

7969-310

2/14/2014

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

FEB 14 2014

Khalid H. Akkari, Ph.D.
BASF Corporation
26 Davis Drive
P.O. Box 13528
Research Triangle Park, NC 27709-3528

Subject: Label Amendment – New Food Crop Uses
EPA Registration No.: 7969-310
Merivon® Xemium® Brand Fungicide
D#: 466684
Your submission dated June 15, 2012

Dear Dr. Akkari:

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is acceptable.

At your next label printing, or within eighteen (18) months, whichever comes first, you must incorporate this supplemental labeling into the main product labeling. Two (2) copies of the final printed label must be submitted prior to releasing the product for shipment. A stamped copy of the label is enclosed for your records.

If you have any questions, please contact Olga Odiott at (703) 308-9369.

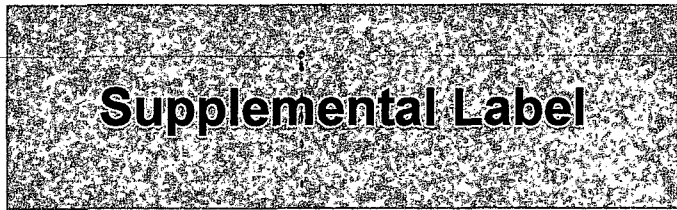
Sincerely,

A handwritten signature in black ink, appearing to read "Michael Walsh".

Michael Walsh
Acting Product Manager 13
Insecticide Branch
Registration Division (7505P)

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Group	7	11	Fungicide
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merivon®

XEMIUM® BRAND FUNGICIDE

For disease control and plant health in the following crops: berries and small fruits, Brassica leafy vegetables, bulb vegetables, cucurbit vegetables, grapes, leafy vegetables, root vegetables, strawberries, and tree nuts

This supplemental label expires on September 30, 2016 and must not be used or distributed after this date.

Powered by Xemium® and F500® fungicides

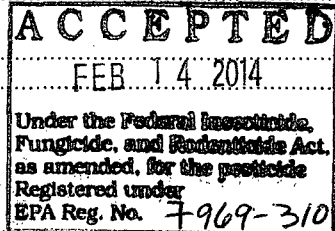
Active Ingredients:

fluxapyroxad*: 1H-Pyrazole-4-carboxamide, 3-(difluoromethyl)-1-methyl-N-(3',4',5'-trifluoro[1,1'-biphenyl]-2-yl)-	21.26%
pyraclostrobin**: (carbamic acid, [2-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy]methyl]phenyl]methoxy-, methyl ester)	21.26%

Other Ingredients:

.....	57.48%
Total:	100.00%

* Equivalent to 2.09 pounds of fluxapyroxad per gallon
 ** Equivalent to 2.09 pounds of pyraclostrobin per gallon



EPA Reg. No. 7969-310

Environmental Hazards

This pesticide is toxic to fish and aquatic invertebrates. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas.

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 or rinsate.

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 groundwater.

Surface Water Advisory

This product is classified as having high potential for reaching aquatic sediment via runoff for several months or more after application. Poorly draining soils and soils with shallow water tables are more prone to produce runoff that contains this product. A level, well-maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential loading of this active ingredient or its degradates from runoff water and sediment. Runoff

of this product will be reduced by avoiding applications when rainfall is forecast to occur within 48 hours. Sound erosion control practices will reduce this product's potential to reach aquatic sediment via runoff.

Groundwater Advisory

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

Directions For Use

- It is a violation of federal law to use this product in a manner inconsistent with its labeling.
- The supplemental labeling and the entire Merivon® Xemium® brand fungicide container label, EPA Reg. No. 7969-310, must be in possession of the user at the time of application.
- Read the label affixed to the container for Merivon before applying.

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- Use of **Merivon® Xemium®** brand fungicide according to this labeling is subject to the use precautions and limitations imposed by the label affixed to the container for **Merivon**.

beet, sugarcane, tree nuts, tuberous and corm vegetables (including potato), and wheat and triticale may be planted immediately following the last application. For rice, **DO NOT** plant sooner than 14 days after the last application. For all other crops, **DO NOT** plant sooner than 365 days after the last application.

Restrictions and Limitations

Crop Rotation Restriction - Barley, berries and small fruits, Brassica leafy vegetables, bulb vegetables, corn (all types), cotton, cucurbit vegetables, dried shelled peas and beans, edible-podded legume vegetables, fruiting vegetables (including tomato), grapes, leafy vegetables, millet, oat, oilseed crops (including flax seed, rapeseed and sunflower), peanut, pome fruits, root vegetables, rye, sorghum, soybean, stone fruits, strawberries, succulent shelled peas and beans, sugar

Application Instructions

Apply **Merivon** according to the rate, timing, and resistance management use instructions in the **Crop-specific Directions** in this label. Observe the additional instructions on application methods, additive use and mixing order on the **Merivon** main label.

Table 1. Merivon® Xemium® brand fungicide Restrictions and Limitations Overview*

Crop**	Minimum Time from Application to Harvest (PHI) (days)	Maximum Product Rate per Application (fl ozs/A)	Maximum Number of Applications per Season	Maximum Number of Sequential Applications	Maximum Product Rate per Season (fl ozs/A)
Berries and small fruits subgroups	0, 14	11	3	2	33
Brassica leafy vegetables group	3	5.5	3	2	16.5
Bulb vegetables group	7	11	3	2	33
Cucurbit vegetables group	0	5.5	3	1	16.5
Grapes – Botrytis disease	14	11	3	2	33
Grapes – all other diseases	14	5.5	6	2	33
Leafy vegetables group (except Brassica)	1	11	3	2	33
Root vegetables (except sugar beet) subgroup	7	5.5	3	2	16.5
Strawberries	0	11	3	2	33
Tree nuts group	14	6.8	3	2	20.4

* See Table 2. **Merivon® Xemium®** brand fungicide **Crop-specific Directions** for additional directions.

For a complete list of crops within a crop group, see Table 2. **Merivon® Xemium® brand fungicide **Crop-specific Directions**.

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Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions

Crop	Target Disease	Product Use Rate per Application (fl ozs/A)	Maximum Number of Applications per Season	Maximum Product Rate per Season (fl ozs/A)	Minimum Time from Application to Harvest (PHI) (days)
Berries and small fruits subgroups* Bushberry subgroup Blueberry* (highbush and lowbush), Currant Elderberry Gooseberry Huckleberry Caneberry subgroup Blackberry (all varieties) Loganberry Raspberry (black and red) Wild raspberry Low growing berry subgroup Bearberry Bilberry Cloudberry Lingonberry Muntries Partridgeberry	Alternaria leaf spot and fruit rot (<i>Alternaria</i> spp.) Anthracnose (<i>Colletotrichum</i> spp., <i>Elsinoe</i> spp.) Botrytis gray mold (<i>Botrytis cinerea</i>) Leaf spot and blotch (<i>Mycosphaerella</i> spp., <i>Septoria</i> spp.) Monilinia blight and mummy berry (<i>Monilinia</i> spp.) Phomopsis leaf spot, twig blight, and fruit rot (<i>Phomopsis</i> spp.) Powdery mildew (<i>Sphaerotheca</i> spp., <i>Microshaera</i> spp., <i>Oidium</i> spp.) Spur blight (<i>Didymella</i> spp., <i>Phoma</i> spp.)	4 to 11	3	33	0 (bushberry, caneberry, and low growing berry)
Small fruit vine climbing subgroup, (except fuzzy kiwifruit) Amur river grape Gooseberry Kiwifruit, hardy Maypop Schisandra berry	Suppression Only: Rust (<i>Pucciniastrum</i> spp., <i>Arthuriomyces</i> spp., <i>Phragmidium</i> spp., <i>Kuehneola</i> spp.)				14 (small fruit vine climbing)

Application Directions. Begin applications of **Merivon** prior to onset of disease development and continue on a 7 to 14 day interval. Use the shorter interval and/or the higher rate when disease pressure is high.

DO NOT apply **Merivon** to any crops in the Berries and Small Fruits subgroups, including blueberries (highbush and lowbush), as a tank mix with any other pesticide products (including fungicides, insecticides, herbicides), adjuvants, liquid fertilizers, nutrients, any other additives, or anything other than water.

Mix **Merivon** with water only for applications to crops listed in the Berries and Small Fruits subgroups.

Resistance Management. To limit the potential for development of resistance, **DO NOT** apply more than 33 fl ozs of **Merivon** per acre per season. **DO NOT** apply more than three (3) applications of **Merivon** per season.

DO NOT make more than two (2) sequential applications of **Merivon** before alternating to a labeled **non-Group 7** or **non-Group 11** fungicide.

*Not registered for use in California.

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Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions (continued)

Crop	Target Disease	Product Use Rate per Application (fl ozs/A)	Maximum Number of Applications per Season	Maximum Product Rate per Season (fl ozs/A)	Minimum Time from Application to Harvest (PHI)-(days)
Brassica leafy vegetables group* Head and stem Broccoli Broccoli, Chinese Brussels sprouts Cabbage Cabbage, Chinese Cabbage, Chinese mustard Cauliflower Cavalo broccolo Kohlrabi Leafy greens Broccoli raab Chinese cabbage (bok choy) Collards Kale Mizuna Mustard greens Mustard spinach Rape greens	Alternaria leaf spot (<i>Alternaria</i> spp.)	4 to 5.5	3	16.5	3
	Anthracnose (<i>Colletotrichum</i> spp.)				
	Black leg (<i>Phoma lingam</i>)				
	Cercospora leaf spot (<i>Cercospora brassicicola</i>)				
	Powdery mildew (<i>Erysiphe polygoni</i>)				
	Rhizoctonia blight (<i>Rhizoctonia solani</i>)				
	Ring spot (<i>Mycosphaerella brassicicola</i>)				
	White leaf spot (<i>Pseudocercospora capsellae</i>)				
	White rust (<i>Albugo candida</i>)				
	Suppression Only:				
	Downy mildew (<i>Peronospora parasitica</i>)				

Application Directions. Begin applications of **Merivon** prior to onset of disease development and continue on a 7 to 14 day interval. Use the shorter interval and/or the higher rate when disease pressure is high.

Resistance Management. To limit the potential for development of resistance, **DO NOT** apply more than 16.5 fl ozs of **Merivon** per acre per season. **DO NOT** apply more than three (3) applications of **Merivon** per season.

DO NOT make more than two (2) sequential applications of **Merivon** before alternating to a labeled **non-Group 7** or **non-Group 11** fungicide.

*Not registered for use in California.

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Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions (continued)

Crop	Target Disease	Product Use Rate per Application (fl ozs/A)	Maximum Number of Applications per Season	Maximum Product Rate per Season (fl ozs/A)	Minimum Time from Application to Harvest (PHI) (days)
Cucurbit vegetables group	Alternaria leaf blight (<i>Alternaria cucumerina</i>)	4 to 5.5	3	16.5	0
Chayote	Powdery mildew	.			
Chinese waxgourd	(<i>Podosphaera</i> spp., <i>Sphaerotheca</i> spp., <i>Erysiphe</i> spp.,)	.			
Citron melon		.			
Cucumber	Anthracnose	5.5			
Gherkin	(<i>Colletotrichum orbiculare</i>)	.			
Pumpkin		.			
Watermelon		.			
Edible gourd	Cercospora leaf spot (<i>Cercospora citrulina</i>)				
Hyotan					
Cucuzza	Gummy stem blight (<i>Didymella bryoniae</i>)				
Chinese okra					
Momordica spp.	Microdochium blight (<i>Plectosporium tabacinum</i>)				
Balsam apple					
Balsam pear					
Bitter melon	Target leaf spot (<i>Corynespora cassicola</i>)				
Chinese cucumber					
Muskmelon	Suppression Only:				
Cantaloupe	Downy mildew (<i>Pseudoperonospora cubensis</i>)				
Casaba					
Crenshaw melon					
Golden pershaw melon					
Honeydew melon					
Honey balls					
Mango melon					
Persian melon					
Pineapple melon					
Santaclaus melon					
Snake melon					
Summer squash					
Crookneck squash					
Scallop squash					
Straightneck squash					
Vegetable marrow					
Zucchini					
Winter squash					
Butternut squash					
Calabaza					
Hubbard squash					
Acorn squash					
Spaghetti squash					

(continued)

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Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions (continued)

Cucurbit vegetables group, continued

Application Directions. For optimal disease control, begin applications of **Merivon** prior to disease development and continue on a 7 to 14 day interval if conditions are conducive for disease development. Use the higher rate and shorter interval when disease pressure is high.

DO NOT apply **Merivon** to any crops in the Cucurbit Vegetables Group as a tank mix with any other pesticide products (including fungicides, insecticides, herbicides), adjuvants, liquid fertilizers, nutrients, any other additives, or anything other than water.

Mix **Merivon** with water only for applications to crops listed in the Cucurbit Vegetables Group.

Resistance Management. To limit the potential for development of resistance, **DO NOT** apply more than 16.5 fl ozs of **Merivon** per acre per season. **DO NOT** make more than one (1) application of **Merivon** before alternating to a labeled **non-Group 7** or **non-Group 11** fungicide. In areas where gummy stem blight resistance to **Group 7** or **Group 11** fungicides have been confirmed, tank mix with chlorothalonil at full label rates and adhering to all label precautions.

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Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions (continued)

Crop	Target Disease	Product Use Rate per Application (fl ozs/A)	Maximum Number of Applications per Season	Maximum Product Rate per Season (fl ozs/A)	Minimum Time from Application to Harvest (PHI) (days)
Grapes* (except Concord and Noiret) See Crop Safety Precaution below	Angular leaf spot (<i>Mycosphaerella angulata</i>) Anthracnose (<i>Elsinoe ampelina</i>) Black rot (<i>Guignardia bidwellii</i>) Leaf blight (<i>Pseudocercospora vitis</i>) Phomopsis cane and Leaf spot (<i>Phomopsis viticola</i>) Powdery mildew (<i>Erysiphe necator</i>) Ripe rot (<i>Colletotrichum gloeosporioides</i>) Suppression Only: Botrytis gray mold (<i>Botrytis cinerea</i>) Downy mildew (<i>Plasmopara viticola</i>)	4 to 5.5	6	33	14
	Botrytis gray mold (<i>Botrytis cinerea</i>) Aids in control: Summer bunch rot (<i>Aspergillus</i> spp., <i>Alternaria</i> spp., <i>Botrytis</i> spp., <i>Cladosporium</i> spp., <i>Penicillium</i> spp., <i>Rhizopus</i> spp.)	5.5 to 11	3		

(continued)

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Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions (continued)

Grapes, continued

Application Directions. For powdery mildew control, begin applications of **Merivon** as of bud break or prior to onset of disease. When using 4 fl ozs per acre, continue on a 14 to 21 day interval. Longer spray intervals for powdery mildew control may be possible with higher rates of **Merivon**. The effectiveness of longer spray intervals will depend on the current powdery mildew infection level in the field, the amount of disease pressure after application and factors such as crop growth stage and rate of growth.

For black rot control and downy mildew suppression, begin applications of **Merivon** before pre-bloom and continue on a 10 to 14 day interval.

Begin applications targeted against **Botrytis gray mold** prior to disease development when conditions favor the development of **Botrytis** such as during early bloom, bunch preclosure and veraison. Use the higher rates from bunch preclosure to veraison. Use shorter intervals when disease pressure is high.

For all other diseases listed, begin applications of **Merivon** prior to onset of disease development and continue on a 10 to 14 day interval. Use the higher rate and the shorter interval when disease pressure is high.

DO NOT apply **Merivon** to Grapes as a tank mix with any other pesticide products (including fungicides, insecticides, herbicides), adjuvants, liquid fertilizers, nutrients, any other additives, or anything other than water.

Mix **Merivon** with water only for applications to Grapes.

Crop Safety Precaution. DO NOT use **Merivon** on **Concord, Noiret and NY73.0136.17** due to possible foliar injury. Possible foliar injury could occur to **Worden, Fredonia, Niagara, Steuben, Rougeon** or related varieties. **Not all varieties have been thoroughly tested.**

Resistance Management. To limit the potential for development of resistance, **DO NOT** apply more than 33 fl ozs of **Merivon** per acre per season. **DO NOT** make more than two (2) sequential applications of **Merivon** before alternating to a labeled **non-Group 7** or **non-Group 11** fungicide.

*Not registered for use in California.

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Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions (continued)

Crop	Target Disease	Product Use Rate per Application (fl ozs/A)	Maximum Number of Applications per Season	Maximum Product Rate per Season (fl ozs/A)	Minimum Time from Application to Harvest (PHI) (days)
Leafy vegetables group* (except Brassica) Amaranth Arugula Cardoon Celery Celery, Chinese Celtuce Chervil Chrysanthemum (edible-leaved and garland) Corn salad Cress (garden and Upland) Dandelion Dock Endive Fennel, Florence Lettuce (head and leaf) Orach Parsley Purslane (garden and winter) Radicchio (red chicory)	Alternaria leaf spot (<i>Alternaria</i> spp.) Anthracnose (<i>Colletotrichum</i> spp.) Ascochyta leaf spot (<i>Ascochyta</i> spp.) Cercospora leaf spot (<i>Cercospora</i> spp.) Phoma (<i>Phoma</i> spp.) Powdery mildew (<i>Erysiphe</i> spp., <i>Phyllactinia</i> spp., <i>Sphaerotheca</i> spp.) Rust (<i>Puccinia</i> spp., <i>Uromyces</i> spp.) Septoria leaf spot (<i>Septoria</i> spp.) White rust (<i>Albugo</i> spp.) Suppression Only: Downy mildew (<i>Peronospora</i> spp., <i>Pseudoperonospora</i> spp.)	4 to 11	3	33	1
Rhubarb Spinach Spinach (New Zealand and vine) Swiss chard	Botrytis rot (<i>Botrytis</i> spp.) Lettuce drop caused by <i>Sclerotinia minor</i> Lettuce downy mildew (<i>Bremia</i> spp.)	6 to 11			

(continued)

Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions (continued)

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Leafy vegetables group, *continued*

Application Directions. Begin applications of **Merivon** prior to onset of disease development and continue on a 7 to 14 day interval. Use the shorter interval and/or the higher rate when disease pressure is high.

Tank Mix Restrictions

Spinach (all varieties). **DO NOT** apply **Merivon** to spinach as a tank mix with any other pesticide products (including fungicides, insecticides, herbicides), adjuvants, liquid fertilizers, nutrients, any other additives, or anything other than water.

Mix **Merivon** with water only for applications to Spinach (all varieties).

Leafy vegetables (except spinach). It is impossible for BASF to test all varieties of leafy vegetables for sensitivity to **Merivon** under all environments and all potential product mixture combinations. Local conditions can also influence crop tolerance and may not match those under which BASF has conducted testing. Proceed with caution with regard to **Merivon** use, particularly in tank mixes and/or adjuvant combinations on leafy vegetables. To reduce the risk of leafy vegetable injury, BASF recommends testing **Merivon** or **Merivon** tank mixtures on a small portion of the crop before broadscale use.

To the extent consistent with applicable law, the user assumes all risks associated with adding products to the **Merivon** spray solution. Refer also to the **Conditions of Sale and Warranty** section of this label.

Resistance Management. To limit the potential for development of resistance, **DO NOT** apply more than 33 fl ozs of **Merivon** per acre per season. **DO NOT** apply more than three (3) applications of **Merivon** per season.

DO NOT make more than two (2) sequential applications of **Merivon** before alternating to a labeled non-Group 7 or non-Group 11 fungicide.

*Not registered for use in California.

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Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions (continued)

Crop	Target Disease	Product Use Rate per Application (fl ozs/A)	Maximum Number of Applications per Season	Maximum Product Rate per Season (fl ozs/A)	Minimum Time from Application to Harvest (PHI) (days)
Root vegetables (except sugar beet) subgroup* Beet, garden Burdock, edible Carrot * Celeriac Chervil turnip-rooted Chicory Ginseng Horseradish Parsley, turnip-rooted Parsnip Radish Radish, Oriental Rutabaga Salsify Salsify, black Salsify, Spanish Skirret Turnip	Alternaria leaf spot/blight (<i>Alternaria</i> spp.) Powdery mildew (<i>Erysiphe</i> spp., <i>Leveillula</i> spp.)	4 to 5.5	3	16.5	7
	Cercospora leaf spot/blight (<i>Cercospora</i> spp.)	5.5			

Application Directions. For optimal disease control, begin applications of **Merivon** prior to disease development and continue on a 7 to 14 day interval if conditions are conducive for disease development. Use the higher rate and shorter interval when disease pressure is high.

Resistance Management. To limit the potential for development of resistance, **DO NOT** apply more than 16.5 fl ozs of **Merivon** per acre per season. **DO NOT** make more than two (2) sequential applications of **Merivon** before alternating to a labeled **non-Group 7** or **non-Group 11** fungicide.

*Not registered for use in California, except on carrot.

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Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions (continued)

Crop	Target Disease	Product Use Rate per Application (fl ozs/A)	Maximum Number of Applications per Season	Maximum Product Rate per Season (fl ozs/A)	Minimum Time from Application to Harvest (PHI) (days)
Strawberries	Leaf spot (<i>Mycosphaerella fragariae</i> , <i>Ramularia tulasnei</i>)	4 to 7	3	33	0
	Powdery mildew (<i>Sphaerotheca macularis</i>)				
	Anthracnose (<i>Colletotrichum</i> spp.)	5.5 to 8			
	Botrytis gray mold (<i>Botrytis cinerea</i>)	5.5 to 11			

Application Directions. Begin applications of Merivon no later than 10% bloom, or prior to disease development and continue on a 7 to 14 day interval. Use the shorter interval and/or the higher rate when disease pressure is high.

The restricted entry interval (REI) for treated strawberries is **12 hours**. Refer to the **Agricultural Use Requirements** on the Merivon main label for PPE required for early entry to treated areas as permitted under the Worker Protection Standard.

Resistance Management. To limit the potential for development of resistance, **DO NOT** apply more than 33 fl ozs of Merivon per acre per season. **DO NOT** make more than two (2) sequential applications of Merivon before alternating to a labeled non-Group 7 or non-Group 11 fungicide.

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Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions (continued)

Crop	Target Disease	Product Use Rate per Application (fl ozs/A)	Maximum Number of Applications per Season	Maximum Product Rate per Season (fl ozs/A)	Minimum Time from Application to Harvest (PHI) (days)
Tree nuts group Almond Beech nut Brazil nut Butternut Cashew Chestnut Chiquapin Filbert Hickory nut Macadamia nut Pecan Pistachio Walnut (black and English)	Alternaria late blight (<i>Alternaria</i> spp.) Anthracnose (<i>Colletotrichum</i> spp.) Botrytis blossom and shoot blight (<i>Botrytis cinerea</i>) Brown rot/Blossom Blight (<i>Monilinia</i> spp.) Green fruit rot/Jacket rot (<i>Botrytis cinerea</i> , <i>Sclerotinia sclerotiorum</i> , <i>Monilinia laxa</i>) Leaf rust (<i>Tranzschelia discolor</i>) Panicle and shoot blight (<i>Botryosphaeria dothidea</i>) Scab (<i>Cladosporium carpophilum</i> , <i>C. caryigenum</i>) Shothole (<i>Wilsonomyces carpophilus</i>) Suppression Only: Hull rot (<i>Rhizopus stolonifer</i> and <i>Monilinia</i> spp.)	4 to 6.8	3	20.4	14

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Table 2. Merivon® Xemium® brand fungicide Crop-specific Directions (continued)

Tree nuts group, continued

Application Directions. For almond, begin applications of **Merivon** prior to the onset of disease development, and continue on a 7 to 14 day interval up to 14 days before harvest.

For filbert, begin applications at budswell to budbreak, or prior to infection and onset of disease development. Continue on a 7 to 14 day interval to cover and protect new growth.

For pecan, begin applications of **Merivon** prior to onset of disease development and continue on a 7 to 21 day interval for the control of scab. Use the shorter interval and/or the higher rate when disease pressure is high.

For pistachio, apply **Merivon** prior to onset of disease development and continue on a 10 to 30 day interval. Use the higher rate and shorter intervals when disease pressure is high.

For all other crops listed, apply **Merivon** prior to disease development and continue on a 7 to 28 day interval. In all cases use the shorter interval when shoot growth is rapid.

No restriction on livestock feeding of almond hulls.

For aerial application to tree nuts, **DO NOT** use less than 10 gallons of spray solution per acre.

Resistance Management. To limit the potential for development of resistance, **DO NOT** apply more than 20.4 fl ozs of **Merivon** per acre per season. **DO NOT** make more than two (2) sequential applications of **Merivon** before alternating to a labeled **non-Group 7** or **non-Group 11** fungicide.

Conditions of Sale and Warranty

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, it is impossible to eliminate all risks inherently 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 use of the product in a manner inconsistent with its labeling, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions For Use**, subject to the inherent risks, referred to above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of BASF.

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Merivon® Xemium® brand fungicide is specially formulated and sold by BASF for the control of pests according to the directions on this label. The purchase price of **Merivon** includes a royalty whereby the purchaser acquires a prepaid license under U.S. Patent No. 5,438,070 and (pending No. 2008/0153707 A1) under which purchaser agrees to employ the purchased quantity of **Merivon** only for the above-specified uses under BASF's United States patent rights and to provide notice of the terms and conditions of this license to any subsequent purchaser. Uses of **Merivon** other than those specified on this label are not licensed through the purchase of this product and the use of this product for other purposes may violate this license and patent rights of BASF.

Merivon, F500 and Xemium are registered trademarks of BASF.

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007969-00310.20120613c.NVA 2012-04-371-0101

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Research Triangle Park, NC 27709



The Chemical Company