71711-32 08/06/2010 1/12

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

August 6, 2010

Ms. Shannon Yanocha,
Registration Specialist
Nichino America, Inc.
4550 New Linden Hill Road, Suite 501
Wilmington, DE 19808-2951

Subject: **Amended Labeling; Remove Unnecessary PPE, Redefine Crop Rotational Restrictions; Improve Resistance Management Section; Remove Pests & Improve Formatting of Label**
Vetica® Insecticide, EPA Reg. No. 71711-32
Your Submission Dated May 7, 2010

Dear Ms. Yanocha:

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

A copy of your label stamped "Accepted" is enclosed for your records. If you have any questions about this label review, please contact Mr. Carmen Rodia at (703) 306-0327 or via e-mail at *Rodia.Carmen@epa.gov*.

Sincerely yours,

FOR Carmen J. Rodia

Richard J. Gebken
Product Manager (10)
Insecticide Branch
Registration Division (7504P)

Enclosure: *Copy of label stamped "Accepted"*
071711-00032 D433360

GROUP	28	16	INSECTICIDES

NICHINO AMERICA

ACCEPTED
August 6, 2010
Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under:
EPA. Reg. No: 71711-32

VETICA® Insecticide

Marketing Brand: VETICA® insecticide

ACTIVE INGREDIENTS:

Flubendiamide: N^2 –(1,1-dimethyl-2-methylsulfonylethyl)-3-iodo-N^1-{2-methyl-4-[1,2,2,2-tetrafluoro-1-(trifluoro-methyl)ethyl]phenyl}phthalamide	3.8%
Buprofezin: 2-*tert*-butylimino-3-isopropyl-5-phenyl-1,3,5-thiadiazinan-4-one	26.4%
OTHER INGREDIENTS:	69.8%
TOTAL	**100.0%**

Contains 0.33 lbs. flubendiamide and 2.33 lbs. buprofezin as active ingredient per U.S. gallon

EPA Reg. No. 71711-32
EPA Est. No. 67545-AZ-1

KEEP OUT OF REACH OF CHILDREN
CAUTION

FIRST AID	
If in eyes	• Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing. • Call a poison control center or doctor for treatment advice.
If on skin or clothing	• Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15-20 minutes. • Call a poison control center or doctor for treatment advice.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For additional information on this product (including health concerns and medical emergencies), you may call 1-800-348-5832. In case of fire or pesticide incidents (spills), you may call 1-800-424-9300.	

NET CONTENTS: _____

Active Ingredients Made in Japan; Formulated and Packaged in USA

NICHINO AMERICA, INC.
4550 New Linden Hill Rd., Suite 501
Wilmington, DE 19808
888-470-7700

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

CAUTION

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wear protective eyewear (safety glasses, goggles, or face shield). Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Waterproof gloves
- Shoes plus socks

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

User Safety Recommendations

Users should:

Wash hands thoroughly before eating, drinking, chewing gum, using tobacco or using the toilet.

Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENGINEERING CONTROLS STATEMENT

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.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to aquatic invertebrates. For terrestrial uses, 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 cleaning equipment or disposing of equipment washwater or rinsate.

Ground Water Advisory

Flubendiamide and its degradate NNI-0001-des-iodo have 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.

Surface Water Advisory

Flubendiamide and its degradate NNI-0001-des-iodo may also impact surface water quality due to runoff of rainwater. This is especially true for poorly draining soils and soils with shallow groundwater. These chemicals are classified as having a medium potential for reaching both surface water and aquatic sediment via runoff several months or more after application. A well-maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams and springs, as required under the Directions for Use, will reduce the potential for loading of flubendiamide and its degradate NNI-0001-des-iodo from runoff water and sediment. Runoff of this product will be reduced by avoiding applications when rainfall is forecasted to occur within 48 hours.

DIRECTIONS FOR USE

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

USE RESTRICTIONS AND PRECAUTIONS

- Apply this product only as specified on this label.
- Do not apply this product through any type of irrigation system.
- Do not apply by chemigation.
- 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 in your State responsible for pesticide regulation.

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 following application.

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 worn over short-sleeved shirt and short pants
- Socks
- Chemical-resistant footwear
- Protective eyewear (such as safety glasses, goggles, or face shield)
- Chemical-resistant gloves (such as nitrile or butyl)

GENERAL INFORMATION

VETICA® insecticide is a suspension concentrate which contains 2.66 lbs. of active ingredients per gallon. This product is a contact insecticide used for the control of Lepidopteran and Homopteran insect pests. VETICA insecticide is active by insect larval ingestion leading to a rapid cessation of feeding followed by death of the insect and is effective against the nymphal stages of whiteflies, scales, mealybugs, planthoppers, and leafhoppers by inhibiting chitin biosynthesis, suppressing oviposition of adults, and reducing viability of eggs. VETICA insecticide should be used in a program with other products to provide season long protection.

VETICA insecticide works primarily through contact action, so good spray coverage is necessary. Mix with sufficient water and apply as a foliar spray to obtain uniform coverage. Dense foliage or excessive growth will often prevent adequate coverage; adjust spray volumes accordingly. Treat plants when pests are immature or at a susceptible stage and populations are building, before crop damage occurs.

This product is not for sale, sale into, distribution, and or use in Nassau and Suffolk counties of New York State.

Use in enclosed structures, such as greenhouses or planthouses, is not permitted unless specified otherwise by state-specific supplemental labeling.

APPLICATION DIRECTIONS

Applications should be made immediately after the spray solution is prepared. Thorough spray coverage is essential for effective control. Applications may be made with high or low volume spray equipment that provides thorough coverage of the plant. Apply with properly calibrated spray equipment. For best

results, apply when pest populations are beginning to build, before reaching economic thresholds. Consult your local agricultural advisor or state cooperative extension service for recommendations.

BUFFER ZONES

Vegetative Buffer Strip
Construct and maintain a minimum 15-foot wide vegetative filter strip of grass or other permanent vegetation between field edge and down gradient aquatic habitat (such as, but not limited to, lakes; reservoirs; rivers; permanent streams; marshes or natural ponds; estuaries; and commercial fish farm ponds). Only apply products containing flubendiamide onto fields where a maintained vegetative buffer strip of at least 15 feet exists between the field edge and down gradient aquatic habitat. For guidance, refer to the following publication for information on constructing and maintaining effective buffers: Conservation Buffers to Reduce Pesticide Losses. Natural Resources Conservation Services. USDA, http://www.in.nrcs.usda.gov/technical/agronomy/newconbuf/pdf

CROP ROTATIONAL RESTRICTIONS:

CROP/CROP GROUP	PLANTBACK TIMING
All crops listed on this label	0 days following application
Leafy Brassica Greens (Subgroup 5B) Cereal grains	30 days following application
Root, tuber and bulb vegetables	60 days following application
All other crops	9 months following application

RESISTANCE MANAGEMENT

VETICA insecticide contains two active ingredients with different modes of action. Flubendiamide is classified by IRAC in Group 28-ryanodine receptor modulators. Buprofezin is classified by IRAC in Group 16- chitin biosynthesis inhibitors. Cross-resistance between these classes of chemistry and other modes of action has not been documented. However, repeated use of the same crop protection product may increase development of resistant strains of insects. Rotate the use of VETICA insecticide with alternate mode of action insecticides. Consult your local horticultural advisor for the most appropriate alternative products.
Unless directed otherwise in the specific crop/insect sections of the label, the following practices are recommended to prevent or delay the development of insecticide resistance to VETICA insecticide:

- Do not apply VETICA insecticide or other Group 28 insecticides to successive generations of the same insect pest. Multiple successive applications of VETICA insecticide are acceptable if they are used to treat a single insect generation.
- Avoid using less than labeled rates when applied alone or in tank mixtures.
- Target most susceptible insect life stages, whenever possible.
- Incorporate IPM techniques into the overall pest management program.

For additional information on insect resistance, modes of action, and monitoring, visit the Insecticide Resistance Action Committee (IRAC) on the web at http://www.irac-online.org

MIXING DIRECTIONS

Shake well before using. Read and follow all label directions for each tank mix product prior to any tank mixing with VETICA insecticide. This product can be mixed with other registered pesticides for use on labeled crops or sites, in accordance with the most restrictive use directions and precautions. No labeled dose rate should be exceeded. VETICA insecticide cannot be mixed with any product containing a label prohibition against such mixing.

VETICA INSECTICIDE ALONE: Begin with clean equipment. Fill spray tank with ¾ of the amount of water needed for the intended application and then turn on agitation. Pour recommended amount of

product on the surface of water in the spray tank. Add the balance of the water to the spray tank with agitation running. Keep agitation running during filling and spraying operations. If spraying must be stopped before emptying the sprayer, resume agitation before spraying the remainder of the load.

VETICA INSECTICIDE TANK MIXTURES: Follow all use directions as listed above under **VETICA INSECTICIDE ALONE** with the following exception: after the VETICA insecticide is thoroughly mixed and the tank is ¾ full, add the recommended amount of wettable powder, soluble powder, flowable, emulsifiable concentrate, or soluble liquid product, **while maintaining agitation**. Then continue adding water to the tank to achieve the desired level, while maintaining agitation.

VETICA INSECTICIDE TANK MIXTURES WITH PRODUCTS IN WATER-SOLUBLE PACKAGING: Follow all use directions as listed above under **VETICA INSECTICIDE ALONE** with the following exception: add the desired number of water-soluble bags to the tank (if allowed by their label instructions) at the same time the VETICA insecticide is added. **Note:** If using products in water soluble packaging, do not tank mix with products that contain boron, chromium, or other micronutrients.

VETICA insecticide is physically and biologically compatible with many registered pesticides, fertilizers or micronutrients. If you have no experience with the combination you are considering, you should conduct a test to determine physical compatibility. To determine physical compatibility, add the recommended proportions of each chemical with the same proportion of water, as will be present in the chemical supply tank, into a suitable container, mix thoroughly and allow to stand for five minutes. If the combination remains mixed, or can be readily re-mixed, the mixture is considered physically compatible.

SPRAY DRIFT REDUCTION MANAGEMENT

Do not apply when wind speed favors drift beyond the area intended for treatment. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator is responsible for considering all of these factors when making application decisions. Avoiding spray drift is the responsibility of the applicator.

Importance of Droplet Size:

An important factor influencing drift is droplet size. Small droplets (<150 - 200 microns) drift to a greater extent than large droplets. Within typical equipment specifications, applications should be made to deliver the largest droplet spectrum that provides sufficient control and coverage. Use only Medium or coarser spray nozzles (for ground and non-ULV aerial application) according to ASAE (S572) definition for standard nozzles. In conditions of low humidity and high temperatures, applicators should use a coarser droplet size.

Ground Applications:

Wind speed must be measured adjacent to the application site on the upwind side, immediately prior to application. For ground boom applications, apply using a nozzle height of no more than 4 feet above the ground or crop canopy. For airblast applications, turn off outward pointing nozzles at row ends and when spraying the outer two (2) rows. To minimize spray loss over the top in orchard applications, spray must be directed into the canopy.

Aerial Applications:

The spray boom should be mounted on the aircraft so as to minimize drift caused by wing tip vortices. The minimum practical boom length should be used, and must not exceed 75% of the wing span or 80% rotor diameter. Flight speed and nozzle orientation must be considered in determining droplet size. Spray must be released at the lowest height consistent with pest control and flight safety. Do not release spray at a height greater than 10 feet above the crop canopy unless a greater height is required for aircraft safety. When applications are made with a cross-wind, the swath will be displaced downwind. The applicator must compensate for this displacement at the downwind edge of the application area by adjusting the path of the aircraft upwind. Making applications at the lowest height that is safe reduces the exposure of the droplets to evaporation and wind.

Wind Speed Restrictions:

Drift potential increases at wind velocities of less than 3 mph (due to inversion potential) or more than 10 mph. However, many factors, including droplet size, canopy and equipment specifications determine drift potential at any given wind speed. Only apply this product if the wind direction favors on-target deposition. Do not apply when wind velocity exceeds 15 mph and avoid gusty and windless conditions. Risk of exposure to sensitive aquatic areas can be reduced by avoiding applications when wind direction is toward the aquatic area.

Restrictions During Temperature Inversions:
Do not make ground applications during temperature inversions. Drift potential is high during temperature inversions. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain close to the ground and move laterally in a concentrated cloud. Temperature inversions are characterized by stable air and increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form as the sun sets and often continue into the morning. Their presence can be indicated by mist or ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source. Smoke that layers and moves laterally near the ground surface in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical mixing.

APPLICATION RATE CHART FOR VETICA Insecticide

Crop	Pest	Rate/Acre	Directions for Use and Restrictions
CUCURBIT VEGETABLES OF CROP GROUP 9: Chayote (fruit) Chinese waxgourd (Chinese preserving melon) Citron melon Cucumber Gherkin Edible gourd (includes, hyotan, cucuzza, hechima, Chinese okra) *Momordica* spp. (includes balsam apple, balsam pear, bitter melon, Chinese cucumber) Muskmelon (hybrids and/or cultivars of *Cucumis melo* includes true cantaloupe, cantaloupe, casaba, Crenshaw melon, golden pershaw melon, honeydew melon, honey balls, mango melon, Persian melon, pineapple melon, Santa Claus melon, snake melon) Pumpkin Squash (includes summer squash types such as crookneck squash, scallop squash, straightneck squash, vegetable marrow, zucchini and winter squash types such as acorn squash, butternut squash, calabaza, hubbard squash, spaghetti squash) Watermelon (includes hybrids and/or varieties of *Citrullus lanatus)*	Armyworm Beet armyworm Cabbage looper Corn earworm Cutworm Fall armyworm Melonworm Pickleworm Rindworm species Squash vine borer Tobacco budworm Yellow-striped armyworm	12.0 to 17.0 fl oz/acre	• For ground application, use a minimum of 20 gallons of water per acre. • For aerial application, use a minimum of 5 gallons of water per acre. • Do not make more than 3 applications per crop cycle. • Allow at least 7 days between applications. • Do not apply more than 38.0 fl oz per acre per crop cycle. • Do not apply within 7 days of harvest outside of California. In California, do not apply within 10 days of harvest.
	Leafhopper Whitefly	14.0 to 17.0 fl oz/acre	
	Leafhopper (suppression) Whitefly (suppression)	12.0 to 13.0 fl oz/acre	

Crop	Pest	Rate/Acre	Directions for Use and Restrictions
LEAFY VEGETABLES OF CROP GROUP 4 (EXCEPT BRASSICA VEGETABLES): Amaranth (leafy amaranth, Chinese spinach, tampala) Arugula (Roquette) Cardoon Celery Celtuce Chervil Chinese celery Chrysanthemum (edible-leaved and garland) Corn salad Cress (garden) Cress (upland, yellow rocket, winter cress) Dandelion Dock (sorrel) Endive (escarole) Florence fennel (sweet anise, sweet fennel, Finocchio) Lettuce (head and leaf) Orach Parsley Purslane (garden and winter) Radicchio (red chicory) Rhubarb Spinach [including New Zealand and vine (Malabar spinach, Indian spinach)] Swiss chard	Alfalfa looper Armyworm Beet armyworm Cabbage looper Corn earworm Cutworm species Diamondback moth European corn borer Fall armyworm Green cloverworm Imported cabbage worm Saltmarsh caterpillar Tobacco budworm Tomato hornworm Yellow-striped armyworm	12.0 to 17.0 fl oz/acre	• For ground application, use a minimum of 20 gallons of water per acre. • For aerial application, use a minimum of 5 gallons of water per acre. • Do not apply more than 3 times per crop cycle. • Allow at least 7 days between applications. • Do not apply more than 38.0 fl oz per acre per crop cycle. • Do not apply within 7 days of harvest.
	Leafhopper Whitefly	14.0 to 17.0 fl oz/acre	
	Leafhopper (suppression) Whitefly (suppression)	12.0 to 13.0 fl oz/acre	

Crop	Pest	Rate/Acre	Directions For Use and Restrictions
HEAD & STEM BRASSICA (COLE) LEAFY VEGETABLES of Crop Group 5A: Broccoli Brussels sprouts Cabbage Cauliflower Cavalo broccolo Chinese broccoli (gai lon) Chinese cabbage (napa) Chinese mustard cabbage (gai choy) Kohlrabi	Alfalfa looper Alfalfa caterpillar Armyworm Beet armyworm Cabbage looper Cabbage webworm Corn earworm Cross-striped cabbageworm Cutworm species Diamondback moth Fall armyworm Garden webworm Green cloverworm Imported cabbage worm Leafhopper (suppression) Planthopper (suppression) Saltmarsh caterpillar Southern armyworm Southern cabbageworm Tobacco budworm Tomato hornworn Whitefly (suppression) Yellow-striped armyworm	10.0 to 13.0 fl oz/acre	• For ground application, use a minimum of 20 gallons of water per acre. • For aerial application, use a minimum of 5 gallons of water per acre. • Do not make more than 2 applications per crop cycle. • Allow at least 7 days between applications. • Do not apply more than 26.0 fl oz per acre per crop cycle. • Do not apply within 1 day of harvest.

Crop	Pest	Rate/Acre	Directions for Use and Restrictions
FRUITING VEGETABLES OF CROP GROUP 8 PLUS OKRA: Eggplant Groundcherry Pepino Pepper (*Capsicum* spp., including bell pepper, chili pepper, cooking pepper, pimento, sweet pepper) Okra Tomatillo Tomato	Armyworm Beet armyworm Cabbage looper Celery leaftier Cutworm species Diamondback moth European corn borer Fall armyworm Garden webworm Melonworm Pickleworm Rindworm species Saltmarsh caterpillar Southern armyworm Southwestern corn borer Tobacco budworm Tobacco hornworm Tomato fruitworm Tomato hornworm Tomato pinworm Western yellow-striped armyworm Yellow-striped armyworm	12.0 to 17.0 fl oz/acre	• For ground application, use a minimum of 20 gallons of water per acre. • For aerial application, use a minimum of 5 gallons of water per acre. • Do not make more than 3 applications per crop cycle. • Allow at least 5 days between applications. • Do not apply more than 38.0 fl oz per acre per crop cycle. • Do not apply within 1 day of harvest.
	Leafhopper Planthopper Whitefly	14.0 to 17.0 fl oz/acre	
	Leafhopper (suppression) Planthopper (suppression) Whitefly (suppression)	12.0 to 13.0 fl oz/acre	

Crop	Pest	Rate/Acre	Directions for Use and Restrictions
COTTON	Beet armyworm Cabbage looper Cotton bollworm Cotton leafworm Cotton leafperforator Cutworm species European corn borer Fall armyworm Omnivorous leafroller Saltmarsh caterpillar Soybean looper Tobacco budworm True armyworm Yellow-striped armyworm	24.0 to 36.0 fl oz/acre	• For ground application, use a minimum of 10 gallons of water per acre. • For early season use, when cotton is less than 10 inches in height, apply in a directed spray using ground spray equipment. • For aerial application, use a minimum of 5 gallons of water per acre. • Do not apply more than 3 times per crop cycle. • Allow at least 28 days between applications. • Do not apply more than 36.0 fl oz per acre per crop cycle. • Do not apply within 28 days of harvest
	Whitefly	14.0 to 17.0 fl oz/acre	

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in original container, unopened in a cool, dry place.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL: Non-refillable container. Do not reuse or refill this container. Triple rinse, or equivalent, promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling, if available, or reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by State or local authorities, by burning. If burned, stay out of smoke.

IMPORTANT: READ BEFORE USE

By using this product, user or buyer accepts the following conditions, warranty, disclaimer of warranties and limitations of liability.

CONDITIONS: The directions for use of this product are believed to be accurate and must be followed carefully. However, because of extreme weather and soil conditions, use methods and other factors beyond the control of Nichino America, Inc. (NAI), it is impossible for NAI to eliminate all risks associated with the use of this product. As a result, crop injury or ineffectiveness is always possible. To the extent consistent with applicable law, all such risks are assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, WHICH EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of NAI is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. To the extent consistent with applicable law, NAI disclaims any liability whatsoever for incidental or consequential damages, including, but not limited to, liability arising out of breach of contract, express or implied warranty (including warranties of merchantability and fitness for a particular purpose), tort, negligence, strict liability or otherwise.

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 THE ELECTION OF NICHINO AMERICA, THE REPLACEMENT OF PRODUCT.

Protected by US Patent # 6603044

LABEL CODE: 081110