

432-1454

ACCEPTED
SEP 22 2006
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
Registered under
EPA Reg. No. 432-1454

9/22/2006

Page 1 of 10



Bayer Environmental Science

Merit[®] 240 SC Insecticide

For foliar and systemic insect control in turfgrass (including sod farms), landscape ornamentals, fruit and nut trees and interior plantscapes.

ACTIVE INGREDIENT:

*Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimin..... 20.5%

OTHER INGREDIENTS:..... 79.5%

100.0%

*Protected by U.S. Patent No. 4,742,060

Contains 2 pounds of imidacloprid per gallon.

SHAKE WELL BEFORE USING

EPA Reg. No. 432-1454

EPA Est. No. ____

**STOP - Read the label before use.
Keep out of reach of children.**

CAUTION

For **MEDICAL** And **TRANSPORTATION** Emergencies **ONLY** Call 24 Hours A Day 1-800-334-7577
For **PRODUCT USE** Information Call 1-800-334-9745

FIRST AID

If on skin or clothing

- Take off contaminated clothing.
- Rinse skin immediately with plenty of water for 15 to 20 minutes.
- Call a poison control center or doctor for treatment advice.

If inhaled

- Move person to fresh air.
- If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.
- Call a poison control center or doctor for further 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 do so by a poison control center or doctor.
- Do not give anything by mouth to an unconscious person.

Have a product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 800-334-7577 for emergency medical treatment information.

Note To Physician: No specific antidote is available. Treat the patient symptomatically.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed, absorbed through skin or if inhaled. Avoid contact with skin, eyes, or clothing. Avoid breathing spry mist. Wear long-sleeved shirt and long pants, socks, shoes and chemical-resistant gloves (such as natural rubber, section Category A).

Personal Protective Equipment (PPE)

WPS USES: Applicators and Other Handlers who handle this product for any use covered by the Worker Protection Standard (40 CFR part 170) – i.e., when used to produce agricultural plants on farms, forests, nurseries, or greenhouses,

must wear:

- Long-sleeved shirt and long pants

- Chemical resistant gloves made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.
- Shoes plus socks

Non-WPS USES: Applicators and other handlers who handle this product for any use NOT covered by the Worker Protection Standard (40 CFR part 170) – in general, only agricultural plant uses are covered by the WPS, must wear:

- Shirt and pants
- Gloves
- Shoes plus socks

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

Engineering controls statements:

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

User should:

- Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco.
- Remove and wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This product is highly toxic to aquatic invertebrates. 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 washwaters.

This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

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

Do not formulate this product into other end-use products.

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.

MERIT 240 SC Insecticide can be used as directed on turfgrass and ornamentals in sites such as home lawns, business and office complexes, shopping complexes, multi-family residential complexes, golf courses, airports, cemeteries, parks, playgrounds, athletic fields and sod farms.

MERIT 240 SC Insecticide can be used by soil application as directed on trees, shrubs, flowers and groundcovers in sites such as: in and around industrial and commercial buildings and residential areas, and municipal, city, state, national, and private wooded and forested areas.

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.

Exception: If the product is applied by drenching, the Worker Protection Standard, under certain circumstances, allows workers to enter the treated area if there will be no contact with anything that has been treated.

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 made of any waterproof material such as barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, natural rubber, polyethylene, polyvinylchloride (PVC) or viton.
- Shoes plus socks

NON-AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Keep children and pets off treated area until dry.

STORAGE AND DISPOSAL

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

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

Container Disposal: Triple rinse (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.

Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, and feed. Store in original container and out of the reach of children, preferably in a locked storage area.

MIXING INSTRUCTIONS

MERIT 240 SC Insecticide has demonstrated easy mixing/blooming in water with varying degrees of hardness and temperature. MERIT 240 SC Insecticide has demonstrated excellent mixing and compatibility with many fluid fertilizers, without pre-dilution with water. However, because fertilizers vary widely in quality and composition, it is suggested that a simple jar test be performed (see 'Compatibility Note' below) prior to full-scale mixing.

To prepare the application mixture, add a portion of the required amount of water/liquid fertilizer to the tank and, with agitation, add MERIT 240 SC Insecticide. Complete filling the tank with the balance of the water/fertilizer needed. Maintain sufficient agitation during mixing and application. MERIT 240 SC Insecticide may also be used with other pesticides (see 'Compatibility Note' below). When tank mixtures of MERIT 240 SC Insecticide and other pesticides are involved, prepare the tank mixture as recommended above and follow the suggested Mixing Order described below.

MIXING ORDER

When pesticide mixtures are needed, add wettable powders or wettable granules first, MERIT 240 SC Insecticide and other suspension concentrate (flowable) products second, and emulsifiable concentrates last. Ensure good agitation as each component is added. Do not add an additional component until the previous component is thoroughly mixed. Maintain constant agitation during both mixing and application to ensure uniformity of spray solution.

COMPATIBILITY NOTE

Test compatibility of the intended mixture in a small jar before adding MERIT 240 SC Insecticide to the spray or mix tank. Add proportionate amounts of each ingredient in the appropriate order, to a pint or quart jar, cap, shake for 1-2 minutes, and let set for five minutes. Poor mixing or the formation of precipitates that do not readily redispense indicates an incompatible mixture that should not be used. For further information, contact your local Bayer Environmental Science representative.

APPLICATION TO TURFGRASS

MERIT 240 SC Insecticide can be used for the control of soil inhabiting pests of turfgrass, such as northern & southern masked chafers, *Cyclocephala borealis*, *C. immaculata*, and/or *C. lurida*; Asiatic garden beetle, *Maladera castanea*; European chafer, *Rhizotrogus majalis*; green June beetle, *Cotinis nitida*; May or June beetle, *Phyllophaga* spp.; Japanese beetle, *Popillia japonica*; Oriental beetle, *Anomala orientalis*; *Euethola humulis rugiceps*; billbugs, *Sphenophorus* spp.; annual bluegrass weevil, *Listronotus maculicollis*; black turfgrass ataenius, *Ataenius spretulus*; *Aphodius* spp.; frit fly, *Oscinella frit*; crane flies, *Tipula* spp.; and mole crickets, *Scapteriscus* spp. MERIT 240 SC Insecticide can also be used for suppression of cutworms and chinch bugs.

The active ingredient in MERIT 240 SC Insecticide has sufficient residual activity so that applications can be made preceding the egg-laying activity of the target pests. High levels of control can be achieved when applications are made preceding to or during the egg-laying period. The need for an application can be based on historical monitoring of the site, previous records or experiences, current season adult trapping or other methods. Optimum control will be achieved when applications are made prior to egg hatch of the target pests, followed by sufficient irrigation or rainfall to move the active ingredient through the thatch.

Applications should not be made when turfgrass areas are waterlogged or the soil is saturated with water. Adequate distribution of the active ingredient cannot be achieved when these conditions exist. The treated turf area must be in such a condition that the rainfall or irrigation will penetrate vertically in the soil profile. Applications cannot exceed a total of 1.6 pints (0.4 lb of active ingredient) per acre per year.

APPLICATION EQUIPMENT FOR USE ON TURFGRASS

Apply MERIT 240 SC Insecticide in sufficient water to provide adequate distribution in the treated area. The use of accurately calibrated equipment normally used for the application of turfgrass insecticides is required. Use equipment which will produce a uniform, coarse droplet spray, using a low pressure setting to eliminate off target drift. Check calibration periodically to ensure that equipment is working properly.

APPLICATION TO ORNAMENTALS

MERIT 240 SC Insecticide is for use on ornamentals in commercial and residential landscapes and interior plantscapes. MERIT 240 SC Insecticide is a systemic product and will be translocated upward into the plant system from root uptake. To assure optimum effectiveness, the product must be placed where the growing portion of the target plant can absorb the active ingredient. The addition of a nitrogen-containing fertilizer, where applicable, into the solution may enhance the uptake of the active ingredient. Application can be made by foliar application or soil applications; including soil injection, drenches, and broadcast sprays. Foliar applications offer locally systemic activity against insect pests.

When making soil applications to plants with woody stems, systemic activity will be delayed until the active ingredient is translocated throughout the plant. In some cases, this translocation delay could take 60 days or longer. For this reason, applications should be made prior to anticipated pest infestation to achieve optimum levels of control. For outdoor ornamentals, broadcast applications cannot exceed a total of 1.6 pints (0.4 lb of active ingredient) per acre per year.

Ant Management Programs

Use MERIT 240 SC Insecticide to control aphids, scale insects, mealybugs and other sucking pests on ornamentals to limit the honeydew available as a food source for ant populations. MERIT 240 SC Insecticide applications can be then be supplemented with residual sprays, bait placements or other ant control tactics to further reduce the pest population.

NOTE: Not for use in commercial greenhouses, nurseries, or on grasses grown for seed, or on commercial fruit and nut trees.

APPLICATION EQUIPMENT FOR FOLIAR APPLICATIONS

MERIT 240 SC Insecticide mixes readily with water and may be used in many types of application equipment. Mix product with the required amount of water and apply as desired dependent upon the selected use pattern.

When making foliar applications on hard to wet foliage such as holly, pine, or ivy, the addition of a spreader/ sticker is recommended. If concentrate or mist type spray equipment is used, an equivalent amount of product should be used on the area sprayed, as would be used in a dilute application.

Do not apply through any irrigation system.

RECOMMENDED APPLICATIONS			
CROP	PEST	DOSAGE MERIT 240 SC	
Turf Grasses	Larvae of: Annual bluegrass weevil Asiatic garden beetle Billbug Black turfgrass ataenius Cutworms (suppression) European chafer	Crane flies Green June beetle Japanese beetle Northern masked chafer Oriental beetle <i>Phyllophaga</i> spp. Southern masked chafer	1.25 to 1.6 pt/A or 0.46 to 0.6 fl oz (14 to 17 mL) per 1000 sq ft
	For optimum control of grubs, billbugs, annual bluegrass weevil, and crane fly, make application prior to egg hatch of the target pest. Be sure to read "APPLICATION EQUIPMENT" Section of this label.		
	Chinch bugs (suppression)	Mole crickets	1.6 pt /A or 0.6 fl oz (17 mL) per 1000 sq ft
	For suppression of chinch bugs, make application prior to the hatching of the first instar nymphs. For control of mole crickets make application prior to or during the peak egg hatch period. When adults or large nymphs are present and actively tunneling, application of MERIT 240 SC Insecticide should be accompanied by a curative insecticide. Follow label instructions for other insecticides when tank-mixing.		
<p>Consult your local turf, state Agricultural Experiment Station, or State Extension Service Specialists for more specific information regarding timing of application.</p> <p>NOTE: For optimum control, irrigation or rainfall should occur within 24 hours after application to move the active ingredient through the thatch. Do not apply more than 1.6 pt (0.4 lb of active ingredient) per acre per year. Avoid mowing turf or lawn area until after sufficient irrigation or rainfall has occurred so that uniformity of application will not be affected.</p>			

6 7 10

RECOMMENDED APPLICATIONS		
CROP	PEST	DOSAGE MERIT 240 SC
	<p>FOLIAR APPLICATION: Start treatments prior to establishment of high pest populations, and reapply as needed. Apply the specified application rate as a full coverage foliar spray. Repeat treatment as necessary to achieve control using higher application rates as pest pressure & foliage area increases. Repeat application should be limited to no more than once per seven days.</p> <p>Certain cultivars may be sensitive to the final spray solution. A small number of plants should be treated and observed for one week prior to application to the entire planting.</p>	
Trees Shrubs Evergreens Flowers Foliage plants Groundcovers Interior plantscapes	Adelgids Aphids Japanese beetles Lace bugs Leaf beetles (including elm and viburnum leaf beetles) Leafhoppers (including glassy-winged sharpshooter)	Mealybugs Psyllids Sawfly larvae Thrips (suppression) Whiteflies
	<p>BROADCAST APPLICATION: Mix required amount of product in a sufficient quantity of water accurately cover the area being treated. Do not use less than 2 gallons of water per 1000 sq ft. For optimum control of subsurface feeders, irrigate thoroughly to incorporate MERIT 240 SC Insecticide into the upper soil profile.</p>	
	White grub larvae (such as Japanese beetle larvae, Chafers, <i>Phyllophaga</i> spp. Asiatic garden beetle, Oriental beetle)	1.5 fl oz (45 mL) per 100 gal of water
		0.46 to 0.6 fl oz (14 to 17 mL) per 1000 sq ft

RECOMMENDED APPLICATIONS FOR SOIL INJECTION AND SOIL DRENCH APPLICATIONS		
TREES, SHRUBS, FLOWERS AND GROUNDCOVER		
Adelgids Aphids Armored scales (suppression) Black vine weevil larvae Emerald ash borer Eucalyptus longhorned borer Flatheaded borers (incl. bronze birch and alder borer)	Japanese beetles Lace bugs Leaf beetles (including elm and viburnum leaf beetles) Leafhoppers (including glassy-winged sharpshooter) Leafminers Mealybugs Pine tip moth larvae	Psyllids Royal palm bugs Sawfly larvae Soft scales Thrips (suppression) White grub larvae Whiteflies
Trees	0.1 to 0.2 fl oz (3 to 6 mL) per inch of trunk diameter (D.B.H.)	
<p>Soil Injection: GRID SYSTEM - Holes should be spaced on 2.5 foot centers, in a grid pattern, extending to the drip line of the tree. CIRCLE SYSTEM - Apply in holes evenly spaced in circles, (use more than one circle dependent upon the size of the tree) beneath the drip line of the tree extending in from that line. BASAL SYSTEM - Space injection holes evenly around the base of the tree trunk no more than 6 to 12 inches out from the base.</p> <p>Mix required dosage in sufficient water to inject an equal amount of solution in each hole. Maintain a low pressure and use sufficient solution for distribution of the liquid into the treatment zone. For optimum control, keep the treated area moist for 7 to 10 days. Do not use less than 4 holes per tree.</p> <p>No Soil Injection Applications Allowed in Nassau or Suffolk Counties of New York.</p> <p>Soil Drench: Uniformly apply the dosage in no less than 10 gallons of water per 1000 square feet as a drench around the base of the tree, directed to the root zone. Remove plastic or any other barrier that will stop solution from reaching the root zone.</p> <p>For Control of Specified Borers: Application to trees already heavily infested may not prevent the eventual loss of the trees due to existing pest damage and tree stress.</p>		
Shrubs	0.1 to 0.2 fl oz (3 to 6 mL) per inch of trunk diameter (D.B.H.)	
<p>Soil Injection: Apply to individual plants using dosage indicated. Mix required dosage in sufficient water to inject an equal amount of solution in each hole. Maintain a low pressure and use sufficient solution for distribution of the liquid into the treatment zone. Keep the treated area moist for 7 to 10 days. Do not use less than 4 holes per shrub.</p> <p>No Soil Injection Applications Allowed in Nassau or Suffolk Counties of New York.</p> <p>Soil Drench: Uniformly apply the dosage in no less than 10 gallons of water per 1000 square feet as a drench around the base of the tree, directed to the root zone. Remove plastic or any other barrier that will stop solution from reaching the root zone.</p>		
Flowers and Groundcovers	1.32 to 1.65 fl. oz. (40 to 50 mL) per 1000 sq. ft.	
<p>Apply as a broadcast treatment and incorporate into the soil before planting or apply after plants are established. If application is made to established plants, optimum control will be attained if area is irrigated thoroughly after application.</p>		

RECOMMENDED APPLICATIONS

CROP	PEST	DOSE PER APPLICATION	
Pome Fruits Apple Crabapple Loquat Mayhaw Pear Pear (oriental) Quince	Aphids (except Woolly apple aphid) Leafminers (including glassy-winged sharpshooter) Leafminer Mealybugs* San Jose scale*	1.5 fl oz (45 mL) per 100 gal	6.0 fl oz/A ¹

Apply specified dosage as foliar spray as needed after petal-fall is complete.
 For control of rosy apple aphid, apply prior to leafrolling caused by the pest.
 For first generation leafminer control, make first application as soon as petal-fall is complete. Optimum control of leafminer will result from the earliest possible application. For second and succeeding generations of leafminer, optimal control is obtained from applications made early in the adult flight against egg and early instar larvae. A second application may be required 10 days later if severe pressure continues or if generations are overlapping. A single application may result in suppression only. MERIT 240 SC Insecticide will not control late-stage larvae.
 For San Jose Scale, time applications to the crawler stage. Treat each generation.
 For late season (preharvest) control of leafhopper species, apply MERIT 240 SC while most leafhoppers are in the nymphal stage.
 For optimal control of mealybug, insure good spray coverage of the trunk and scaffolding limbs or other resting sites of the mealybug.
 Do not apply more than 6.0 fluid ounces per acre in a single application. Do not make more than 5 applications.
 Allow 10 or more days between applications. Allow at least 7 days between last application and harvest.
 * Not for use in California for control on pears.

Pecan*	Yellow pecan aphid Black margined aphid Pecan leaf phylloxera	Pecan spittlebug Pecan stem phylloxera	1.5 fl oz (45 mL) per 100 gal	6.0 fl oz/A ¹
--------	---	---	----------------------------------	--------------------------

Make foliar applications as pests populations begin to build (i.e., before populations become extreme). Two applications at a 10 to 14 day interval may be required to achieve control. Scout and retreat if needed.
 Thorough uniform coverage of foliage is necessary for optimal control. Addition of an organosilicone-based spray adjuvant at a rate not to exceed the adjuvant manufacturer's recommended use rate may improve coverage.
 Do not apply more than a total of 18.0 fluid ounces of MERIT 240 SC Insecticide per acre per year. Do not make more than 3 applications.
 Allow 10 or more days between applications.

¹ The amount of MERIT 240 SC Insecticide required per acre will depend on tree size and volume of foliage present. The rate per acre is based on a standard of 400 gallons of dilute spray solution per acre for large trees.
 * Use on pecans not permitted in California unless directed by specific supplemental labeling.

9 8 10

RECOMMENDED APPLICATIONS

CROP	PEST		DOSE PER APPLICATION	
Grapes	Leafhoppers (including glassy-winged sharpshooter)	Mealybugs	1.5 fl oz (45 mL) per 100 gal	3.0 fl oz/A (90 mL/A)

Apply specified dosage as a foliar spray using 200 gallons of water per acre. Do not apply more than a total of 6.0 fl. oz. ounces of MERIT 240 SC Insecticide per acre per year. Allow at least 14 days between applications. Applications may be applied up to and including day of harvest.

RESTRICTIONS

Do not graze treated areas or use clippings from treated areas for feed or forage. Avoid runoff or puddling of irrigation water following application. Keep children and pets off treated area until dry. Avoid application of MERIT 240 SC Insecticide to areas which are water logged or saturated, which will not allow penetration into the root zone of the plant. Do not apply more than 1.6 pt (0.4 lb of active ingredient) per acre per year.

Treated areas may be replanted with any crop specified on an imidacloprid label, or with any crop for which a tolerance exists for the active ingredient.

For crops not listed on an imidacloprid label, or for crops for which no tolerances for the active ingredient have been established, a 12-month plant-back interval should be observed.

Handle and open container in a manner as to prevent spillage. If the container is leaking, invert to prevent leakage. If container is leaking or material spilled for any reason or cause, carefully dam up spilled material to prevent runoff. Refer to Precautionary Statements on label for hazards associated with the handling of this material. Do not walk through spilled material. Absorb spilled material with absorbing type compounds and dispose of as directed for pesticides above. In spill or leak incidents, keep unauthorized people away. You may contact the Bayer Environmental Science Emergency Response Team for decontamination procedures or any other assistance that may be necessary. The Bayer Environmental Science Emergency Response Telephone No. is 1-800-334-7577 or contact Chemtrec at 800-424-9300.

10 8 10

IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of liability before using this product.

If terms are not acceptable, return the unopened product container at once. By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Bayer CropScience LP. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. BAYER CROPSCIENCE LP DISCLAIMS ANY liability whatsoever for special, incidental or consequential damages, resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE LP'S ELECTION, THE REPLACEMENT OF PRODUCT.

This Product is specially formulated and sold under license from Bayer only for the uses set forth on this label. The active ingredient of this product, formulations containing this active ingredient, and/or methods of making or using this active ingredient or its formulations may be the subject of one or more Bayer patents, including but not limited to U.S. Patent No. 4,742,060. The purchase and/or use of this product constitutes acceptance of a limited license to use this product only in strict accordance with the instructions set forth on this label. Any use of this product other than as expressly set forth on this label is prohibited and is not licensed through the purchase and/or use of this product and may result in the infringement of one or more Bayer patents and/or other intellectual property rights.

PRODUCED FOR



Bayer Environmental Science

A Business Group of Bayer CropScience LP
2 T. W. Alexander Drive
Research Triangle Park, NC 27709

MERIT 240 SC (PENDING) Submitted 08/10/06