



# Cygnus<sup>®</sup>

50 WG



## Fungicide

For use on ornamentals in greenhouses, lath- and shade-houses, outdoor nurseries, retail nurseries and other nonresidential landscape areas

### PACKAGING

Unit Size: 1 lb.

Units Per Case: 6

STOCK #95221

(See next page  
for label information)

Distributed by:

Scotts-Sierra Crop Protection Company

14111 Scottslawn Road • Marysville, OH 43041

If you have any questions regarding the use of this product, call TOLL FREE 1-800-492-8255



## Fungicide

### ACTIVE INGREDIENT:

Kresoxim-methyl (methyl (E)-2-methoxyimino-2-[2-(o-tolyloxymethyl) phenyl] acetate) . . . . . 50%

OTHER INGREDIENTS . . . . . 50%

TOTAL 100.0%

**KEEP OUT OF REACH OF CHILDREN**

## CAUTION

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.)

### FIRST AID

**IF ON SKIN:** Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call poison control center or doctor for treatment advice.

**IF IN EYES:** Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for further treatment advice.

**IF SWALLOWED:** Call a poison control center immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

**IF INHALED:** Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.

Have product container or label with you when calling a poison control center or doctor or going for treatment.

### PRECAUTIONARY STATEMENTS

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**CAUTION.** HARMFUL IF SWALLOWED, INHALED, OR ABSORBED THROUGH SKIN. CAUSES EYE IRRITATION. DO NOT GET ON SKIN, IN EYES, OR ON CLOTHING. AVOID BREATHING VAPOR OR SPRAY

EPA Reg. No. 7969-124-58185

EPA Est. No. 51036-GA-1  
NET WEIGHT: 2 Lb. (907 g)  
(4 x 8 oz. WSB per pouch)

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CYGNUS® is a registered trademark of BASF for its brand of Fungicide products.  
MADE IN GERMANY



Scotts-Sierra Crop Protection Company  
14111 Scottslawn Road  
Marysville, OH 43041  
1-800-492-8255

## PERSONAL PROTECTION EQUIPMENT (PPE)

Applicators and other handlers must wear:

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for category A on the EPA chemical-resistance category selection chart.

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material
- Shoes plus socks

Follow the manufacturer's instructions for cleaning and maintaining PPE. If there are no such instructions for washables, 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 pesticide is toxic to freshwater and estuarine fish and invertebrates. Do not apply directly to water, areas where surface water is present, or intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment wash waters.

#### Surface Water Advisory

This chemical can contaminate surface water through spray drift. Under some conditions, it may also have a high potential for runoff into surface water (via both dissolution in runoff water and adsorption to eroding soil), for several days, post-application. These include poorly draining or wet soils with readily visible slopes towards adjacent surface waters, frequently flooded areas, areas over-laying extremely shallow ground water, areas with in-field canals or ditches that drain to surface water, areas not separated from adjacent surface waters with vegetated filter strips, and highly erodible soils cultivated using poor agricultural practices such as conventional tillage and down the slope plowing, and areas where an intense or sustained rainfall is forecasted to occur within 48 hours.

#### Ground Water Advisory

This chemical has properties and characteristics associated with chemicals detected in ground water. The use of this chemical in alkaline areas where soils are permeable, particularly where the water table is shallow, may result in ground water contamination.

### 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.

All applicable directions, restrictions, precautions and Disclaimer and Limit of Liability are to be followed. This labeling must be in the user's possession during application.

## Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker 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) of **12 hours**.

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:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material
- Shoes plus socks

## STORAGE AND DISPOSAL

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

Pesticide disposal: Wastes resulting from using this product may be disposed of on site or at an approved waste disposal facility. If these wastes cannot be disposed of 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 Disposal

- Plastic Containers: Triple rinse container (or equivalent). Then offer for recycling or reconditioning, 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.

## In Case of Spill

In case of large-scale spillage regarding this product, call:  
CHEMTREC 800-424-9300

### Steps to be taken in case material is released or spilled:

Wear the personal protective equipment specified on the label. Recover the material for re-use according to label whenever possible. Sweep and/or shovel up the spilled material into an appropriate closed container. Avoid the creation of dusty conditions. Remove and wash clothing and personal protective equipment prior to re-use. Keep the spill out of all sewers and open bodies of water.

## I. GENERAL INFORMATION

This package contains Cygnus® 50WG fungicide, a 50% water-dispersible granule (WG). Cygnus 50WG is a foliar fungicide that has protective, and curative activity against powdery mildews, and protective activity against certain leaf spots, rusts, anthracnoses and downy mildews. For best results against powdery mildews, leaf spots, rusts, anthracnoses and downy mildews, a protective barrier of Cygnus 50WG must be established and maintained on the plant surface (refer to Table 1). Cygnus 50WG should be used in a rotation program with other effective non-strobilurin fungicides.

### Mode of Action

The active ingredient in Cygnus 50WG is kresoxim-methyl, which belongs to the strobilurin class of fungicides and is a mitochondrial electron transport inhibitor.

### Crop Tolerance

The phytotoxic potential of Cygnus 50WG has been assessed on a wide variety of common ornamental plants. Refer to Table 2 for the list of plants shown to be tolerant to Cygnus 50WG. Refer to

Table 3 for those plants not tolerant to Cygnus 50WG.

However, not all plant species and their varieties and cultivars have been tested for tolerance to Cygnus 50WG. In addition, all possible tank mix combinations, sequential pesticide treatments, and adjuvants or surfactants have not been evaluated. Local conditions can also influence crop tolerance and may not match those under which Scotts has conducted testing. Therefore, before using Cygnus 50WG, test the product on a sample of the crop to be treated to ensure that a phytotoxic response will not occur.

### Sensitive Crop Precaution

Cygnus 50WG may cause injury to Norway Maple, Asian pear of variety "Olympic", and certain sensitive sweet cherry varieties such as Angela, Chelan, Somerset, Sweetheart, Valera, Van, Vandalay, Vista, Cavalier, Coral Champagne, Emperor Francis, Royalton, Schmidt, Summit, and Viva. Consult a Scotts representative or local agricultural authorities for more information concerning additional cherry varieties that may be sensitive to Cygnus 50WG. Use special care when applying Cygnus 50WG to prevent contact with the sensitive plant species and varieties listed in Table 3. Avoid off-target movement.

### Cleaning Spray Equipment

Spraying equipment must be cleaned thoroughly before and after applying this product, particularly if a product with the potential to injure crops was used prior to Cygnus 50WG.

### Resistance Management

The repeated and exclusive use of Cygnus 50WG fungicide, as with many other fungicides, may allow populations of less sensitive strains of the target fungi to build over time and may reduce disease control. To limit the potential for development of resistance:

- For outdoor use, do not make more than six applications of Cygnus 50WG or other strobilurin fungicides per season.
- For use in greenhouses, do not make more than eight applications of Cygnus 50WG or other strobilurin fungicides per year.
- For powdery mildew control, alternate each application of Cygnus 50WG with two sequential applications of labeled non-strobilurin fungicides with a different mode of action.
- For control of scab, leaf spots and rusts, do not make more than two sequential applications of Cygnus 50WG. Then alternate to at least an equal number of sequential applications of labeled non-strobilurin fungicides with a different mode of action before applying Cygnus 50WG again.

**Table 1. Application Rates and Timings of Cygnus® 50WG fungicide.**

Disease	Cygnus® 50WG rate per 100 gallons	Directions For Use
<b>A. Scab</b> <i>Venturia inaequalis</i> <i>Venturia pirina</i>	1.0-1.6 ounces	Begin at bud break or when environmental conditions are favorable for disease development and continue on a 10-14 day interval.
<b>B. Powdery mildews</b> <i>Erysiphe</i> sp. <i>Microsphaera</i> sp. <i>Oidium</i> sp. <i>Phyllactinia</i> sp. <i>Podosphaera</i> sp. <i>Sphaerotheca</i> sp. <i>Uncinula</i> sp.	1.6-3.2 ounces	Apply as a protective spray or at the first signs of disease. Continue on a 7-14 day interval. Applications made at the first signs of disease require shorter spray intervals. The addition of up to 0.06% of a non-organosilicone spreader-sticker type adjuvant may improve powdery mildew control.
<b>C. Leaf spots</b> <b>Rose black spot</b> <i>Diplocarpon rosae</i> <b>Leaf spots</b> <i>Alternaria</i> sp. <i>Blumeriella jaapii</i> <i>Didymellina</i> sp. <i>Drepanopeziza</i> sp. <i>Mycosphaerella</i> sp. <i>Phyllosticta</i> sp. <i>Septoria</i> sp.	1.6-3.2 ounces	Apply as a protective spray and continue on a 7-14 day interval.
<b>D. Rusts</b> <b>Carnation rust</b> <i>Puccinia dianthi</i> <b>Chrysanthemum rust</b> <i>Puccinia horiana</i> <b>Quince rust</b> <i>Gymnosporangium</i> sp. <b>Rose rust</b> <i>Phragmidium</i> sp. <b>Snapdragon rust</b> <i>Puccinia antirrhini</i>	3.2-6.4 ounces	Apply strictly as a protective spray and continue on a 7-10 day interval. The addition of up to 0.06% of a non-organosilicone spreader-sticker type adjuvant may improve rust control.
<b>E. Anthracnose</b> <i>Colletotrichum</i> sp.	3.2-6.4 ounces	Apply strictly as a protective spray and continue on a 7-10 day interval.
<b>F. Downy mildews</b> <b>Rose downy mildew</b> <i>Peronospora sparsa</i> <b>Snapdragon downy mildew</b> <i>Peronospora antirrhini</i>	3.2-6.4 ounces	Apply strictly as a protective spray and continue on a 7-10 day interval.

**Table 2. Plants Tolerant to Cygnus® 50WG fungicide.** Plants in this table have been found to be tolerant to Cygnus 50WG when it is applied according to the use recommendations stated in this label. Do not use fruit from ornamental plants for food or feed purposes.

Host common name (disease code letters refer to the 6 groups in Table 1.)	Scientific name
Ageratum (B) Alberta spruce Alstroemeria (C) Apple, nonbearing (A, B) Artichoke, ornamental (B) Aster (B) Azalea (B) Carnation (D) Cedar, Japanese	<i>Ageratum houstonianum</i> <i>Picea glauca</i> var. <i>albertiana</i> <i>Alstroemeria</i> sp. <i>Malus</i> sp. <i>Cynara</i> sp. <i>Aster</i> sp. <i>Rhododendron</i> sp. <i>Dianthus</i> sp. <i>Cryptomaria japonica</i>

**Table 2. Plants Tolerant to Cygnus® 50WG fungicide (continued).**

Host common name (disease code)	Scientific name
Celosia (C)	<i>Celosia</i> sp.
Chrysanthemum (B, D)	<i>Chrysanthemum</i> sp.
Cherry, flowering – Kwanzan (B, C)	<i>Prunus serrulata</i> 'Kwanzan'
Cherry, flowering – Mt. Fuji (Shirotae) (B, C)	<i>Prunus serrulata</i> 'Mt. Fuji' (Shirotae)
Cherry, flowering – Shirofugen (B, C)	<i>Prunus serrulata</i> 'Shirofugen'
Cherry, flowering – Yoshino (B, C)	<i>Prunus yedoensis</i>
Cherry, flowering – Okame (B, C)	<i>Prunus</i> x 'Okame' ( <i>P. incisa</i> x <i>P. campulata</i> )
Cherry laurel, English (B)	<i>Prunus laurocerasus</i>
Cinquefoil (B)	<i>Potentilla fruticosa</i>
Citrus, nonbearing (B)	<i>Citrus</i> sp.
Clematis (B)	<i>Clematis</i> sp.
Columbine (B)	<i>Aquilegia</i> sp.
Crabapple, nonbearing (A,B)	<i>Malus</i> sp.
Currant (B, C)	<i>Ribes</i> sp.
Dahlia (B)	<i>Dahlia</i> sp.
Dogwood (B)	<i>Cornus</i> sp.
Dracaena	<i>Dracaena marginata</i>
Dusty miller (B, E)	<i>Centaurea cineraria</i>
Euonymus (B)	<i>Euonymus</i> sp.
Gazania (C)	<i>Gazania</i> sp.
Geranium (B)	<i>Pelargonium</i> sp.
Gerbera (B)	<i>Gerbera</i> sp.
Gladiolus (C)	<i>Gladiolus</i> sp.
Hawthorn - English (A, B, D)	<i>Crataegus</i> sp.
Hawthorn - Indian	<i>Rhaphiolepis</i> sp.
Honeysuckle (B)	<i>Lonicera</i> sp.
Hosta (C)	<i>Hosta</i> sp.
Hydrangea (B, C)	<i>Hydrangea</i> sp.
Impatiens (C)	<i>Impatiens</i> sp.
Iris (C)	<i>Iris</i> sp.
Juniper (C)	<i>Juniperus</i> sp.
Larkspur (B)	<i>Delphinium</i> sp.
Lilac (B)	<i>Syringa</i> sp.
Lily (C)	<i>Lilium</i> sp.
Limonium (C)	<i>Limonium</i> sp.
Live-forever (B)	<i>Hylotelephium</i> ( <i>Sedum</i> ) sp.
Loquat, nonbearing (A)	<i>Eriobotrya japonica</i>
Magnolia, Chinese (B)	<i>Magnolia soulangiana</i>
Maple - hedge, sycamore, southern (B)	<i>Acer campestre</i> , <i>A. pseudoplatanoides</i> , <i>A. barbatum</i>
Marigold (C)	<i>Tagetes</i> sp.
Monarda (B)	<i>Monarda</i> sp.
Oak - water, English, swamp chestnut(B)	<i>Quercus</i> sp. - <i>Q. nigra</i> , <i>Q. robur</i> , <i>Q. prinus</i>
Pansy (B)	<i>Viola</i> sp.
Peach/nectarine, nonbearing (B)	<i>Prunus persica</i>
Pear, nonbearing (A, B)	<i>Prunus</i> sp.
Petunia (C)	<i>Petunia</i> sp.
Phlox (B)	<i>Phlox</i> sp.
Plum, ornamental (B, C)	<i>Prunus</i> sp.
Poinsettia (B)	<i>Euphorbia pulcherrima</i>
Portulaca (C)	<i>Portulaca</i> sp.
Rose (B, C, D, F)	<i>Rosa</i> sp.
Rosemary, ornamental (B)	<i>Rosmarinus officinalis</i> 'prostratus'
Serviceberry (B)	<i>Amelanchier ovalis</i> , <i>A. lamarckii</i>
Snapdragon (B, D, F)	<i>Antirrhinum</i> sp.
Sprenger asparagus (C)	<i>Asparagus densiflorus</i>
Spiderwort (C)	<i>Tradescantia</i> sp.
Spirea (B)	<i>Spiraea</i> sp.
Tick seed (B)	<i>Coreopsis</i> sp.
Tulip	<i>Tulipa</i> sp.
Verbena (B)	<i>Verbena</i> sp.
Veronica (B)	<i>Veronica</i> sp.
Viburnum (B)	<i>Viburnum</i> sp.
Vinca (C)	<i>Vinca</i> sp.
Yew (C)	<i>Taxus</i> sp.
Zinnia (B)	<i>Zinnia</i> sp.

**Table 3. Plants Not Tolerant to Cygnus® 50WG fungicide (do not expose these species or varieties to Cygnus® 50WG):**

Common name	Scientific name
<b>Norway maple</b>	<i>Acer platanoides</i>
<b>Sweet cherry</b>	<i>Prunus avium</i>
Sensitive varieties: Angela, Chelan, Somerset, Sweetheart, Valera, Van, Vandalay, Cavalier, Coral, Champagne, Emperor Francis, Royalton, Schmidt, Summit, Vista, Viva	
<b>Asian pear</b>	
Variety: Olympic	<i>Prunus</i> sp.

## II. Application Instructions

For the control of scab, apply 1.0–1.6 ounces of Cygnus 50WG per 100 gallons of water at 10-14 day intervals as a preventative treatment. Start applications at bud break or when environmental conditions are favorable for disease development. Use the higher rate of Cygnus 50WG when heavy infection pressure exists or is anticipated.

For the control of rose black spot and ornamental leaf spots, apply 1.6-3.2 ounces of Cygnus 50WG per 100 gallons of water at 7-14 day intervals as a preventative treatment.

For the control of powdery mildew, apply 1.6-3.2 ounces of Cygnus 50WG per 100 gallons of water as a preventative treatment or at the first signs of disease. Applications made at the first signs of powdery mildew will require higher rates and shorter spray intervals. The addition of up to 0.06 % of a non-organosilicone spreader-sticker type adjuvant may improve powdery mildew control. **Do not use organosilicone-based adjuvants with Cygnus 50WG.** For the control of rusts, anthracnose and downy mildew, apply Cygnus 50WG only as a preventative treatment at 3.2-6.4 oz per 100 gallons of water at 7-10 day intervals. The addition of up to 0.06 % of a non-organosilicone spreader-sticker type adjuvant may improve rust control. **Do not use organosilicone-based adjuvants with Cygnus® 50WG fungicide.**

Spray to the point of drip for all applications, making sure not to exceed the maximum seasonal use rate. Refer to Table 1 for specific recommendations for disease control.

### Coverage

Apply the appropriate amount of spray solution to cover the foliage to the point of drip. Thorough coverage of all plant surfaces is required for optimum disease control.

## III. Additives

Additives or spray adjuvants are usually not necessary for use with Cygnus 50WG. The addition of up to 0.06% of a non-organosilicone spreader-sticker type adjuvant may improve spray coverage and control of certain diseases. **Do not use organosilicone-based adjuvants with Cygnus 50WG,** as crop phytotoxicity may result on certain ornamental species. Consult a Scotts representative or local agricultural authorities for more information concerning additives.

## IV. General Tank Mixing Information

Cygnus 50WG may be tank mixed with most registered fungicides and insecticides. However, all varieties and cultivars have not been tested with possible tank mix combinations. Local conditions can influence crop tolerance and may not match those under which Scotts has conducted testing. Before using any tank mix (fungicides, insecticides, plant growth regulators, additives or spray adjuvants), test the combination on a small portion of the crop to be treated to ensure that a phytotoxic response will not occur as a result of applications.

### Compatibility Test for Mix Components

Before mixing components, always perform a compatibility jar test.

For 20 gallons per acre spray volume, use 3.3 cups (800 ml) of water. For other spray volumes, adjust rates accordingly. Only use water from the intended source at the source temperature. Add components in the sequence indicated in the Mixing Order using 2 teaspoons for each pound or 1 teaspoon for each pint of recommended label rate per acre.

Always cap the jar and invert 10 cycles between component additions.

When the components have all been added to the jar, let the solution stand for 15 minutes. Evaluate the solution for uniformity and stability. The spray solution should not have free oil on the surface, nor fine particles that precipitate to the bottom, nor thick (clabbered) texture. If the spray solution is not compatible, repeat the compatibility test with the addition of a suitable compatibility agent. If the solution is then compatible, use the compatibility agent as directed on its label. If the solution is still incompatible, do not mix the ingredients in the same tank.

## Mixing Order

- 1) **Water.** Begin by agitating a thoroughly clean sprayer tank three-quarters full of clean water.
- 2) **Agitation.** Maintain constant agitation throughout mixing and application.
- 3) **Inductor.** If an inductor is used, rinse it thoroughly after each component has been added.
- 4) **Products in PVA bags.** Place any product contained in water-soluble PVA bags into the mixing tank. Wait until all water-soluble PVA bags have fully dissolved and the product is evenly mixed in the spray tank before continuing.
- 5) **Water-dispersible products** (such as Cygnus 50WG, dry flowables, wettable powders, suspension concentrates, or suspensions).
- 6) **Water-soluble products.**
- 7) **Emulsifiable concentrates** (oil concentrate when applicable).
- 8) **Water-soluble additives** (such as AMS or UAN when applicable).
- 9) **Remaining quantity of water.**

Maintain constant agitation during application.

## VI. General Restrictions and limitations - Greenhouse Use

- Do not make more than 8 applications of Cygnus® 50WG fungicide per year.
- Restricted Entry Interval (REI): 12 hours.
- Do not apply to crops subjected to stress conditions such as excessive heat, as crop injury may result.
- Do not apply to crops that show injury (leaf phytotoxicity or plant stunting) produced by prior pesticide applications, because this injury may be enhanced or prolonged.
- Do not apply this product as a smoke, mist, fog or aerosol.
- Do not apply through any type of irrigation equipment.
- Do not use fruit from ornamental plants for food or feed purposes.
- Cygnus 50WG is not for sale, distribution, or use in Nassau and Suffolk Counties in New York State.

## VII. General Restrictions and limitations - Outdoor Use

- Do not apply more than a total of 25.6 ounces (1.6 pounds) of Cygnus® 50WG fungicide per acre per season.
- Restricted Entry Interval (REI): 12 hours.
- Do not apply to crops subjected to stress conditions such as drought or widely fluctuating temperatures or excessive heat, as crop injury may result.
- Do not apply to crops that show injury (leaf phytotoxicity or plant stunting) produced by prior pesticide applications, because this injury may be enhanced or prolonged.
- Do not apply through any type of irrigation equipment.
- Do not use fruit from ornamental plants for food or feed purposes.
- Cygnus 50WG is not for sale, distribution, or use in Nassau and Suffolk Counties in New York State.

### IMPORTANT NOTICE:

#### DISCLAIMER AND LIMITATION OF LIABILITY

This product has been researched to provide necessary data to support its use on turf and ornamentals as described on the label. However, it is understood that tests may not have been carried out on all varieties and under all growing conditions on all plants listed on the label. The user should always follow the label directions and exercise his judgment and caution when using this product on a given variety until familiar with the results under his growing conditions. NO WARRANTY OR REPRESENTATION IS MADE, EXPRESS, OR IMPLIED, CONCERNING THE RESULTS OBTAINED FROM THE USE OF THIS PRODUCT IF NOT USED IN ACCORDANCE WITH DIRECTIONS OR ESTABLISHED SAFE PRACTICE. The exclusive remedy of the user or Buyer, and the limit of liability of the Scotts Company or its affiliates, for any and all losses, injuries or damages resulting from the use or handling of this product shall be the purchase price paid by the user or Buyer for the quantity of this product involved. The Buyer and all users are deemed to have accepted the terms of this Notice, which may be varied only by agreement in writing, signed by a duly authorized representative of The Scotts Company.