



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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Ms. Janet P. Baguhn  
Howard Johnson's Enterprises, Inc.  
700 West Virginia Street #222  
Milwaukee, WI 53204

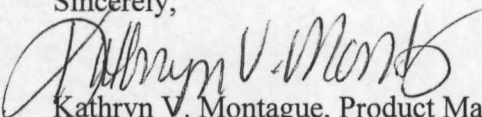
DEC - 9 2010

Subject: Application for Pesticide Notification (PRN 98-10)  
Request Alternate Brand Name "TERRE Crabgrass Control Plus With 0.29%  
Prodiamine 20-0-5"  
EPA Reg. No. 32802-70  
Application Dated: October 5, 2010

Dear Ms. Baguhn,

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 for Crabgrass Preventer Plus 0.29% Prodiamine (EPA Reg. No. 32802-70) dated October 5, 2010. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action requested falls within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please call me directly at (703) 305-1243.

Sincerely,  
  
Kathryn V. Montague, Product Manager 23  
Herbicide Branch  
Registration Division (7505P)  
Office of Pesticide Programs

Print Form

Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0080



United States  
Environmental Protection Agency  
Washington, DC 20460

Registration  
 Amendment  
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 32802-70		2. EPA Product Manager Miller	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Crabgrass Preventer Plus with 0.29% Prodiamine		PM# 23	
5. Name and Address of Applicant (Include ZIP Code)  Howard Johnson's Enterprises, Inc 700 West Virginia Street #222, Milwaukee, WI 53204  <input type="checkbox"/> Check if this is a new address		6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

Amendment - Explain below.  Final printed labels in response to Agency letter dated \_\_\_\_\_

Resubmission in response to Agency letter dated \_\_\_\_\_  "Me Too" Application.

Notification - Explain below.  Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Additional Brand name:  
TERRE Crabgrass Control Plus With 0.29% Prodiamine 20-0-5  
Certification attached

Section - III

1. Material This Product Will Be Packaged In:

Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input checked="" type="checkbox"/> Plastic <input type="checkbox"/> Glass <input checked="" type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____
* Certification must be submitted		If "Yes" Unit Packaging wgt.      No. per container	If "Yes" Package wgt      No. per container

3. Location of Net Contents Information  
 Label  Container

4. Size(s) Retail Container  
40#

5. Location of Label Directions  
 On Label  
 On Labeling accompanying product

6. Manner in Which Label is Affixed to Product  
 Lithograph  
 Paper glued  
 Stenciled  Other \_\_\_\_\_

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Janet P. Baguhn	Title Compliance Manager	Telephone No. (Include Area Code) _____-_____ _____-_____ _____-_____
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**Certification**

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

2. Signature 	3. Title Compliance Manage	6. Date Application Received (Stamped)
4. Typed Name Janet P. Baguhn	5. Date October 5, 2010	



October 5, 2010

Document Processing Desk (NOTIF)  
Office of Pesticide Programs (7504P)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, D.C. 20460

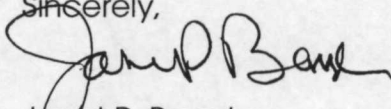
RE: Notification of Additional Brand Name  
TERRE Crabgrass Control Plus With 0.29% Prodiamine 20-0-5  
Reg. No. 32802-70

Dear Ms. Miller,

Enclosed please find an application for the notification of additional brand name to the above-referenced pesticide registration.

Thank you for your assistance. Please contact me if you have any questions; [janet.baguhn@hjfertilizer.com](mailto:janet.baguhn@hjfertilizer.com).

Sincerely,

  
Janet P. Baguhn

Enclosures: Notification of Additional Brand Name  
Copy of Product Label  
Certification





# 20-0-5

4/5

## CRABGRASS CONTROL PLUS WITH 0.29% PRODIAMINE

FOR SELECTIVE PREEMERGENCE CONTROL OF GRASS and  
BROADLEAF WEEDS IN LAWNS AND ORNAMENTAL TURF  
(excluding golf course putting greens),  
LANDSCAPE ORNAMENTALS, ESTABLISHED PERENNIALS &  
WILDFLOWER PLANTINGS.

STOPS MANY WEED GRASSES BEFORE THEY GROW.  
PREVENTS CRABGRASS, ANNUAL BLUEGRASS, FOXTAIL &  
MORE.

**ACTIVE INGREDIENT:**

Prodiamine: (CAS 29091-21-2) .....0.29%

INERT INGREDIENTS: ..... 99.71%

TOTAL: ..... 100.00%

EPA Reg. No. 32802-70

EPA Est. No. 32802-MO-1 (B)

First letter of bag code shows establishment where manufactured.

Manufactured by:

**Howard Johnson's Enterprises, Inc.**  
700 W. Virginia St., Milwaukee, WI 53204

Read the entire "Directions for Use" and "Warranty Statements" before using this product. If terms are not acceptable, return the unopened product container at once to the seller.

### KEEP OUT OF REACH OF CHILDREN CAUTION

#### PRECAUTIONARY STATEMENTS

##### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**CAUTION:** Causes moderate eye injury (irritation). Harmful if inhaled or absorbed through the skin. Avoid contact with skin, eyes or clothing. Avoid breathing dust. Wash thoroughly with soap and water after handling. Prolonged or repeated skin contact with product may cause allergic reactions in some individuals.

**ENVIRONMENTAL HAZARDS:** This product has low solubility in water. At the limits of solubility, this product is not toxic to fish. However, at concentrations above the level of water solubility, it may be toxic to fish. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to aquatic organisms in adjacent sites. Do not contaminate water when disposing of equipment washwaters.

First Aid	
<b>If in eyes</b>	<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 eye.</li> <li>Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If on skin or clothing</b>	<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 a poison control center or doctor for treatment advice.</li> </ul>
<b>If swallowed</b>	<ul style="list-style-type: none"> <li>Call a poison control center or physician 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 the poison control center or physician.</li> <li>Do not give anything by mouth to an unconscious person.</li> </ul>
<b>If inhaled</b>	<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>

**Hot line number:**

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For information on this pesticide product (including health concerns, medical emergencies, or pesticide incidents), call the National Pesticide Telecommunications Network at 1-800-858-7378.

#### GUARANTEED ANALYSIS

Total Nitrogen (N) .....20.00%

.....20.00 Urea Nitrogen\*

Soluble Potash (K2O) .....5.00%

Derived From: Muriate of Potash, Polymer Coated Urea, Urea.

\* 5.00% Slowly Available Urea Nitrogen from Polymer Coated Urea.

Chlorine(Cl), not more than 6%

**Net Weight: 40 lbs (18.2 kg)**

Item # 55143

Information regarding the contents and levels of metals in this product is available on the internet at <http://www.wa.gov/agr/>

**DIRECTIONS FOR USE:** It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Not for use on plants being grown for sale or other commercial use, for commercial seed production, or for research purposes. For use on plants intended for aesthetic purposes, climatic modification and being grown in ornamental gardens or parks, or on golf courses or lawns or grounds. This product is a selective preemergence herbicide that provides residual control of grass and broadleaf weeds in established lawns and ornamental turf (excluding golf course putting greens), landscape ornamentals and established perennials and wildflower plantings. It controls susceptible weeds by inhibiting weed seed germination and root development. When used according to directions, it will control: barnyardgrass; bluegrass, annual (*Poa annua*); carpetweed; chickweed common; chickweed, mouseear (from seed); crabgrass (large, smooth); crowfootgrass; cupgrass woolly; foxtails, annual; goosegrass<sup>1</sup>; henbit; itchgrass; johnsongrass (from seed); jungleric knotweed; kochia; lambsquarter, common; lovegrass; panicum (Texas, fall, browntop); pigweed purslane, common; pusley, Florida; rescuegrass<sup>2</sup>; shepherd's purse<sup>2</sup>; signalgrass, broadleaf speedwell, Persian; sprangletop; spurge, prostrate; witchgrass; woodsorrel, yellow (from seed).

<sup>1</sup> In many areas a single application of 5.2 to 11.9 pounds / 1000 square feet will control goosegrass. However, under heavy goosegrass pressure and/or an extended growing season, most effective weed control may be obtained with an initial application of 5.2 to 7.9 pounds / 1000 square feet followed after 60 to 90 days by a second application at doses that would not exceed the maximum annual rate (see Minimum and Maximum Application Rate table).

<sup>2</sup> For this weed, apply in late summer, fall or winter prior to germination.

<sup>3</sup> Suppression only.

**WHEN TO APPLY TO ESTABLISHED TURF:** This product must be applied prior to germination of weed seed, as it will not control established weeds.

**APPLICATION DIRECTIONS:** Apply this product uniformly, using a suitable spreader that has been properly calibrated. Most effective weed control will be obtained when this product is activated by at least 0.5 inch of rainfall or irrigation, or with shallow (1 to 2 inches) incorporation, prior to weed seed germination and within 14 days after application.

Spreader setting to apply at the listed rate (lbs per 1000 sq ft)	Cone setting					
	2.75 lbs	5.2 lbs	6 lbs	7.9 lbs	11.9 lbs	
Accu-Pro 2000	6	L 1/2	N 1/2	O 1/2	Q	S
SR2000	6	L 1/2	O 1/2	P	Q 1/2	S 1/2
Lesco 021820	0.25 Closed	D 1/2	F 1/2	G 1/2	I	K 1/2
Spyker 76-22		4.3	4.7	4.9	5.3	6.1
PSB Bigfoot	A.5	J 1/2	L 1/2	M	N	P
Lely HR	II-B	5.25	6.5	7	8	10
Vicon 203		15	19	21	25	33

**USE PRECAUTIONS:** The following precautions apply to the use of this product in turf grasses and lawns. Application of this product may thin emerged annual bluegrass and newly overseeded grasses. Do not apply to overseeded turf within 60 days after seeding or until after the second mowing, whichever is longer. Injury to desirable seedlings is likely if this product is applied before seeding secondary roots are in the second inch of soil (not thatch plus soil). Do not apply to newly set sod until the following year. Application to turf stressed by drought, low fertility, or pest damage may result in turf injury. Disturbing the herbicide barrier with cultural practices (such as core aeration) may result in reduced weed control. Do not apply to putting greens, or areas where dichondra, colonial bentgrass, velvet bentgrass or annual bluegrass (*Poa annua*) are desirable species. Do not apply through any type of irrigation system. Do not apply aerially. Do not graze or feed livestock forage cut from treated areas.

**RATES OF APPLICATION:** This product is recommended for use on the turf grass species listed in the following table. The maximum amount of this product that may be applied per year is given for each turf grass species. Do not exceed the maximum yearly rate listed:

Turf Species	Minimum and Maximum Application Rates (by Turf Grass Species) <sup>1</sup>	
	Minimum Rate	Maximum Annual Rate
Bahiagrass, Centipedegrass Bermudagrass <sup>2</sup> , Zoysiagrass Seashore Paspalum St. Augustinegrass Tall Fescue (including turf-type)	2.75 pounds per 1000 sq. ft.	11.9 pounds per 1000 sq. ft. per year
Buffalograss Kentucky Bluegrass Perennial Ryegrass	2.75 pounds per 1000 sq. ft.	7.9 pounds per 1000 sq. ft. per year
Creeping Red Fescue	2.75 pounds per 1000 sq. ft.	6 pounds per 1000 sq. ft. per year
Creeping Bentgrass	2.75 pounds per 1000 sq. ft.	5.2 pounds per 1000 sq. ft. per year

This product may be applied as a single application or in sequential applications to control weeds germinating throughout the year. Sequential applications may be made so long as the total amount of product applied does not exceed the maximum annual application rates recommended for each turf species. The length of time of residual weed control provided by this product is related to the rate applied. Use the higher rates listed for longer periods of weed control.

**WHEN TO OVERSEED AFTER APPLICATION:** This product will inhibit germination of turf seed if overseeded too soon after application. Follow rates and intervals in table for best overseeding/ reseeding results.

**LANDSCAPE ORNAMENTALS** (including established perennials and wildflower plantings): This product may be applied for residual preemergence weed control in ornamentals. Apply at the rate of 5.2 to 11.9 lbs / 1000 square feet in fall and/or spring. Use higher rates of application for longer control periods. Sequential applications may be made so long as the total amount of product applied does not exceed the maximum annual application rate of 11.9 lbs / 1000 square feet per year.

Use Rate lbs / 1000 sq ft	Months Before Overseeding		
	North	Transition	South
2.75 lbs	4	4	4
5.2 lbs	5	4	4
6 lbs	6	5	5
6.3 lbs	---	6	6
7.9 lbs	---	7	7
9 lbs	---	---	9
10.3 lbs	---	---	10
11.9 lbs	---	---	12

<sup>1</sup> These are the maximum rates per calendar year.  
<sup>2</sup> May be used on newly sprigged or plugged Bermudagrass at rates not to exceed 4.1 lbs / 1000 square feet. Newly sprigged or plugged Bermudagrass stolon rooting may be temporarily retarded. Suppression only of foxtail, goosegrass and rescuegrass due to reduced rates used in sprigging situations.

**APPLICATION TIMING AND INFORMATION:** This product may be applied to newly transplanted and established ornamentals a broadcast, over the top or directed application. Around new transplants, delay application to allow soil to settle and water thoroughly before applying. Apply after cuttings form roots and become established. Apply before budding/grating or after buds/grafs have taken to avoid any inhibition of the tissue union. This product is a preemergence herbicide and will not control emerged weeds. Most effective weed control in ornamentals will be obtained when this product is activated by at least 0.5 inch of rainfall or irrigation, or with shallow (1 to 2 inch) mechanical incorporation, prior to weed seed germination and within 14 days following application. Best weed control is obtained when applied to soil free of clods, weeds, and debris such as leaves. Prior to application, control existing vegetation by hand weeding, cultivation or the use of an appropriate postemergence herbicide.

**TOLERANT ORNAMENTAL SPECIES:** This product will not harm most trees, shrubs, vines and flowers. The species listed below are tolerant to this product. Best results will be obtained when product is uniformly applied to the soil surface; avoid applying to ornamental shoots which may defeat the effort to get uniform distribution on the soil surface. This product may be applied over the top of these species. When plants are under stress (such as heat, drought or frost damage) some cultivars of listed plants may be sensitive to this product.

SCIENTIFIC NAME	COMMON NAME	SCIENTIFIC NAME	COMMON NAME	SCIENTIFIC NAME	COMMON NAME
<i>Abies</i> spp	Fir species** (Balsam, etc.)	<i>Hedera helix</i>	English Ivy	<i>P. tobira</i>	Japanese Pittosporum
<i>Acer palmatum</i>	Japanese Maple	<i>Hibiscus rosa-sinensis</i>	Chinese Hibiscus	<i>Podocarpus macrophyllus</i>	Japanese Yew
<i>A. platanoides</i>	Norway Maple	<i>Ilex cornuta</i>	Chinese Holly	<i>Prunus laurocerasus</i>	English Laurel
<i>Actinidia chinensis</i>	Kiwi*	<i>I. crenata</i>	Japanese Holly	<i>Prunus</i> sp.	Almond, Apricot, Nectarine Peach, Plum and Prune*
<i>Agapanthus africanus</i>	Lily-of-the-Nile (African Lily)	<i>I. opaca</i>	American Holly	<i>Pyraechanthus coccinea</i>	Firethorn (Scarlet)
<i>Arctostaphylos densiflora</i>	Vine Hill Manzanita	<i>Iris</i> spp.	Iris species**	<i>P. fortuneana</i>	Firethorn
<i>Arctotheca calendula</i>	Cape Weed	<i>Jasminum nudiflorum</i>	Winter Jasmine	<i>P. koidzumii</i>	Firethorn
<i>Aucuba japonica</i>	Japanese Aucuba	<i>Juniperus chinensis</i>	Chinese Juniper	<i>Pyrus</i> spp.	Bradford Pear sp.
<i>Berberis gladiolifolia</i>	Barberry	<i>J. conferta</i>	Shore Juniper	<i>Quercus</i> spp.	Oak species
<i>B. julianae</i>	Wintergreen Barberry	<i>J. horizontalis</i>	Creeping Juniper	<i>Raphiolepis indica</i>	Indian Hawthorne
<i>B. mentorensis</i>	Mentor Barberry	<i>Juglans</i> sp.	Walnut	<i>Rhododendron</i>	'Coral Bells'
<i>B. thunbergii</i>	Japanese Barberry	<i>Justicia brandegeana</i>	Shrimp Plant	(including <i>Azalea</i> )	'Formosa,' 'Hino-crimson,' 'PJM,' 'Roseum Elegans'
<i>Buxus microphylla</i>	Japanese Boxwood	<i>Lagerstromia indica</i>	Crepe Myrtle	<i>Rosa banksiae</i>	Lady Bank's Rose
<i>Callistemon viminalis</i>	Weeping Bottlebrush	<i>Ligustrum amurense</i>	Amur Privet	<i>Rosmarinus officinalis</i>	Rosemary
<i>Calluna vulgaris</i>	Scotch Heather	<i>L. japonicum</i>	Japanese Privet	<i>Santolina virens</i>	Santolina
<i>Carpopotus edulis</i>	Hottentot Fig (Ice Plant)	<i>L. lucidum</i>	Glossy Privet (Waxleaf)	<i>Sedum album</i>	Stoncrop
<i>Cassia artemisoides</i>	Feathery Cassia	<i>Liriodendron muscari</i>	Big Blue Lily, Silver Mound	<i>Syzygium paniculatum</i>	Japanese Brushcherry
<i>Ceanothus rigidus</i>	Wild Lilac	<i>Lonicera japonica</i>	Japanese Honeysuckle	<i>Taxus cuspidata</i>	Japanese Yew
<i>Chamaecyparis pisifera</i>	False Cypress	<i>L. tatarica</i>	Tatarian Honeysuckle	<i>T. media</i>	Yew
<i>Cleyera japonica</i>	Cleyera	<i>Maleophora luteola</i>	Ice Plant	<i>Thuja occidentalis</i>	American Arborvitae
<i>Citrus</i> spp.	Citrus species*	<i>Malus</i> sp.	Crabapple*	<i>Trachelospernum asiaticum</i>	Star Jasmine
<i>Cornus florida</i>	Flowering Dogwood	<i>Nandina domestica</i>	Heavenly Bamboo	<i>Tsuga canadensis</i>	Canada Hemlock
<i>C. stolonifera</i>	American Dogwood	<i>Olea europaea</i>	Olive*	<i>Viburnum japonicum</i>	Japanese Viburnum
<i>Cortaderia selloana</i>	Pampas Grass	<i>Ophiopogon japonicus</i>	Mondo Grass	<i>V. odoratissimum</i>	Sweet Viburnum
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster	<i>Osteospermum fruticosum</i>	Trailing African Daisy	<i>V. plicatum</i>	Japanese Snowball
<i>C. buxifolius</i>	Cotoneaster	<i>Oxydendrum arboreum</i>	Sourwood	<i>V. rigidum</i>	Canary Island Viburnum
<i>C. dammeri</i>	Bearberry Cotoneaster	<i>Persea americana</i>	Avocado*	<i>V. tinus</i>	Laurustinus
<i>C. microphyllus</i>	Rockspray Cotoneaster	<i>Photinia fraseri</i>	Fraser's Photinia (Redtip)	<i>V. trilobium</i>	Cranberry Bush
<i>Cretaeus</i> spp.	Hawthorne	<i>Picea</i> spp.	Spruce species**	<i>V. wrightii</i>	Leatherleaf Viburnum
<i>Cupressus sempervirens</i>	Italian Cypress	<i>Pieris japonica</i>	Lily-of-the-Valley Bush	<i>Vinca major</i>	Greater Periwinkle, Vinca
<i>Delaspisma alba</i>	White Trailing Ice Plant	<i>Pinus brutia</i>	Calabrian Pine	<i>Vinca minor</i>	Common Periwinkle, Vinca
<i>Delphinium</i> spp.	Larkspur, Blue Elf	<i>P. canariensis</i>	Canary Island Pine	<i>Vitis</i> sp.	Grape*
<i>Dodonea viscosa</i>	Hop Bush	<i>P. halepensis</i>	Aleppo Pine	<i>Weigela florida</i>	Old Fashioned Weigela
<i>Elaeagnus pungens</i>	Silverberry	<i>P. nigra</i>	Austrian Pine	<i>Yucca aloifolia</i>	Spanish Bayonet, Yucca
<i>Euonymus fortunei</i>	Wintercreeper	<i>P. radicata</i>	Monterey Pine	<i>Y. filamentosa</i>	Adam's Needle, Yucca
<i>E. japonica</i>	Evergreen Euonymus	<i>P. thunbergiana</i>	Japanese Black Pine		
<i>E. kiautschovica</i>	Spreading Euonymus	<i>P. strobus</i>	Eastern White Pine		
<i>Fatsia japonica</i>	Japanese Aralia	<i>P. sylvestris</i>	Scotch Pine		
<i>Forsythia intermedia</i>	Border Forsythia	<i>Pistachio</i> sp.	Pistachio*		
<i>F. viridissima</i>	Greenstem Forsythia	<i>Pittosporum rhombifolium</i>	Queensland Pittosporum		
<i>Gardenia jasminoides</i>	Gardenia, Cape-Jasmine				

**STORAGE AND DISPOSAL:** Do not contaminate water, food or feed by storage or disposal.  
**STORAGE:** Store in original container in a locked storage area out of reach of children and domestic animals.  
**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:** Completely empty bag into application equipment. Nonrefillable container: Do not reuse or refill this container. Offer for recycling, if available. If not available then dispose of empty bag in a sanitary landfill, or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

**Warranty**  
 The directions for use of this product are believed to be adequate and must be followed carefully, it is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result due to such factors as weather conditions, presence or absence of other materials, or the manner of use or application, all of which are beyond the control of Howard Johnson's Enterprises, Inc the manufacturer, or the seller.  
 To the extent consistent with applicable law, the products sold to you are furnished "as is" by Howard Johnson's Enterprises, Inc. The manufacturer and the seller are subject only to the manufacturer's warranties, if any, which appear on the label of the product sold to you. Except as warranted by this label Howard Johnson's Enterprises, Inc, the manufacturer, or the seller makes no warranties, guarantees, or representations of any kind to the buyer or the user, either express or implied, or by usage of trade, statutory or otherwise, with regard to the product sold or use of the product, including, but not limited to, merchantability, fitness for a particular purpose or use, or eligibility of the product for any particular trade usage. To the extent consistent with applicable law, Buyer's or user's exclusive remedy, and Howard Johnson's Enterprises, Inc the manufacturer's or the seller's total liability shall be limited to damages not exceeding the cost of the product. No agent or employee of Howard Johnson's Enterprises, Inc, or the seller is authorized to amend the terms of this warranty disclaimer or the product's label or to make a presentation or recommendation different from or inconsistent with the label of this product.  
 To the extent consistent with applicable law, Howard Johnson's Enterprises, Inc, the manufacturer, or the seller shall not be liable for consequential, special, or indirect damages resulting from the use, handling, application, storage, or disposal of this product or for damages in the nature of penalties, and the buyer and the user waive any right that they may have to such damages.