



AXXE® Broad Spectrum Herbicide Specimen Label

ACTIVE INGREDIENT:

Ammonium Nonanoate.....40.00%

OTHER INGREDIENTS:.....60.00%

TOTAL:.....100.00%

AXXE Broad Spectrum Herbicide contains 3.3 lbs. of ammonium nonanoate per US gallon.

KEEP OUT OF REACH OF CHILDREN

WARNING "AVISO"

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)

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 eye.
- 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.

If inhaled

- Move person to fresh air.
- If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible.
- Call a poison control center or doctor for treatment advice.

HOTLINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For emergency information on AXXE Broad Spectrum Herbicide, call the National Pesticides Information Center at 1-800-858-7378, 6:30AM to 4:30PM Pacific Time (PT), seven days a week. During other times, call the Poison Control Center at 1-800-222-1222.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Warning: Causes substantial, but temporary eye irritation. Do not get in eyes or on clothing. Wear goggles. Harmful if inhaled. Avoid breathing spray mist. Causes moderate skin irritation. Avoid contact with skin or on clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

- Coveralls worn over short-sleeve shirt and short pants
- Socks and chemical resistant footwear
- Chemical resistant gloves
- Protective eyewear
- When mixing and loading wear a chemical resistant apron

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

USER SAFETY RECOMMENDATIONS

Users should:

- Remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

For terrestrial uses only: This pesticide is toxic to fish and aquatic invertebrates. Use care when applying in areas adjacent to any body of water. 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 washwater or rinsate. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas.

This product is toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product if bees are visiting the treatment area.

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 State/Tribal 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.

Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 24 hours.

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-sleeve shirt and short pants
- Socks and chemical resistant footwear
- Chemical resistant gloves
- Protective eyewear

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.

Keep unprotected persons out of treated areas until sprays have dried.

METHODS OF USE AND GENERAL APPLICATION INSTRUCTIONS

General Instructions:

AXXE® Broad Spectrum Herbicide is a contact non-selective herbicide for spray application only to undesirable plant growth. Do not allow spray to contact any green plant parts of desirable plants. AXXE Broad Spectrum Herbicide provides control and burndown suppression of annual and perennial broadleaf and grass weeds. Spore producing plants such as mosses and liverworts are also controlled. The amount of burndown and the duration of weed suppression may be reduced when weed growth conditions are unfavorable or when plants are mature.

Use AXXE Broad Spectrum Herbicide as a shielded spray application to control listed insects in row middles of staked crops and row crops, between rows covered in plastic mulch, and areas around the base of trees and vine crops in orchards. Application is only to be made directly to the soil surface.

AXXE Broad Spectrum Herbicide is non-volatile and water soluble for foliar application in tractor powered field-type sprayers or manual pump sprayers. Complete and uniform coverage of weeds by the spray solution is required for the best weed control. Plant foliage will change from a green color to brown/black necrotic tissue within one to two hours after spray application of AXXE Broad Spectrum Herbicide diluted with water. AXXE Broad Spectrum Herbicide effect on plant tissue may be more rapid in warm weather than in cold conditions. However, weed control is normally unaffected by temperature.

AXXE Broad Spectrum Herbicide is a soap product which penetrates the cell walls of plants to disrupt the cellular organization of physiological functions which are compartmentalized by membranes within the cell walls. Plant growth ceases when cellular contents are mixed which causes brown necrotic plant tissue.

AXXE Broad Spectrum Herbicide does not migrate through the soil and is not translocated in plants. **To ensure satisfactory control, plant leaves must be thoroughly and uniformly covered with the spray solution.** AXXE Broad Spectrum Herbicide does not provide any residual weed control in soil to affect germinating weed seeds.

Mixing and Application Instructions:

For use, AXXE Broad Spectrum Herbicide is diluted with water to the specified concentration for effective control of the undesirable vegetation. Dilution must be in accordance with label

instructions. Do not apply this product through any type of irrigation system. Spray equipment options include hand-held, boom sprayers, pressure sprayers and hose-end sprayers. Spray nozzles that produce a uniform spray will give maximum coverage of the leaves, and thus highest activity. AXXE Broad Spectrum Herbicide is completely soluble in water and when uniformly mixed, no additional mixing or agitation is required.

A 10–13% volume to volume (V/V) dilution (13–16 fl. oz. per gallon of water) is recommended for most weed control situations and based on the results, applicators may increase or decrease spray concentrations as discussed in the following text and tables to obtain better control or to reduce herbicide use. See required concentration for variously sized weeds and grasses in Application Rates Section. Larger weeds, perennial weeds and some grasses may require several applications for complete control.

Application Precautions:

- Do not apply to weeds when wet from dew, rain or irrigation.
- Do not irrigate within 2 hours after application
- Do not apply if rainfall is expected within 2 hours.

During application, some foaming may occur; however, weed control is unaffected if the foam is deposited on the plant surface and is not blown away as drift. Foaming can be reduced by using the minimum spray pressure required for a uniform application to the target weeds. Use low spray pressure to reduce foaming and avoid contact with desirable plants. Most spray nozzles are designed to operate at 10 to 15 psi and provide uniform spray coverage of weeds.

Mixing:

Fill sprayer tank with half the required amount of water, add the full amount of AXXE Broad Spectrum Herbicide to be used (see Dilution Factors below), then fill the sprayer tank with the remainder of the water required for the desired final concentration. Since AXXE Broad Spectrum Herbicide is completely soluble in water and when uniformly dispersed in water, continuous mixing or agitation is not required.

Broadcast Application with Field Sprayer Boom Equipment

The amount of weed vegetation will determine the spray volume required for complete coverage of undesired plants (weeds). Weed vegetation conditions that affect spray coverage are number of weeds present, leaf shape, weed size and weed species. For weeds of over 1 inch height do not use less than 30 gal/acre. Large weeds of 12 to 18 inch height may require 80 to 125 gal/acre or more for control.

Hand-Held Equipment

Thorough saturation of the foliage and stems is required for control, but stop sprays when run-off from weed leaves occurs. Use low spray pressure to reduce foaming and avoid contact with desirable plants. Most spray nozzles are designed to operate at 10 to 15 psi and provide uniform spray coverage of weeds.

Directed Spray Equipment

Use a shielded sprayer to prevent spray contact on desirable plants. Avoid spray contact of green plant stems or green bark of young trees and shrubs.

NOTE: In areas of hard water, the final mixture may appear milky. This condition does not change the effectiveness of the treatment. A clearly visible foam will appear on the leaves as the plants are sprayed. Repeat application as often as necessary to obtain desired control.

Application Rates:

For general weed and grass control, rates are based on the size of the plants and/or the desired speed of kill. The larger the plants, the higher the dosage rates needed to ensure maximum herbicidal activity. Also, the higher the concentration, the quicker the plants wilt and turn brown. Apply AXXE Broad Spectrum Herbicide spray solutions only when weed surfaces are dry.

The rate table presents the suggested percent volume/volume (V/V) solutions of AXXE Broad Spectrum Herbicide to use for application as follows:

- Use a 6 to 8% V/V AXXE Broad Spectrum Herbicide spray solution for control of annual weeds of 1 inch height or less and for control of liverworts and mosses.
- Use an 8 to 10% V/V AXXE Broad Spectrum Herbicide spray solution for control of annual weeds over 1 inch height and up to 4 inch height.
- Use a 10 to 13% V/V AXXE Broad Spectrum Herbicide spray solution for weeds over 4 inch height and for hard to control weeds.
- A 15% V/V AXXE Broad Spectrum Herbicide spray solution is the maximum labeled rate. Use this rate for hard to control perennial weeds or extremely dense weed growth.

Repeat spray applications as necessary to obtain the desired control or suppression of weeds from newly germinated weed seeds and regrowth from roots or stems.

RATE TABLE

Final Spray Volume (gallons)	Amount of AXXE Broad Spectrum Herbicide for Percent V/V (Volume/Volume) Solution				
	6%	8%	10%	13%	15%
1	8 fl. oz.	10 fl. oz	13 fl. oz	1 pt.	1.2 pt.
2	1 pt.	1.3 pt	1.3 pt.	2 pt.	2.4 pt.
5	2.5 pt.	3.3 pt.	4 pt.	5 pt.	6 pt.
10	5 pt.	6.5 pt.	1 gal.	1.3 gal.	1.5 gal.
20	1.3 gal.	1.6 gal.	2 gal.	2.6 gal.	3.0 gal.

Height of Plants to be Controlled	Spray Solution (%V/V)
1 inch or less	6 to 8%
1 to 3 inches	8 to 10%
Above 3 inches	10 to 13%

NOTE: Do not use spray concentrations higher than 15% in a pressure sprayer since unacceptable foaming and bubble formation may occur at the nozzle heads.

Use Methods

Determine the weed control situation and select the use method required as follows:

A. Vegetative Burndown: Broadcast spray for weed control for no-till planting or seedbed preparation to control weeds prior to seeding or transplanting. Spot sprays may be used in crops, ornamentals, pastures and turf.

B. Directed and Shielded Sprays: Spray nozzle type or configuration for directed spray or a shield placed around the nozzle to prevent spray contact on the foliage or green stems or bark. Directed/shielded spray applications to area between plastic mulch strips and staked crops for weed control.

C. Preemergence Spray Before Seeds Germinate and Emerge, and Before Perennial Plants, Tubers, Bulbs or Seed Pieces Sprout and Emerge: Make application before new growth emerges.

D. Dormant or Post Harvest Spray: Apply after crops are harvested to kill weeds and residual green growth of the crop plants. Apply to dormant crops such as alfalfa or turf.

E. Sucker Control, Pruning and Trimming: Direct sprays to kill small tender basal suckers in crops such as brambles and fruit trees.

F. Desiccation and Harvest Aid: Apply only when crop is ready to harvest and green crop leaves or weeds interfere with harvest. Spray as broadcast application over the crop and weeds for rapid desiccation of green plant growth to facilitate harvest. Apply as a harvest aid for cotton, potatoes and other root, tuber and bulb vegetables.

G. Industrial and Building Uses: Apply to weeds in walkways, driveways, parking areas and around buildings or structures. Broadcast or spot sprays may be applied to open field areas and rights-of-ways.

PESTS

I. Weeds controlled or suppressed by AXXE Broad Spectrum Herbicide:

Common Names	Taxonomic Names
Broadleaf Weeds:	
Algae	Gloeocapsa magma
Bittercress, hairy	Cardamine hirsuta
Chickweed, common	Stellaria media
Chickweed, mouse-ear	Cerastium vulgatum
Cocklebur, common	Xanthium strumarium
Corn spurry	Spergula arvensis
Cudweed, purple	Gnaphalium purpureum
Groundsel	Senecio spp.
Lambsquarters, common	Chenopodium album
Liverwort	Machantia spp.
Marestail or Horseweed rosettes	Conyza canadensis
Morningglory, annual	Ipomoea spp.
Moss	Bryophyta
Mustards	Brassica spp.
Oxalis or Woodsorrel	Oxalis stricta

Pansy, wild	Viola tricolor
Plantain	Plantago spp.
Pigweed, smooth and redroot	Amaranthus spp.
Mallow, roundleaved	Malva spp.
Moneywort	Lysimachia nummularia
Shepherdspurse	Capsella bursa-pastoris
Sorrel, sheep	Rumex acetosella
Spurge, spotted	Euphorbia maculata
Field pennycress	Thiaspi arvense
Velvetleaf	Abutilon theophrasti
Grass and Other Weeds:	
Bentgrass, colonial	Agrostis tenuis
Bluegrass, annual	Poa annua
Crabgrass, large	Digitaria sanguinalis
Fescue, creeping red	Festuca rubra
Fescue, hard	Festuca ovina
Nimblewill	Muhlenbergia scheberi
Onion, wild	Allium canadense
Ryegrass, perennial	Lolium perenne
Star-of-Bethlehem	Ornithogalum nutans
II. Weeds Moderately Difficult to Control¹	
Bermudagrass (Wireweed)	Cynodon dactylon
Bindweed, field	Convolvulus arvensis
Dandelion	Taraxacum officinale
Nutsedge, yellow	Cyperus esculentus
Ragweed, common	Ambrosia artemisiifolia

¹Use 13 to 15% V/V AXXE Broad Spectrum Herbicide for control or suppression

Crop Uses and Methods of Application*

*Refer to the General Instructions section for Use Methods description

Crop Group	Crops	Use Methods
Root Tuber and Perennial Vegetables	Asparagus, artichoke, beet, carrot, ginger, horseradish, parsnip, potato, radish, rutabaga, sweet potato, turnip and yam ¹ Harvest Aid and Dessication approved for root and tuber crops in this crop group	A, B, C, D, F ¹
Bulb Vegetables	Garlic, leek, onion and shallot	A, B, C, F
Leafy Vegetables	Celery, cilantro, cress, endive, fennel, lettuce, parsley, rhubarb, spinach, swiss chard	A, B
Cole or Brassica Crops	Broccoli, brussel sprouts, cabbage, cauliflower, collards, kale, kohlrabi, mustard and turnip greens	A, B, C
Legume Vegetables	Beans (Phaseolus spp.: black, green, kidney, lima, mung, navy, pinto, snap and wax), (Vigna spp.: black-eyed, Chinese longbean, cowpea and southern pea), peas (Pisum spp.: garden, green, sugar and snow peas), soybeans	A, B, C
Fruiting Vegetables	Eggplant, okra, pepper, (bell, chili, sweet), pimento, and tomato	A, B, C
Cucurbits and Melons	Cucumber, gourd, muskmelon, cantaloupe, pumpkin, squash, and watermelon	A, B, C
Citrus	Grapefruit, kumquat, lemon, lime, orange, tangerine and tangelo	A, B
Pome Fruit	Apple, crabapple, pear and quince	A, B, E
Stone fruit	Apricot, cherry, nectarine, peach, plum and prune	A, B, E
Small Fruit and Grapes	Blackberry, blueberry, boysenberry, cranberry, currant, dewberry, elderberry, grape (all types), loganberry, olallieberry, raspberry and strawberry	A, B, C, E
Nuts	Almond, brazil nut, chestnut, filbert, macadamia, pecan, pistachio and walnut	A, B, E
Tropical and Other Fruit	Avocado, banana, coconut, date, fig, guava, kiwi, mango, olive, persimmon, papaya and banana	A, B, E

Agronomic Crops and Cereal Grains	Barley, buckwheat, canola, corn (field, popcorn and sweet), cotton, cowpea, flax, millet, oat, peanut, rice, rye, safflower, sorghum, soybean, sugarcane, sunflower and wheat ¹ Harvest Aid and Desiccation approved for cotton, soybean and wheat	A, B, C, F ¹
Forages and Pastures (Forage or Seeds)	Alfalfa, clovers, trefoil, vetch, bromegrass, fescue, bluegrass, lespedeza, ryegrass, sudangrass, timothy, range grasses and crops grown for livestock feed	A, C, D
Herbs & Spices	Anise, basil, caraway, chive, cumin, curry, dill, fennel, oregano, mints, rosemary, sage, savory, sweet bay, tarragon, thyme and wintergreen	A, B, C, D
Beverage and Specialty Crops	Cocoa, coffee, hops, tea, tobacco and jojoba	A, B, E

Non-Crop Uses and Methods of Application*

*Refer to the General Instructions section for Use Methods description

Non-Crop Group	Crops	Use Methods
Turf, Flowers, Container, Bedding and Landscape Plants	Turfgrass (maintenance, sod or seed production), bedding plants, flowers and ornamental plants	A, B, C, D, E, F
Trees and Shrubs	Christmas trees, forest and commercial trees, landscape trees, nursery production of trees and shrubs	A, B, E
Greenhouse and Indoor Use	All crops, plants and structures	A, B, C, G
Non-Crop, Industrial, Parks and Public Areas	Farmstead, homestead, fallow land, storage areas, schools, paved areas, rights-of-ways (road, railroad, utilities, etc.), parking lots, recreational areas (athletic fields, campgrounds, golf courses, playgrounds, etc.), walks, industrial sites (tank farms, lumberyard, warehouses and other structures, etc.)	A, B, G
Buildings, Driveways, Walkways and Other Structures	Benches, decks, equipment, floors, roofs, wall, walks and evaporative cooling pads	G
Dry Aquatic Sites, Dry Drainage Systems, and Around Aquatic Sites	Applications must be made 72 hours prior to re-flooding of dry aquatic sites. Dry ditches, dry canals, ditch banks, and for use above the water line or after drawdown of agricultural irrigation water and ditch systems, industrial ponds and disposal systems, and impounded water areas.	A, G

For Control Of Adelgids, Aphids, Earwigs, Grasshoppers, Lacebugs, Mealybugs, Mites, Plant-bugs, Psyllids, Sawfly Larvae, Scales, Tent Caterpillars, Thrips, Whiteflies, Woolly Aphids (Not Approved For Use In California)

Soil Application - Directed and Shielded Sprays: Apply spray directly to the soil using directed/shielded spray equipment to the area between plastic mulch strips and row middles of staked crops, row crops, and areas around the base of trees and vine crops in orchards, to control listed pests. Make applications when insects first appear and are in their early larval stages. Application is only to be made directly to the soil surface. Do not allow spray to contact the foliage or green stems or bark of desirable plants, vines, and trees, as crop injury may occur.

Repeat applications every 7 days, or as needed.

Use the table below to determine the appropriate use rate for your pest situation.

RATE TABLE

Final Spray Volume (gallons)	Amount of AXXE Broad Spectrum Herbicide for Percent V/V (Volume/Volume) Solution				
	6%	8%	10%	13%	15%
1	8 fl. oz.	10 fl. oz.	13 fl. oz.	1 pt.	1.2 pt.
2	1 pt.	1.3 pt.	1.3 pt.	2 pt.	2.4 pt.
5	2.5 pt.	3.3 pt.	4 pt.	5 pt.	6 pt.
10	5 pt.	6.5 pt.	1 gal.	1.3 gal.	1.5 gal.
20	1.3 gal.	1.6 gal.	2 gal.	2.6 gal.	3.0 gal.

<u>Insect Pressure</u>	<u>Spray Solution (%V/V)</u>
Low	6 to 8%
Medium	8 to 10%
High	10 to 13%

BIOSAFE SYSTEMS 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 BIOSAFE SYSTEMS.

Manufactured by:

BioSafe Systems® LLC

22 Meadow Street • East Hartford, CT 06108 1.888.273.3088 (toll-free)
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 Always read and follow label directions. EPA Registration No. 70299-23 • A062414V3

NOTE: Do not use spray concentrations higher than 15% in a pressure sprayer since unacceptable foaming and bubble formation may occur at the nozzle heads.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store in original container in a cool, dry well-ventilated area, away from direct sunlight. Do not allow product to become overheated in storage. Do not store in a manner where cross-contamination with other pesticides or fertilizers could occur.

Pesticide Disposal: Pesticide wastes are acutely hazardous. 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 directions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

Container Handling (Containers equal to or less than 5 gallons): Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. 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 puncture and dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances.

Container Handling (Containers greater than 5 gallons): Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container ¼ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution for 30 seconds. Stand the container on its end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration. Do not burn, unless allowed by state and local ordinances.

For non-medical emergencies or spills, see AXXE Broad Spectrum Herbicide MSDS or call CHEMTREC at 800-424-9300.

WARRANTY

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 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 because of such factors as manner of use or application, weather or crop conditions, presence of other materials or other influencing factors in the use of the product, which are beyond the control of BIOSAFE SYSTEMS LLC or Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold BIOSAFE SYSTEMS and Seller harmless for any claims relating to such factors.

BIOSAFE SYSTEMS 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 the product contrary to label instructions, or under abnormal conditions or under conditions not reasonably foreseeable to or beyond the control of Seller or BIOSAFE SYSTEMS, and Buyer and User assume the risk of any such use. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BIOSAFE SYSTEMS MAKES NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE, NOR ANY OTHER EXPRESSED OR IMPLIED WARRANTY EXCEPT AS STATED ABOVE.

To the extent consistent with applicable law, in no event shall BIOSAFE SYSTEMS or Seller be liable for any incidental, consequential or special damages resulting from the use or handling of this product. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF BIOSAFE SYSTEMS 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 BIOSAFE SYSTEMS OR SELLER, THE REPLACEMENT OF THE PRODUCT.