

 <p style="text-align: center;"> <b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Office of Pesticide Programs</b>  <b>Registration Division (7505P)</b>  <b>Ariel Rios Building</b>  <b>1200 Pennsylvania Ave., NW</b>  <b>Washington, D.C. 20460</b> </p>	EPA Reg. Number: 72112-11	Date of Issuance: SEP 11 2006
	Term of Issuance: conditional	
	Name of Pesticide Product: PROKOZ 012	
NOTICE OF PESTICIDE: <input checked="" type="checkbox"/> Registration <input type="checkbox"/> Reregistration (under FIFRA, as amended)		
Name and Address of Registrant (include ZIP Code): PROKOZ, Inc. c/o Pyxis Regulatory Consulting, Inc. 4110 136 <sup>th</sup> St. NW Gig Harbor, WA 98332		
Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.		
<p>On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.</p> <p>This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(A) provided that you:</p> <ol style="list-style-type: none"> <li>1. Add the phrase "EPA Registration No.72112-11" to the label before you release the product for shipment.</li> </ol> <p>COMMENTS CONTINUED ON PAGE 2 OF THIS NOTICE OF REGISTRATION.</p> <p>If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product under the enclosed stamped copy of the label constitutes acceptance of these conditions.</p> <p>Enclosure</p>		
Signature of Approving Official:  Joanne I. Miller Product Manager 23 Herbicide Branch Registration Division (7505P)	Date:  SEP 11 2006	

Comments Continued:

2. Add an EPA establishment number and net contents to the label.
  3. Submit one (1) copy of the final printed labeling before you release this product for shipment.
  4. Submit and/or cite all data required for the registration of this product when the Agency requires all registrants of similar products to submit data; and submit acceptable responses required for reregistration of this product under FIFRA, section 4.
-

3/10

# PROKōZ 012

## For Turf Growth Management

For managing growth, improving quality and stress tolerance, and edging of warm- and cool-season turfgrasses

<b>ACTIVE INGREDIENT:</b>	
Trinexapac-ethyl (CAS No. 95266-40-3).....	11.3%
<b>OTHER INGREDIENTS:</b> .....	88.7%
<b>TOTAL:</b> .....	100.0%

PROKōZ 012 is a microemulsion concentrate.

### KEEP OUT OF REACH OF CHILDREN

### CAUTION

FIRST AID	
<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 to 20 minutes.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
<b>If in eyes:</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15 to 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>
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-424-9300 for emergency medical treatment information.	
NOTE TO PHYSICIAN	
If a large amount has been ingested, lavage stomach. An aqueous suspension of activated charcoal can be given to absorb remaining toxicant. Treat symptomatically.	

See inside label booklet for additional PRECAUTIONARY STATEMENTS

#### PRECAUTIONARY STATEMENTS

#### HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with eyes, skin, or clothing.

EPA Reg. No. 72112-

**ACCEPTED**  
**with COMMENTS**  
**In EPA Letter Dated:**

EPA Est. No.

**Manufactured for:**  
PROKōZ, Inc.  
100 North Point Center East, Suite 330  
Alpharetta, GA 30022

SEP 11 2006  
Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
as amended, for the pesticide  
registered under EPA Reg. No.

72112-11

Net Contents:

4/10

### PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category C on an EPA chemical resistance category selection chart.

#### Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves (such as nitrile, butyl, neoprene, or barrier laminate)
- Shoes plus socks

Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. 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.

#### Engineering Control Statements

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

#### USER SAFETY RECOMMENDATIONS

##### Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

#### ENVIRONMENTAL HAZARDS

Do not apply directly to water, 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 wash water. Do not apply when weather conditions favor drift from treated areas.

#### DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

#### 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.

**The restricted-entry-interval (REI) for this product is 0 days.**

**Do not enter treated areas without footwear until sprays have dried.**

#### NON-AGRICULTURAL USE REQUIREMENTS

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

**Do not enter treated areas without footwear until sprays have dried.**

Observe all precautions and limitations on this label and on the labels of each product used in tank mixture with this product.

**FAILURE TO FOLLOW THE DIRECTIONS FOR USE AND PRECAUTIONS ON THIS LABEL MAY RESULT IN UNEVEN GROWTH REDUCTION OR SEVERELY STUNTED TURF.**

#### GENERAL INFORMATION

PROKōZ 012 for turf growth management reduces the frequency of mowing and the amount of grass clippings by reducing the growth of warm- and cool-season turfgrasses. Other benefits, such as increased turf density, increased color, and increased turf quality, are frequently observed after PROKōZ 012 applications.

PROKōZ 012 can be applied to well-maintained, quality turfgrass areas, such as residential and commercial lawns, golf courses, sod farms, sports fields, cemeteries, and similar areas. PROKōZ 012 is useful in the management of difficult-to-mow areas and can be used to minimize the need for edging turfgrass along sidewalks, curbs, parking lots, driveways, flower beds, fences and around posts, storage sheds, and trees.

PROKōZ 012 reaches the growing point by foliar uptake and is rainfast from rainfall or irrigation after one hour. Watering-in is not necessary for activation.

**NOTICE TO USER:** Plant tolerances to PROKōZ 012 have been found to be acceptable for the grasses listed on this label. Due to the large number of species and cultivars of grasses, it is impossible to test every one for tolerance to PROKōZ 012. Neither the manufacturer nor the seller has determined whether or not PROKōZ 012 can be used safely on grasses not specified on this label. The professional user should determine if PROKōZ 012 can be used safely prior to commercial use. Before using PROKōZ 012 for grasses not listed in the application table, test PROKōZ 012 on a small scale first. Apply the lower recommended rate for the turf setting (lawn, fairway, etc.) and evaluate for phytotoxicity and growth inhibition to widespread use.

#### APPLICATION METHODS

Environmental conditions, management, and cultural practices that affect turf growth and vigor will influence the response of the turf to PROKōZ 012 applications. Fertility level, moisture availability, plant vigor, height, and frequency of mowing, etc. have been shown to influence the activity of PROKōZ 012.

The rates presented in the **Application Rate Table** provide approximately 50% growth inhibition over a 4-week period with little or no discoloration of turf growing under favorable conditions.

Excessive turf growth, which may occur with high fertilization or during spring flushes, may require higher rates of PROKōZ 012. Under these conditions, PROKōZ 012 rates may need to be increased up to 50% to provide an adequate length of control.

For extended growth suppression up to 8 weeks, when temporary discoloration can be tolerated, a maximum of twice the recommended PROKōZ 012 rate from the **Application Rate Table** may be applied.

PROKōZ 012 use rates may need to be reduced up to 50% for turfgrass grown under conditions of low fertility, compaction, or other factors which stress the turf.

**Multiple applications of PROKōZ 012 can be made each growing season, but do not exceed a total of 7.0 fl. oz./1,000 sq. ft. (305 fl. oz./A; 19.0 pts./A) per year.**

#### Mowing

Generally, PROKōZ 012 provides more suppression when turfgrasses are maintained at lower mowing heights than higher mowing heights. Application rates have been selected for typical mowing heights. The application rate may need to be adjusted depending on actual mowing conditions. To minimize possible turf injury, apply PROKōZ 012 then wait at least 4 hours before mowing or mow first, wait at least 1 hour, then apply PROKōZ 012.

6/10

### **Application Timing**

Apply PROKōZ 012 to actively-growing turf. If turf is going into dormancy because of high or low temperatures or lack of moisture, apply a lower rate of PROKōZ 012.

Repeat applications of PROKōZ 012 may be made as soon as the turf resumes growth or more suppression is desired, but do not apply more than 7.0 fl. oz./1,000 sq. ft. per year.

### **Equipment**

PROKōZ 012 may be applied with backpack sprayers, hand sprayers, boom sprayers, and with spraygun application devices. Clean spray equipment thoroughly before use. Make sure the sprayer is capable of accurate and uniform application. Calibrate the sprayer before applying PROKōZ 012. Rinse sprayer with clean water after use and dispose of rinsate in an approved manner.

### **MIXING INSTRUCTIONS**

Apply PROKōZ 012 in sufficient carrier (for example 0.5-4.0 gals. of water per 1,000 sq. ft.) to provide uniform and thorough coverage.

PROKōZ 012 is a microemulsion concentrate (MEC) with minimal odor because the product does not contain petroleum solvents. PROKōZ 012 mixes completely with water and may be tank mixed with many commonly used pesticides and liquid fertilizers. Prepare no more mixture than is necessary for the immediate operation. Once PROKōZ 012 is uniformly mixed, no further agitation is required when the product is used alone, but agitation may be required for tank mixes. If using PROKōZ 012 in a tank mixture, observe all directions for use, sites, use rate dilution ratios, precautions, and limitations which appear on the tank-mix product's label. Do not exceed any label use rate and follow the most restrictive label precautions and limitations. This product should not be mixed with any product which prohibits such mixing.

### **Backpack and Hand Sprayers (0.5-4.0 gals. capacity)**

**PROKōZ 012 Alone:** Add all of the required water to the mix tank. Add the appropriate amount of PROKōZ 012, close sprayer, and vigorously shake it. Begin application.

### **Boom and Hand Gun Sprayers**

**PROKōZ 012 Alone:** Add all of the required amount of water to the spray tank. Then, while agitating, add PROKōZ 012.

**PROKōZ 012 + Tank Mixtures:** When mixing PROKōZ 012 with other components (carrier and tank mix pesticide products) add the products to the spray tank using the following procedure:

1. Always check the compatibility of the tank mix using a jar test with proportionate amounts of PROKōZ 012, other products to be used, and the water before mixing in the spray tank. Use a clear glass quart jar with lid and mix the tank mix ingredients in their relative proportions. Invert the jar containing the mixture several times and observe the mixture for approximately 1/2 hour. If mixture balls-up, forms flakes, sludges, gels, oily films or layers; or precipitates, it is not compatible and do not use the combination in a tank mix.
2. Fill tank at least 1/2 full of water.
3. Maintain sufficient agitation during filling to keep the tank mix uniformly suspended.
4. Add all products packaged in water-soluble bags first. Allow the packages to dissolve and the contents to completely disperse into the mix water. Then add water-dispersible granules (WG formulations) while maintaining agitation in the mix tank. Next, add wettable powders (WP formulations). Allow the products to disperse completely before other products are added.
5. Add emulsifiable concentrates (EC).
6. Add flowable liquids (FL) or suspension concentrates (SC).
7. Add PROKōZ 012.
8. Add spray adjuvants and spray markers. Use surfactants approved for application to turf. Check surfactant label before use.
9. Add the remainder of the water.

10. Do not leave tank mix combinations in the spray tank for prolonged periods without agitation. Mix and apply all of the spray solution on the same day.

**Note:** Do not mix PROKōZ 012 with any product which prohibits such mixing. Do not exceed any label application rate and follow the most restrictive label precautions and limitations. Refer to the tank mix partner label(s) for further information.

#### **Application Near and Around Monuments and Hardscape Materials**

PROKōZ 012, at normal dilution rates, will not stain brass, bronze, concrete, marble, granite, or other types of stone. Before using PROKōZ 012 around other materials, test on a small scale basis first.

#### **Turf Pre-Stress Conditioning**

Multiple PROKōZ 012 applications along with cultural practices such as fertilization, irrigation, drainage, mowing height, etc., will delay the onset of stress, improve stress survival, and enhance turf's recovery from stress. Apply PROKōZ 012 to healthy, actively growing turf before the onset of stress and continue to apply PROKōZ 012 throughout the growing season as long as the turf remains healthy, but do not apply more than 7.0 fl. oz./1,000 sq. ft. per year. Turfgrass root-mass is often greater in PROKōZ 012-treated turf than in similar, untreated turf. As turf top growth slows, energy is redirected to below-ground plant parts, and root and rhizome production increases. Research has demonstrated that PROKōZ 012 may also enhance the performance of fungicides. Monthly applications of PROKōZ 012 at the label rate or biweekly applications at 1/2 the label rate strengthen the turfgrass to help it resist disease. In addition, if mowing is less frequent, and leaf material removal is reduced, contact and systemic products stay at effective concentrations on or in the turf longer. Multiple applications of PROKōZ 012 will reduce water use and improve drought tolerance. PROKōZ 012 applications result in smaller, more compact turfgrass and leaf area is reduced for transpiration. Increased turf density reduces moisture loss from soil evaporation, and additional soil moisture is available due to increased root depth and mass. Primo MAXX also may increase carbohydrate levels which have been shown to enhance heat and cold tolerance.

#### **POA ANNUA CONVERSION/RENOVATION**

PROKōZ 012 can be applied to existing turf infested with stands of *Poa annua* as part of an overseeding/renovation program. Such an application allows better germination and seedling growth of more desirable turf. The use of PROKōZ 012, with appropriate cultural practices, that help to ensure the vigor and growth of new seedlings, will also result in fewer clippings and thus reduce maintenance traffic on new seedlings. Because PROKōZ 012 is foliarly-absorbed, seed germination is not affected. Apply PROKōZ 012 1-5 days before seeding; and before verticutting, scalping, spiking, or other similar operations.

Temporary initial discoloration is possible with aggressive application rates of PROKōZ 012 to turf with *Poa annua*. The following spring, apply the upper end rate of PROKōZ 012 for the turf type and setting listed in the **Application Rate Table**. Actual conversion success will also depend on growing conditions, fertilization, rainfall, and other agronomic and environmental conditions.

#### **BERMUDAGRASS OVERSEEDING**

An application of PROKōZ 012 to bermudagrass will enhance the establishment of cool-season turfgrasses. Application of PROKōZ 012, along with cultural practices that help ensure new seedling vigor and growth, will also result in fewer clippings and less maintenance traffic on new seedlings. PROKōZ 012 is foliarly absorbed, so germination and seedling growth is not affected.

Apply PROKōZ 012 before verticutting, scalping, spiking, or other similar operations to the bermudagrass. Apply PROKōZ 012 1-5 days before seeding.

Temporary initial discoloration of turfgrass is possible with aggressive application rates of PROKōZ 012. Use normal seeding rates for your area and turf setting (lawn, fairway, etc.). Actual overseeding success will also depend on growing conditions, fertilization, rainfall, and other agronomic and environmental conditions. For maintenance applications, see the **Application Rate Table**.

8/10

#### APPLICATION WITH TURF MARKING PAINT

PROKōZ 012 can extend the duration of marking visibility when applied before or with marking agents. Mix PROKōZ 012 with water first when combining with latex-based marking agents. Refer to the marking agent's product label for further instructions.

Apply PROKōZ 012 at 1 oz./gal. of marking paint mix to treat approximately 1,000 sq. ft. of line surface area. Refer to the **PROKōZ 012 + Tank Mixtures** section of this label for additional instructions.

**Notes:** (1) Areas treated with PROKōZ 012 should continue to receive regular maintenance practices, including irrigation; fertilization; and weed, disease, and insect control when necessary, and as recommended for quality turf. Because some herbicides can injure turf, tank mixes with PROKōZ 012 should be tested on a small scale before widespread use. (2) PROKōZ 012 may cause temporary yellowing. This usually disappears about one week after application. To minimize yellowing and to enhance the green color of turf, apply readily available nitrogen at 0.2-0.5 lb. of actual nitrogen per 1,000 sq. ft. If desirable, recommended rates of iron per 1,000 sq. ft. can also be used. (3) Full growth regulation by PROKōZ 012 begins at about 3-5 days after application.



9/10

Table 1. Recommended PROKōZ 012 Application Rates<sup>1,2</sup>

Turf Type	Residential and Commercial Turf <sup>3</sup>		Golf Course Fairways (Cut at 0.5" or less)		Golf Course Greens		Edging/Banding <sup>4</sup>	
	Fl. oz./1,000 sq. ft.	Fl. oz./A	Fl. oz./1,000 sq. ft.	Fl. oz./A	Fl. oz./1,000 sq. ft.	Fl. oz./A	Fl. oz./1,000 sq. ft.	Fl. oz./A
<b>Cool-Season</b>								
Bentgrass	0.75	33	0.25	11	0.125	6	1.0	44
Fescue, Red	0.75	33					1.0	44
Fescue, Tall (Ky-31)	1.0	44					1.0	44
Fescue, Tall (Turf Types)	0.75	33					1.0	44
Kentucky Bluegrass	0.60	26	0.25	11			0.75	33
Mixture (Bentgrass/Poa annua)			0.25 <sup>5</sup>	22				
Mixture (K. Bluegrass/Fescue/Rye grass)	0.75	33						
Mixture (K. Bluegrass/Ryegrass/Poa annua)			0.50 <sup>5</sup>	22				
Ryegrass, Annual	1.0	44					1.0	44
Ryegrass, Perennial	1.0	44	0.50	22			1.0	44
<b>Warm-Season</b>								
Bahiagrass	1.0	44					1-2	44-88
<b>Bermudagrass<sup>6</sup></b>								
Bermudagrass, Common	0.75	33	0.25	11			1-2	44-88
Bermudagrass, Other Hybrids	0.25	11	0.20	9			0.50-0.75	22-33
Bermudagrass, Tifdwarf	0.20	9	0.20	9	0.062	3	0.50-0.75	22-33
Bermudagrass, Tifgreen (328)	0.25	11	0.20	9	0.125	6	0.75	33
Bermudagrass, Tifway (419)	0.38	16	0.25	11			0.75	33
Buffalograss	1.0	44					1.0	44
Carpetgrass	0.25-0.40	11-18					0.50	22
Centipedegrass	0.50	22					1.0	44
Kikuyugrass	0.30-0.50	13-22	0.3	13			1.0	44
St. Augustinegrass	0.10-0.15	4.50-6.50					0.40-0.80	18-36
St. Augustinegrass, Texas Common	0.10	4.5					0.20	9
Zoysiagrass	0.25	11	0.125	6			0.75	33

<sup>1</sup>These rates should provide 50% suppression of turf growth under good growing conditions for 4 weeks with minimal yellowing.

<sup>2</sup>Seedheads: At rates equal to or higher than the rates in Table 1, PROKōZ 012 provides seedhead suppression of hybrid bermudagrass, and partial seedhead suppression of annual bluegrass, bahiagrass, buffalograss, carpetgrass, common bermudagrass, Kentucky bluegrass, and tall fescue. PROKōZ 012 must be applied prior to seedhead formation. Do not apply more than 7.0 fl. oz./1,000 sq. ft. per year.

<sup>3</sup>Including, but not limited to home lawns, parks, recreation areas, golf course roughs, cemeteries, business sites, sports fields, and sod farms.

<sup>4</sup> PROKōZ 012 can be applied along the perimeter of lawns, sidewalks, curbs, parking lots, driveways, posts, storage buildings, pet pens, fences, or other areas. PROKōZ 012 can be used around trees, shrubs, flower beds, and other border plants or similar areas with no injury. Apply PROKōZ 012 in an 8 to 12-inch band with a single nozzle sprayer. Use the higher concentration to reduce the growth of the turfgrass into adjacent areas.

<sup>5</sup>Where yellowing of *Poa annua* is a concern, use half this rate and apply more frequently. For *Poa*

annua conversion/renovation, where temporary discoloration can be tolerated, twice this rate may be applied.

<sup>6</sup>Bermudagrass overseeding preparation: 0.5 oz./1,000 sq. ft. for golf fairways and tees; 0.25 oz./1,000 sq. ft. for golf greens.

*Precautions: (1) Do not apply PROKōZ 012 through any type of irrigation system. (2) Do not graze areas or feed clippings to livestock.*

**STORAGE AND DISPOSAL**

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

**PESTICIDE STORAGE:** Do not store below 0°F. If crystals form, store above 70°F, shaking periodically until crystals are dissolved.

**PESTICIDE DISPOSAL:** Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

**CONTAINER DISPOSAL:** Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

**CONDITION OF SALE AND LIMITATION OF WARRANTY AND LIABILITY**

**NOTICE:** Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and 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.

The Directions for Use of this Product should be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Ineffectiveness or other unintended consequences may result because of such factors as manner of use or application, weather, presence of other materials or other influencing factors in the use of the product, which are beyond the control of PROKōZ, INC. or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold PROKōZ, INC. and Seller harmless for any claims relating to such factors.

PROKōZ, INC. 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, subject to the inherent risks referred to above, when used in accordance with directions under normal use conditions. This warranty does not extend to the use of this product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or PROKōZ, INC., and Buyer and User assume the risk of any such use. PROKōZ, INC. MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

To the extent permitted by law, neither PROKōZ, INC. nor Seller shall be liable for any incidental, consequential or special damages resulting from the use or handling of this product. **THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF PROKōZ, INC. AND SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT OR, AT THE ELECTION OF PROKōZ, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT.**

PROKōZ, INC. and Seller offer this product, and Buyer and User accept it, subject to the foregoing Conditions of Sale and Limitation of Warranty and Liability, which may not be modified except by written agreement signed by a duly authorized representative of PROKōZ, INC.