soil application) per acre per calendar year for imidacloprid is 0.5 lbs.
- This seed has been treated with   X   lbs imidacloprid per       lbs of seed [ or   X   mg imidacloprid per seed].  
This seed has been treated with   X   lbs metalaxyl per       lbs of seed [ or   X   mg metalaxyl per seed].  
This seed has been treated with   X   lbs thiophanate-methyl per       lbs of seed [ or   X   mg thiophanate-methyl per seed].  
This seed has been treated with   X   lbs fludioxonil per       lbs of seed [ or   X   mg fludioxonil per seed].
- Excess treated seed may be used for ethanol production only if (1) by-products are not used for livestock feed and (2) no measurable residues of pesticides remain in the ethanol by-products that are used in agronomic practice.

## SPECIFIC CROP USE DIRECTIONS

| TARGET INSECTS (All Uses)   |                           |  |                           |                           |
|---|---------------------------|--|---------------------------|---------------------------|
| Early season protection against injury by aphids, bean leaf beetle, grape colaspis, leaf miners, leaf hoppers, Mexican bean beetle, seed corn maggot, three-cornered alfalfa hopper, thrips, white grubs, and wireworm.   |                           |  |                           |                           |
| Spirato IMTM 348 FS also protects against pea leaf weevil.  |                           |  |                           |                           |
| When treated according to the following directions for post-planting protection against listed pests, Spirato IMTM 348 FS will also provide protection during post treatment storage of the seed against damage from the following stored grain insects: Indian Meal Moth ( <i>Plodia interpunctella</i> ), Rice Weevil ( <i>Sitophilus oryza</i> ), Red Flour Beetle ( <i>Tribolium castaneum</i> ), and Lesser Grain Borer ( <i>Rhizopertha dominica</i> ).   |                           |  |                           |                           |
| If seed to be treated has existing infestations of stored grain insects, fumigate the seed prior to treating with Spirato IMTM 348 FS and bagging.  |                           |  |                           |                           |
| TARGET DISEASES (All Uses)  |                           |  |                           |                           |
| Protection against damping-off, seed, and seedling diseases due to <i>Pythium</i> , <i>Phytophthora</i> , <i>Fusarium</i> , and <i>Rhizoctonia</i> species.   |                           |  |                           |                           |
| Spirato IMTM 348 FS also suppresses seed-borne <i>Sclerotinia</i> and <i>Phomopsis</i> species.   |                           |  |                           |                           |
| DRY BEANS, SUCCULENT (SNAP) BEANS ( <i>Cicer arietinum</i> (chickpea, garbanzo bean); <i>Lupinus</i> spp. (sweet lupine, white sweet lupine, white lupine, and grain lupine). <i>Phaseolus</i> spp. (kidney bean, lima bean, mung bean, navy bean, pinto bean, snap bean, and waxbean); <i>Vicia faba</i> (broad bean, fava bean); <i>Vigna</i> spp. (asparagus bean, blackeyed pea and cowpea)   |                           |  |                           |                           |
| RATE OF SPIRATO IMTM 348 FS   |                           | OPTIONAL TREATMENT<br>See Remarks section below<br>WHEN TO ADD ADDITIONAL SEBRING 318 FS or equivalent metalaxyl or mefenoxam product. |                           |                           |
|   |                           | ADDITIONAL<br>SEBRING 318 FS (metalaxyl) or equivalent metalaxyl or mefenoxam product  |                           |                           |
| Fl. Oz. / 100 lb. of seed   | Grams AI / 100 kg of seed |  | Fl. Oz. / 100 lb. of seed | Grams AI / 100 kg of seed |
| 4.0   | 62.5                      | imidacloprid   | 0.375<br>to<br>0.75       | 7.8<br>to<br>15.6         |
|   | 15.6                      | metalaxyl  |                           |                           |
|   | 10.0                      | thiophanate-methyl   |                           |                           |
|   | 2.5                       | fludioxonil  |                           |                           |
| REMARKS   |                           |  |                           |                           |
| WHEN TO ADD ADDITIONAL SEBRING 318 FS (metalaxyl) or equivalent metalaxyl or mefenoxam product<br>If target fields have a history of Pythium damping off and systemic downy mildew, add additional SEBRING 318 FS or equivalent metalaxyl or mefenoxam product. The additional SEBRING 318 FS or equivalent metalaxyl or mefenoxam product may reduce compatibility with some <i>rhizobia</i> inoculants. Consult with the maker of rhizobia inoculants before adding the additional SEBRING 318 FS or equivalent metalaxyl or mefenoxam product. |                           |  |                           |                           |
| RESTRICTIONS  |                           |  |                           |                           |
| CA RESTRICTION: Seed and Pod Vegetables seed treated in California must be destined for planting in states other than California and is not to be planted in California.  |                           |  |                           |                           |

**SOYBEANS**

| <b>RATE OF SPIRATO IMTM 348 FS</b><br><br>Use Rate based on 3000 seeds / lb (150,000 seeds / 50 lb bushel)   |             |               |                  |                             |                                      |  | <b>OPTIONAL TREATMENT</b><br><br>See Remarks section below<br>WHEN TO ADD ADDITIONAL SEBRING 318 FS or equivalent metalaxyl or mefenoxam product. |                           |
|--|-------------|---------------|------------------|-----------------------------|--------------------------------------|--|---|---------------------------|
|  |             |               |                  |                             |                                      |  | <b>ADDITIONAL SEBRING 318 FS</b> (metalaxyl) or equivalent metalaxyl or mefenoxam product   |                           |
| Fl. Oz. /  |             |               | ml / 1,000 seeds | Grams AI / 100 kg of seed   | mg AI / Seed                         |  | Fl. Oz. / 100 lb. of seed   | Grams AI / 100 kg of seed |
| 100 lbs seed   | 1,000 Seeds | 140,000 seeds |                  |                             |                                      |  |   |                           |
| 4.0  | 0.0133      | 1.867         | 0.393            | 62.4<br>15.6<br>10.0<br>2.5 | 0.0946<br>0.0238<br>0.0151<br>0.0038 | imidacloprid<br>metalaxyl<br>thiophanate-methyl<br>fludioxonil | 0.375<br>to<br>0.75   | 7.8<br>to<br>15.6         |
| REMARKS  |             |               |                  |                             |                                      |  |   |                           |
| <b>WHEN TO ADD ADDITIONAL SEBRING 318 FS (metalaxyl)</b> or equivalent metalaxyl or mefenoxam product:<br>If target fields have a history of high <i>Phytophthora</i> pressure, add additional SEBRING 318 FS or equivalent metalaxyl or mefenoxam product. Add additional SEBRING 318 FS or equivalent metalaxyl or mefenoxam product as directed in the label use specifications. The additional SEBRING 318 FS or equivalent metalaxyl or mefenoxam product may reduce compatibility with some rhizobia inoculants. Consult with the maker of rhizobia inoculants before adding the additional SEBRING 318 FS or equivalent metalaxyl or mefenoxam product.<br><b>IMPORTANT:</b> To maintain mg ai / seed, adjust fluid ounces / 100 lb of seed in proportion to the actual seed count / lb compared to the standard number of seeds / lb for that crop; fluid ounces per number of seeds (i.e., 1000, 80,000, 140,000) does not need to be adjusted. For example if there are actually 2800 soybean seeds / lb use: $2800 \div 3000 \times 4.0 = 3.7$ fl. oz / 100 lb of seed. |             |               |                  |                             |                                      |  |   |                           |



## STORAGE AND DISPOSAL

**DO NOT** contaminate water, food or feed by storage or disposal.

**PESTICIDE STORAGE:** Store in a cool place, **DO NOT** store in direct sunlight. Protect from freezing temperatures.

**PESTICIDE DISPOSAL:** Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

### CONTAINER HANDLING:

**NOTE:** This product is available in multiple containers. Refer to the Net Contents section of this products labeling for the applicable "Nonrefillable" or "Refillable" designation. Follow the container disposal [handling] instructions below that apply to your container type / size.

#### Nonrefillable Containers 5 Gallons or Less

**Nonrefillable container. DO NOT** reuse or refill this container. Offer for recycling if available. Triple rinse container (or equivalent) promptly after emptying. **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 1/4 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 two more times. Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and local authorities. Plastic containers are also disposable by incineration, or, if allowed by State and local authorities, by burning. If burned stay out of smoke.

#### Nonrefillable containers larger than 5 gallons

**Nonrefillable container. DO NOT** reuse or refill this container. Offer for recycling if available. Triple rinse or pressure rinse container (or equivalent) promptly after emptying.

**Triple rinse as follows:** Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. **Pressure rinse as follows:** Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container, and rinse at about 40 psi for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

#### Refillable containers larger than 5 gallons

**Refillable container.** Refill this container with pesticide only. **DO NOT** reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or a mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for two minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

## **WARRANTY DISCLAIMER**

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULAR TRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

## **LIMITATION OF LIABILITY**

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BYWAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR ARISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT.

**If you do not agree with or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.**

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