E.Wilson: Diskette ABC31: 11-15-96

Mr. Michael R. Johnston Sandoz Agro, Inc. 1300 East Touny Avenue Des Plaines, IL 60018

NOV 2 2 1996

Dear Mr. Johnston:

Subject: BARRICADE F Herbicide
EPA Registration No. 55947-144
Applications Dated October 25, 1996, Request
To Amend Registration By Revising Certain Use
Directions and To Add Tolerant Ornamental Plants
To Existing List, All Non-Food Use-Sites

The proposed labeling revisions and the addition of new non-food use-sites of application have been reviewed and found acceptable under the Federal Insecticide, Fungicide and Rouenticide Act as amended, provided that you:

- On page 2 under the heading "If material is spilled" revise the first statement to address "use" not "reuse", as stated.
- 2. On pages 4 and lo, spell-out the word "inches" where the abrevation "in" is used.
- 3. On page 7, last statement on page, claim for use of higher rates "to achieve higher levels of fertility" is acceptable; however, the claim "to achieve higher levels of weed control is not acceptable. Revise to claim longer periods of weed control.
- 4. On page 9, "Barricade Rate" must be corrected, the quantity of product to equal 1.50 is not "2.30" pounds as stated, it is 75 pounds per acre, for 12 months months control. The heading "Interval Before Overseeding" must be revised to read: "Months Before Overseeding" and the "mo" must be deleted whereever it occurs in the table.

If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA, section $\delta(c)$. Your release for shipment of the product constitutes acceptance of these conditions.

A stamped copy of the label is enclosed for your records.

Sincerely yours,

BEST AVAILABLE COPY

	Jeanne I. Miller
	CONCURRENCES LOT Managor (23)
SYMBOL	Funcicide-Herbicide Branch
SURNAME	Redistration Division (7505C)
DATE	
EPA Form 1320-1 (12-70) ure	OFFICIAL FILE COPY

BARRICADE® F Herbicide

ACTIVE INGRE Prodiamine, [N	EDIENT: ³ ,N³-Di- <u>n</u> - _l	oropyl-2,4-dini	itro-6-(trifluoromethyl)- <u>m</u> -p	phenylenediamine]	2.0%	
INERT INGRED	IENTS: ,,			***************************************	98.0%	
TOTAL:	••••••			***************************************	100.0%	
Guaranteed Fe Nitrogen Phosphorus	32 %	(N)			. 130 96.	RECD EPAV
Potassium	6 %	(K ₂ O)			29	<u> </u>
Nitrogen from:	Urea for	maldehyde, L	Jrea, Ammonia		P 4 :07	E3W/WPP/DPD1

For selective preemergence control of grass and broadleaf weeds in:

- · established turf grasses (excluding golf course putting greens) and lawns
- landscape ornamentals (including established perennials & wildflower plantings)

KEEP OUT OF REACH OF CHILDREN

CAUTION

See the following section,

Precautionary Statements, Hazards To Humans and Domestic Animals,
for additional information.

EPA Reg. No. 55947-144 EPA Est. No.

.)

Net Weight:

Sandoz Agro, Inc. 1300 E. Touhy Avenue Des Plaines, IL 60018

BARRICADE® is a registered trademark of Sandoz, Ltd.

ACCEPTED
with COMMENTS
In EPA Letter Dated

NOV 2 2 1996

Under the Federal Insecticide, Fundicide, and Rodenticide Act as amended, for the posticide registered under EPA Reg. No. 55947-144

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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 frequently repeated skin contact while handling the material may cause allergic reactions in some individuals.

Statements of Practical Treatment

If in eyes: Flush thoroughly with water for several minutes. Get medical attention if irritation persists.

If on skin: Wash with soap and water. Rinse thoroughly. Get medical attention if irritation persists.

If inhaled: Remove victim to fresh air.

Environmental Hazards

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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.

If material is spilled: Contain and sweep up material of spill for disposal or reuse per label instructions. Wash cleanup equipment to prevent contamination elsewhere. Excess quantities above normal application rates could result in damage to plants subject to spill. Water-in remainder, disc under, cover with layer of soil, or leave exposed to sunlight, as deemed appropriate to the situation.

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STORAGE AND DISPOSAL

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

STORAGE

Store in original container away from other fertilizer, feed, or food stuffs and separated from other pesticides.

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

<u>Paper containers:</u> Completely empty container into application equipment. Then dispose of empty container in a sanitary landfill or at an incineration facility, or; if allowed by state and local authorities, by burning locally. If burned, stay out of smoke.

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DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

BARRICADE F (BARRICADE) is a selective preemergence herbicide that provides residual control of many grass and broadleaf weeds in:

- established turf grasses (excluding golf course putting greens) and lawns
- landscape ornamentals
- established perennial & wildflower plantings

BARRICADE controls susceptible weeds by inhibiting weed seeds germination and root development. Most effective weed control will be obtained when BARRICADE is activated by at least 0.5 in of rainfall or irrigation, or with shallow (12 in) incorporation, prior to weed seed germination and within 14 days following application.

Not for use on plants being grown (1) for sale or other commercial use, (2) for commercial seed production, or (3) for research purposes. For use on plants intended for aesthetic purposes or climatic modification and being grown in ornamental gardens or parks, or on golf courses or lawns and grounds.

Do not graze or feed livestock forage cut from areas treated with BARRICADE.

Do not apply this product through any type of irrigation system.

Do not apply aerially.

Do not apply to golf course putting greens.

Application Directions

Apply uniformly with suitable, calibrated application equipment.

ESTABLISHED TURF

BARRICADE is a selective preemergence herbicide that, when properly applied, will control certain grass and broadleaf weeds in established turf grasses and lawns. The maximum amount of BARRICADE that may be applied per year is given for each turf grass species in the **Maximum Annual Rates** section of this label.

Most effective weed control in turf grasses will be obtained when BARRICADE is activated by at least 0.5 in of rainfall or irrigation prior to weed seed germination and within 14 days following application. See the map below for approximate crabgrass seed germination dates.

CRABGRASS SEED GERMINATION DATES

Approximate Date



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Use Precautions

The following precautions apply to the use of BARRICADE in turf grasses and lawns:

Application of BARRICADE 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 BARRICADE is applied before seedling secondary roots are in the second inch of soil, not thatch plus soil.

Do not cut (harvest) treated sod before 120 days after application. Do not apply to newly set sod until the following year.

Application of BARRICADE to turf stressed by drought, low fertility, or pest damage may result in turf injury.

Disturbing the herbicide barrier with cultural practices such as disking may result in reduced weed control.

Do not apply BARRICADE to putting greens or areas where dichondra, colonial bentgrass, velvet bentgrass or annual bluegrass (*Poa annua*) are desirable species.

Rates of Application

BARRICADE may be applied as a single application or in sequential applications to control weeds germinating throughout the year. All applications must be made prior to germination of the target weeds. BARRICADE will not control established weeds.

Maximum use rate selection should be based on turf species. The length of time of residual weed control provided by BARRICADE is related to the rate applied.

Maximum Annual Rates

BARRICADE is recommended for use on the turf grass species listed in the following table. Do not exceed the maximum yearly rate as given in the following table:

Maximum Application Rate/Calendar Year of BARRICADE by Turf Grass Species ¹⁾					
Turf Species:	lbs product/A	lbs ai/A			
Bermudagrass ²⁾ Bahiagrass Centipedegrass Seashore Paspalum St. Augustinegrass Tall Fescue (including turf-type) Zoysia	75	1.5			
Buffalograss Kentucky Bluegrass Perennial Ryegrass	50	1.0			
Creeping Red Fescue	37	0.75			
Creeping Bentgrass	33	0.65			

¹⁾ These are the maximum rates per calendar year by species limitations.

- Do not apply more than 75 lbs. of BARRICADE per calendar year.
- Use higher rates of BARRICADE to achieve higher levels of fertility and weed control
 for each turf type, but do not exceed the maximum application rates specified in the
 Maximum Annual Rates Table.

²⁾ May be used on newly sprigged or plugged Bermudagrass at rates not to exceed 26 lbs/A. Newly sprigged or plugged Bermudagrass stolon rooting may be temporarily retarded. Suppression only of Foxtail, Goosegrass and Rescuegrass due to reduced product rates used in sprigging situations.

Weeds Controlled

When used in accordance with this label BARRICADE will provide control of the following weeds:

Barnyardgrass

Bluegrass, Annual (Poa annua)

Crabgrass (large, smooth)

Crowfootgrass Cupgrass, Woolly

Foxtails, Annual

Goosegrass¹

Itchgrass

Johnsongrass (from seed)

Junglerice

Lovegrass

Panicum (Texas, Fall, Browntop)

Rescuegrass³

Signalgrass, Broadleaf

Sprangletop Witchgrass Carpetweed

Chickweed, Common

Chickweed, Mouseear (from seed)

Henbit Knotweed

Kochia

Lambsquarter, Common

Pigweed

Purslane, Common

Pusley, Florida

Shepherd's Purse²

Speedwell, Persian

Spurge, Prostrate

Woodsorrel, Yellow (from seed)

- In many areas a single application of 33 to 75 lbs/A of BARRICADE will control goosegrass. However, under heavy goosegrass pressure and/or an extended growing season, most effective weed control may be obtained by making an initial application of 33 to 50 lbs/A followed after 60 to 90 days by a second application at doses that would not exceed those given in the Maximum Annual Rate Table. Do not exceed the maximum rate for turf grass species listed in the Maximum Annual Rate Table above.
- 2 Applications for this weed should be made in late summer, fall or winter prior to germination.
- 3 Suppression only.

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. All applications must be made prior to germination of the weed seeds.

WHEN TO APPLY AFTER OVERSEEDING TURF

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 BARRICADE is applied before seedling secondary roots are in the second inch of soil, not thatch plus soil.

WHEN TO OVERSEED AFTER APPLICATION

BARRICADE will inhibit the germination of turf species if overseeded too soon after application. Follow rates and intervals in the table below for best overseeding/reseeding results.

BARRICADE Rate (lb/A)		Interval Before Overseeding		
Product	ai	North	Transition	South
25	.50	4 mo	4 mo	4 mo
33	.66	5 mo	4 mo	4 mo
37	.74	6 mo	5 mo	5 mo
40	.80		6 mo	6 mo
50	1.00		7 mo	7 mo
57	1.14			9 mo
65	1.30			10 mo
2.30	1.50			12 mo

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LANDSCAPE ORNAMENTALS

(including Established Perennial and Wildflower Plantings)

BARRICADE may be applied for residual preemergence weed control in ornamentals.

Use Rates

•

Apply BARRICADE at 33 to 75 lbs/A 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 75 lbs/A.

Application Timing and Information

BARRICADE is a preemergence herbicide and will not control emerged weeds. Most effective weed control in ornamentals will be obtained when BARRICADE is activated by at least 0.5 in of rainfall or irrigation, or with shallow (1 to 2 in) mechanical incorporation, prior to weed seed germination and within 14 days following application.

Best weed control is obtained when BARRICADE is applied to soil free of clods, weeds, and debris such as leaves. Prior to application of BARRICADE, control existing vegetation by hand weeding, cultivation or the use of an appropriate postemergence herbicide.

Established Landscape Ornamentals

BARRICADE may be applied to established ornamentals as a broadcast, over the top or directed application. Irrigation or rainfall soon after application will wash residues off plant foliage and activate BARRICADE in the soil.

Newly Transplanted Landscape Ornamentals

BARRICADE may be applied to newly transplanted ornamentals as a broadcast, over the top or directed application. Delay application to allow soil to settle around new transplants and water thoroughly before applying BARRICADE. Apply BARRICADE after cuttings form roots and become established. Apply before budding/grafting or after buds/grafts have taken to avoid any inhibition of the tissue union.

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Tolerant Ornamental Species

BARRICADE will not harm most trees, shrubs, vines and flowers. The species listed below are tolerant to BARRICADE. Best results will be obtained when BARRICADE 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. BARRICADE 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 BARRICADE.

Scientific name

Abies spp.

Abelia grandiflora Acer palmatum A. platanoides Achillea sp.

Actinidia chinensis Agapanthus africanus Agapanthus orientalis

Akebia quintata Allium cernuum Anemone hybrida Aquilegia sp.

Arctostaphylos densiflora Arctotheca calendula

Artemesia sp. Aster sp.

Aster X Frikartii Athrium Filiz-femina Aucuba japonica

Begonia sp.

Berberis gladwynensis

B. Julianae B. mentorensis

B. Thunbergii

B. verruculosa

Bergenia cordifolia

Boltonia asteroides Bougainvillea spp.

Buddleia davidii

Common name

Fir species **

(Balsam, Fraser, Noble, etc.)

Abelia: Sherwood Japanese Maple Norway Maple

Yarrow: King Edward

Kiwi*

Lily-of-the-Nile (African Lily)

Five-Leaf or Chocolate Vine Lady's Leek, Nodding Onion

Japanese Anemone Aquilegia: Red and Gold Vine Hill Manzanita

Cape Weed

Wormwood; Silver Mound, Castle Aster: Bonny Blue, Purple Dome

Lady Fern; Fern Lady Japanese Aucuba

Fibrous Begonia: Hardy Grandis

Barberry

Wintergreen Barberry Mentor Barberry Japanese Barberry

Warty Barberry

Snowbank Bougainvillea

Butterfly-Bush (Dwarf Blue); Royal Red

- * Do not use on food producing trees, vines, or plants.
- ** Not for use on container grown plants.

Scientific Name

Buxus microphylla Callistemon viminalis Calluna vulgaris Campanula carpatica Campis X Tagliabuana

Carpobrotus edulis
Cassia artemisoides
Ceanothus rigidus
Ceratostigma plumbagonoides
Chamaecyparis pisifera
Chrysanthemum nipponicum
Cleyera japonica
Citrus spp.
Coreopsis sp.

Cornus florida C. stolonifera Cortaderia selloana Cotoneaster apiculatus

C. buxifolius C. Dammeri C. microphyllus Cretaegus spp. Crocosmia sp.

Cupressus sempervirens

Delosperma alba
Delosperma sp.
Delphinium sp.
Dianthus deltoides
D. gratianopolitanus
Dodonea viscosa
Echinacea pupurea
Elaeagnus pungens
Euonymus Fortunei
E. japonica

E. japonica
E. kiautschovica
Fatsia japonica
Forsythia intermedia
Forysythis suspensa
F. viridissima

Common Name

Japanese Boxwood
Weeping Bottlebrush
Scotch Heather
Tussock Bellflower, (White Clips)
Trumpet Creeper, Trumpet Flower,
Madame Galen
Hottentot Fig (Ice Plant)
Feathery Cassia
Wild Lilac

False Cypress

White Trailing Ice Plant Cooperi Pink Larkspur: Blue Elf

Dianthus; Maiden Pinks "Zing"

Cheddar Pink Hop Bush

Italian Cypress

Coneflower, Purple; Magnus

Silverberry Wintercreeper

Japanese Spindle Tree (Evergreen Euonymus)

Spreading Euonymus Japanese Aralia Border Forsythia Weeping Forsythia Greenstem Forsythia

^{*} Do not use on food producing trees, vines, or plants.

^{**} Not for use on container grown plants.

Scientific Name

Gaillardia sp.

Gardenia jasminoides

Gaura sp.

Gentiana dahurica Geranium cinereum Gladiolus spp.

Gypsophila repens

Hedera helix Hellanthemum sp. Hemerocallis sp.

Hibiscus

Hibiscus sp.

Hibiscus Rosa-sinensis Hosta plantaginea

H. Sieboldiana

Houttuynia cordata var. variegata

Hydrangea macrophylla

llex Bernyi llex cornuta l. crenata l. opaca

I. vomitoria Inula ensifolia Iris ensata

Iris siberica

Iris spp.

Jasminium nudiflorum Juniperus chinensis

J. conferta J. davurica J. horizontalis Juglans sp.

Justicia brandegeana Lagerstromia indica

Lagerstomia indica X Fauriei

Lantana montevidensis

Lavender sp.

Leontopodium alpinum Ligustrum sinense Ligustrum amurense

Common Name

Gaillardia, Blanket Flower: "Goblin" Gardenia, Cape-Jasmine, Radicans

Gentian Cranesbill

Gladiolus species * *

Baby's Breath English Ivy Sunrose

Daylily: Aztec Gold, Stella De Oro, Tender

Love

Rose of Sharon**

Mallow: Disco Belle White

Chinese Hibiscus

Hosta, Plantain Lily (Fragrant)

Hosta, "Searsucker"

Bigleaf Hydrangea

Holly

Chinese Holly

Japanese Holly; Helleri

American Holly

Yaupon Holly; Schillings

Sword-Leaved Iris; Jodlesong

Siberian Iris; Cabernet

Iris species**
Winter Jasmine

Chinese Juniper; Nick's Compact, Parsonnii

Shore Juniper; Blue Pacific

Parsoni

Creeping Juniper

Walnut*
Shrimp Plant
Crape Myrtle

Crape Myrtle; Tuscarora

Weeping Lantana Lavender; Munstead

Edelweiss

Chinese Privet; Variegata

Amur Privet

^{*} Do not use on food producing trees, vines, or plants.

^{**} Not for use on container grown plants.

Scientific Name

L. japonicum L. lucidum Lillium sp. Liriope Muscari

Liriope Muscari var. variegata

Liriope spicata Lobelia Cardinalis Lonicera japonica

L. tatarica

Loropetalum chinense

Lythrum sp. Magnolia spp. Maleophora luteola

Malus sp.

)

Miscanthus sinensis Nandina domestica Narcissus spp. Nerium oleander Olea europaea

Ophiopogon japonicus
Osmanthus heterphyllus
Osteospermum fruticosum
Oxydendrum arboreum
Paeonia suffruticosa
Pennisetum setaceumi
Perovskia atriplicifolia
Persea americana
Photinia Fraseri
Physotegia Viginiana

Picea spp.
Pieris japonica
Pinus brutia
P. canariensis
P. elliottii
P. halepensis
P. nigra
P. palustrus
P. radiata

P. Thunbergiana

P. strobus

Common Name

Japanese Privet

Glossy Privet (Waxleaf)

Lily: Jazz

Big Blue Lily; Turf; Silver Mound; Evergreen

Giant

Liriope, Variegated Liriope, Creeping

Cardinal Flower, Indian Pink Japanese Honeysuckle Tatarian Honeysuckle

Burgundy

Loosestrife; Modern Pink

Magnolia species * *

ice Plant Crabappie*

Yaku Jima, Silberfeder Heavenly Bamboo Narcissus species**

Oleander Olive*

Mondo Grass

Osmanthus (False Holly): Gulf Tide

Trailing African Daisy

Sourwood Tree Peony

Fountain Grass (Dwarf)

Avocado*

Frasier's Photinia (Redtip) Dragonhead, False; Vivid

Spruce species ** (Colorado Blue, Norway, etc.)

Lily-of-the-Valley Bush

Calabrian Pine
Canary Island Pine

Slash Pine
Aleppo Pine
Austrian Pine
Longleaf Pine
Monterey Pine
Japanese Black

Japanese Black Pine Eastern White Pine

^{*} Do not use on food producing trees, vines, or plants.

^{**} Not for use on container grown plants.

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Scientific Name

P. sylvestris P. taeda P. virginiana Pistachio sp.

Pittosporum rhombifolium

P. tobira

Podocarpus macrophyllus Prunus Laurocerasus

Prunus sp.

Pseudotsuga Menziesii Pyracantha coccinea

P. Fortuneana P. Koidzumii Pyrus sp.

Quercus Shumardii Quercus spp. Raphiolepis indica Raphiolepsis umbellata

Rhododendron (including Azalea)

Rosa Banksiae

Rosmarinus officinalis

Rudbeckia sp.
Santolina virens
Saxifraga sp.
Scabiosa sp.
Sedum album
Sedum cauticola
Sedum dasyphyllum
Sedum spurium

Spiraea Bumalda

* Do not use on food producing trees, vines, or plants.

** Not for use on container grown plants.

Common Name

Scotch Pine Loblolly Pine Virginia Pine Pistachio*

Queensland Pittosporum Japanese Pittosporum

Japanese Yew English Laurel

Almond, Apricot, Nectarine, Peach, Plum and Prune*

Douglas Fir**
Firethorn (Scarlet)

Firethorn Firethorn

Bradford Pear sp. Oak, Shumard's Red

Oak species Indian Hawthorne Yedda Hawthorn 'Coral Bells'

'Delaware Valley White'

'Flame Creeper'
'Formosa'

'Girard Crimson'
'George L. Tabor'
'Hino-crimson'

'PJM'

'Roseum Elegans' 'Wakeiebisu' 'White Gumbo' Lady Bank's Rose

Rosemary*

Black-Eyed Susan; Goldstrum

Santolina

Saxifrage; Purple Dome

Pincushion Flower

Stonecrop

Stonecrop; Lidakense

Stonecrop

Stonecrop; Dragon's Blood Spirea: Anthony Waterer

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Scientific Name

Syzygium paniculatum

Taxus cuspidata

T. media

Teucrium sp.

Thalictrum dipterocarpum

Thuja occidentalis

Trachelospermum asiatum

Tsuga canadensis

Tulipa spp.

Veroniac sp.

Viburnum japonicum

V. odoratissimum

V. plicatum

V. rigidum

V. suspensum

V. tinus

V. trilobium

V. wrightii

Vinca major

Vinca minor

Vitis sp.

Weigela florida

Yucca aloifolia

Y. filamentosa

Common Name

Australian Brushcherry

Japanese Yew

Yew

Germander

Meadow Rue

American Arborvitae

Star Jasmine

Canada Hemlock

Tulip species

Veronica, Speedwell; Sunny Border

Japanese Viburnum

Sweet Viburnum

Japanese Snowball

Canary Island Viburnum

Arrowood Viburnum

Laurustinus

Cranberry Bush

Leatherleaf Viburnum

Greater Periwinkle, Vinca

Common Periwinkle, Vinca

Grape*

Old Fashioned Weigela

Spanish Bayonet, Yucca

Adam's Needle, Yucca

^{*} Do not use on food producing trees, vines, or plants.

^{**} Not for use on container grown plants.

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LIMITATION OF WARRANTY AND LIMITATION OF LIABILITY

NOTICE: Read this Limitation of Warranty and Limitation of Liability before buying or using this product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

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 the manner of use or application, all of which are beyond the control of Sandoz or seller. All such risks shall be assumed by buyer or user.

Sandoz warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the Directions for Use, under normal use conditions, subject to the risks described above. SANDOZ MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR OF MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. In no event shall Sandoz or seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product.

Sandoz and seller offer this product, and buyer and user accept it, subject to the foregoing limitations of warranty and limitation of liability, which may not be modified by any oral or written agreement.