

TRUSTED SINCE 1926

BONIDE[®]

Termite & Carpenter Ant **MAX**

Concentrate



Controls wood-destroying insects

An easy to apply product to control home invading and lawn insects

FOR OUTDOOR HOMEOWNER USE ONLY

ACTIVE INGREDIENT:

Permethrin* 36.8%

OTHER INGREDIENTS:** 63.2%

TOTAL: 100.00%

*cis/trans ratio: Max. 42% (±) cis and min. 58% ± trans

**Contains petroleum distillates.

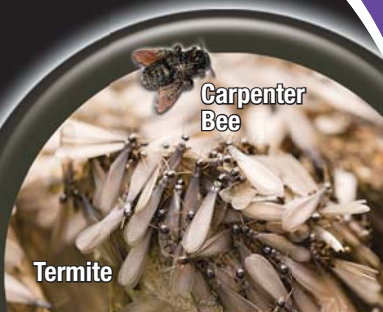
EPA Est. No. 4-NY-1 EPA Reg. No. 70506-7-4

Keep Out Of Reach Of Children

CAUTION (See back panel for additional Precautionary Statements and First Aid)

Net Contents 32 FL. OZ. (946 ML.)

XXXXXXXXXX



Carpenter Bee

Termite

Flea



Tick



Fire Ant



377

Termite & Carpenter Ant **MAX** Concentrate

- ✓ Kills home invading pests (outdoor)
- ✓ An easy to apply product to control home invading and lawn insects.

Store and transport in an upright position.
Buyers Guarantee Limited to Label Claims.

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Distributed by
Bonide Products, Inc.
6301 Sutliff Road
Oriskany, NY 13424



Quart



DIRECTIONS FOR USE

CONTAINER USE DIRECTIONS:



1. Remove the measuring chamber cap and induction seal. Replace cap and securely tighten. Tip container until liquid fills measuring chamber.
2. Return container to level position. No adjustment needed.
3. Remove measuring chamber cap and dispense into proper application equipment.

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling. Failure to follow the directions for use and precautions on this label may result in poor pest control, plant injury or illegal residues.

PRODUCT INFORMATION

This product is non-staining to most home siding depending on age and cleanliness. However, before using in areas where the spray may contact home siding (vinyl siding, in particular), test in an inconspicuous area and recheck in a few hours. Do not use if any staining is observed.

This product may be used to control insect pests outdoors, on ornamentals, lawns, trees, shrubs, and vines in landscape areas, as a perimeter treatment around residential buildings. This product may also be used to control home-invading insects as a residual spray on outside surfaces, such as, walks, garbage areas, window frames, doorways, porches, and patios. Not for use on plants being grown for commercial sale or plants grown for seed production or sod farms and golf course turf, or in greenhouses or nurseries.

APPLICATION INSTRUCTIONS

This product mixes readily with water and is specifically packaged for residential use as a diluted spray. Use a clean sprayer, such as, a tank type or hose-end sprayer to mix and apply the proper amount of concentrate with the desired volume of water. Ensure all storage and disposal instructions are followed. For perimeter and lawn applications measure the area to be treated to determine the application volume. For trees, shrubs and flowers apply as a thorough cover spray until foliage is wet. Refer to **Specific Application Instructions** in the rate Tables for additional instructions.

PRODUCT USE RESTRICTIONS

For use as a surface spray: Do not allow adults, children, or pets to enter until sprays have dried. All outdoor applications must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses:

1. Treatment to soil or vegetation around structures;
2. Applications to lawns, turf, and other vegetation;
3. Applications to building foundations, up to a maximum height of 3 feet.

Other than applications to building foundations, all outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches, and structural surfaces (such as windows, doors, and eaves) are limited to spot and crack-and-crevice applications only.

For outdoor residential use: Do not water the treated area to the point of runoff. Do not make applications during rain. Not for use in outdoor residential misting systems. DO NOT use on vegetables or food crops. DO NOT treat pets with this product. DO NOT spray inside dwellings. DO NOT treat soil that is water saturated or frozen or in any conditions where run-off or movement from the treatment area (site) is likely to occur. DO NOT apply when wind velocity favors drift. Do not apply directly to water. Do not apply within 25 feet of lakes, reservoirs, rivers, permanent streams, marshes or natural ponds, estuaries, and commercial fish ponds. Do not contaminate water when disposing of equipment wash water. DO NOT USE ON CATS. May be toxic or potentially fatal if applied to or ingested by cats. Accidental application to cats and/or grooming a recently treated dog may result in tremors and/or uncoordinated muscle movements. If this occurs, immediate veterinary care should be provided. Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.

TERMITE CONTROL (SUBTERRANEAN)

This product may be used to establish an exterior soil barrier against termites around structures. The chemical concentrate is mixed as an emulsion and adequately dispersed in the soil to provide a continuous exterior barrier between wood in the structure and the termite colonies in the soil.

Note: A complete termite barrier may require treatment with other EPA registered products to the inside perimeter of the foundation and to other interior critical areas. For these areas, and if termites are found inside of the home, consult a Licensed Professional Pest Control Service for treatment.

For use only around existing structures. Do not use inside dwelling. Not for preconstruction use.

RESTRICTIONS:

When treating adjacent to an existing structure, the applicator must check the area to be treated, and immediately adjacent areas of the structure, for visible and accessible cracks and holes to prevent any leaks or significant exposures to persons occupying the structure. People present or residing in the structure during application must be advised to remove their pets and themselves from the structure if they see any signs of leakage. After application, the applicator is required to check for leaks. All leaks resulting in the deposition of termiticide in locations other than those prescribed on this label must be cleaned up prior to leaving the application site. Do not allow people or pets to contact contaminated areas or to reoccupy contaminated areas of the structure until the clean up is completed.

MIXING INSTRUCTIONS

Using a sprinkler can add 3.2 fluid oz. (6.5 Tablespoons) to 2 gallons of water (to make a 0.5% emulsion) for each 5 linear feet of treatment to be provided (1 fluid oz. = 2 Tablespoons (T) = 6 teaspoons (tsp)). Do not use utensils such as spoons and measuring cups for food purposes after use with pesticides.

HOW TO APPLY

Trench Treatment

- Remove all wood debris and wood forms. Around piers, chimney bases and along foundations of poured concrete, dig a trench 6 inches wide and 4 inches deep. If footing is more than 12 inches deep make holes with a steel rod or pipe one foot apart that extend from the bottom of the trench to the top of the footing. Make holes closer in hard packed clay soils. **Never dig below the top of the footing.**
- Apply a 0.5% emulsion at a rate of 4 gallons per 10 linear feet per foot of depth. Apply half of the emulsion when backfilling the trench. (One quart of this product will make 20 gallons of 0.5% emulsion and treat 50 linear feet.)

Restriction: DO NOT treat structures that contain cisterns or wells. Do not treat soil in the vicinity of wells, cisterns or ponds or structures with sump pumps or french drains. For those situations, contact your County Cooperative Extension Agent or consult a commercial pest control service.

Fence Posts

- Pre-installation: Using a sprinkler can, pour ½ gallon of 0.5% spray emulsion into the fence post hole and add another ½ gallon in mixture with the soil when filling the hole so that all the soil is treated. Triple rinse sprinkler can after each use. Do not store any unused product in sprinkler can. Use and follow all directions for storage and disposal found on this label.
- Post-installation: Installed poles and posts may be treated by first digging a trench around the post and applying 1 gallon of 0.5% emulsion per one foot depth of trench for posts less than 6 inches in diameter. For larger diameter posts increase the application rate to 4 gallons for each 10 linear feet of trench and per ft. of depth.

TERMITE CONTROL (SUBTERRANEAN) cont.

WHEN TO RE-APPLY

Retreatment for subterranean termites can only be performed if there is clear evidence of reinfestation or disruption of the barrier due to construction, excavation, or landscaping and/or evidence of the breakdown of the termiticide barrier in the soil. These vulnerable or reinfested areas may be retreated in accordance with application techniques described in this product's labeling. The timing and type of these retreatments will vary, depending on factors such as termite pressure, soil types, soil conditions and other factors, which may reduce the effectiveness of the barrier.

Annual retreatment of the structure is prohibited unless there is clear evidence that reinfestation or barrier disruption has occurred.

MIXING INSTRUCTIONS

HOME-INVADING PESTS (OUTDOOR USE ONLY)

Mix 1.6 fluid oz. (3 ¼ Tablespoons) of this product per 1 gallon of spray solution to make a 0.5% spray emulsion (1 fluid oz. = 2 Tablespoons (T) = 6 teaspoons (tsp)). Do not use utensils such as spoons and measuring cups for food purposes after use with pesticides.

HOW TO APPLY

Spot Treatment

- Apply a 0.5% emulsion as a pin stream low-pressure spray or as a paint-on application with a paintbrush.
- Treat where pests are found or entry points of the structure such as window frames, doorways, porches, patios, and foundation.
- Spot-treatment may also be made to garages, garbage cans, and garbage areas.
- DO NOT apply indoors (including crawl spaces).

Perimeter Application

- Spray a 6 to 8 foot wide band of soil around the perimeter of the house. Treat the foundation wall to a height of 2 to 3 feet.
- Use a spray volume of 2 to 10 gallons of 0.5% emulsion per 1000 square feet. If mulch or debris is present, a higher volume application rate may be needed to ensure adequate coverage.
- Note: residual control will vary depending on exposure of the treated area to weathering conditions (temperature, sunlight, moisture). Retreat on a monthly schedule while insects are likely to be active.

WOOD DESTROYING PESTS

- **Localized Areas Outdoors:**For the control of insects such as termites, bees, carpenter ants and wood infesting beetles in localized above-ground areas of infested wood around structures, apply a 0.5% emulsion to voids and galleries in damaged wood and in spaces between wooden members of a structure and between wood and foundations where wood is vulnerable. Apply either as a spray or paint-on application. For termites the purpose of application is to destroy workers or winged reproductive forms, which may be present at the time of treatment. This product is not designed for preventative use and should only be applied when pests appear. This application is not a substitute for soil or foundation treatment. For active infestations inside a structure, consult a licensed Pest Control Service.
- Use a hose-end sprayer or sprinkling can to deliver a coarse drenching spray to treat stored lumber or woodpiles. Stored wood can be used for lumber one month after treatment. Do not apply inside structures.
- Repeat treatment as necessary but not more frequently than once a month. For active termite infestation consult a professional Pest Control Applicator.

HOME-INVADING PESTS (OUTDOOR USE ONLY)

PESTS		SPECIFIC APPLICATION INSTRUCTIONS
Ants (Incl. mounds)	Ground Beetles	<p>Boxelder Bugs, Elm Leaf Beetles and Gypsy Moth Caterpillars: Spray tree trunks, building siding or wherever pests congregate. Avoid excess application. Dampen surface thoroughly, but do not let runoff occur.</p> <p>Borers and Bark Beetles: To prevent infestation of ornamental trees and woody shrubs, spray the bark to the point of saturation, but do not let runoff occur. Repeat treatment every 21 days during early spring until mid-summer.</p> <p>Carpenter Bees: Apply as a pin stream, as a fine/course low pressure spray (20 psi or less) as a spot treatment.</p> <p>Fire Ants (mound drench): Apply 1 to 2 gallons of emulsion to each mound area by sprinkling the mound until it is wet and treat a 4-foot diameter circle around the mound. Use higher volume for mounds larger than 12 inches. For best results, apply in cool weather, such as in early morning or late evening hours, but not in the heat of the day.</p> <p>Scorpions: Remove accumulations of lumber, firewood, and other materials which serve as harborage sites and treat beneath and adjacent to infested sites.</p>
Armyworm	Gypsy Moths (adults & caterpillars)	
Bark Beetles	Millipedes	
Bees	Mole Crickets	
Beetles	Pill Bugs	
Borers	Scorpions	
Boxelder Bugs	Silverfish	
Carpenter Ants	Sod Webworm	
Carpenter Bees	Sowbugs	
Centipedes	Spiders	
Chinchbugs	Ticks (including Deer Tick, Western Black-legged Crickets)	
Cockroaches	Tick known to transport Lyme disease and Rocky Mountain Spotted Fever)	
Cockroaches (Asian)	Wasps	
Earwigs		
Elm Leaf Beetle		
Fire Ants (Incl. mounds)		
Fleas		
Flies		
Firebrats		

LAWN PESTS

This product can be applied to lawns adjacent to or around private homes, duplexes, townhouses, condominiums, house trailers, apartment complexes, carports, garages, fence lines, storage sheds, barns, and other residential areas where pests congregate.

MIXING INSTRUCTIONS

Prepare an emulsion by mixing 0.4 to 0.8 fluid oz. (2 ½ to 5 teaspoons) of this product in sufficient volume of water to cover 1000 sq. ft. (approximately 4 to 25 gallons of water). (1 fluid oz. = 2 Tablespoons (T) = 6 teaspoons (tsp)). Do not use utensils such as spoons and measuring cups for food purposes after use with pesticides.

HOW TO APPLY**Mound Drench Treatment (Ant and Fire Ant Mounds in Lawns)**

Use a sprinkling can. Mix 1.6 fluid oz. (3 ¼ Tablespoons) of this product per 1 gallon of spray solution to make a 0.5% spray emulsion (1 fluid oz. = 2 Tablespoons (T) = 6 teaspoons (tsp)). For large ant mounds, such as Fire Ant mounds, apply 1-2 gallons of a 0.5% emulsion to each mound area including a 4 foot diameter circle around the mound. Apply to smaller mounds until the mound is completely saturated. Use higher water volume for mounds larger than 12".

Lawn Broadcast Application

- Apply using a hose-end or pressure type sprayer to deliver a coarse spray of between 4 to 25 gallons of emulsion per 1,000 sq. ft. of lawn.
- Use the higher recommended label rate for heavy pest infestations.
- Use sufficient volume to uniformly cover plant surface.

Note: Use the higher volume of water when situations of thick thatch or dense sod exist, or in arid or drought conditions.

WHEN TO APPLY

- For best results treat in early morning or late evening hours, but not in the heat of the day.
- Spray evenly over the lawn when insects first appear.
- Repeat applications as necessary but not more frequently than every 10-14 days. Do not apply more than 1.6 fl oz/1000 sq ft per year.

APPLICATION RATES FOR LAWN

SITE	PEST	RATE	SPECIFIC APPLICATION INSTRUCTIONS
<p>Lawns, residential including but not limited to, St. Augustine, Bentgrass, Fescues, Buffalograss, Bahiagrass, Bluegrass, Perennial Ryegrass, and Centipedegrass</p>	<p>Ants, Armyworms, Billbugs, Chiggers, Chinchbugs, Crickets, Cutworms, Earwigs, Fruit Flies, Fleas, Leafhoppers, Millipedes, Mole Crickets, Sod Webworm, Sowbugs, Ticks (including Brown Dog Tick, and Deer Tick, Western Black-legged Ticks known to transport Lyme disease and Rocky Mountain Spotted Fever).</p> <p>For additional pests consult the list of pests under Outdoor Pests Controlled by this product</p>	<p>0.4 to 0.8 Fluid Ounces (2 ½ to 5 tsp) per 1000 sq. ft.</p>	<p>Apply using 4 - 25 gallons of spray volume/1000 sq. ft. of lawn. Use higher volumes on St. Augustine, Buffalograss, Bermuda and Bahiagrass lawns.</p> <p>Use the higher rate for fast knockdown and increased residual control. Dense and excessive (greater than 3 inches) lawn height and arid conditions may require higher volume application rates. Repeat applications may be necessary (10 to 14 day interval) to control heavy infestations during peak periods of insect feeding. Do not exceed a total of 1.6 fl oz /1000 sq. ft. per year (i.e., four (4) applications at the lower rate or two (2) applications at the higher rate).</p>

ORNAMENTAL PESTS

MIXING INSTRUCTIONS

Mix 0.04 to 0.08 fluid oz. (= ⅙ to ¼ teaspoons = 1-2 ml) of this product in 1 gallon of water for general pest control. Refer to the Ornamental Application Rate Table for additional mixing instructions and for specific directions for stem-infesting beetles. (1 fluid oz. = 2 Tablespoons (T) = 6 teaspoons (tsp) = 29.6 ml). Do not use utensils such as spoons and measuring cups for food purposes after use with pesticides.

ORNAMENTAL PESTS cont.

HOW TO APPLY

Ornamentals (Foliage and Flowering Plants)

- Apply using a hose-end or pressure type sprayer to deliver a coarse spray. Apply thoroughly to stem and foliage.
- Use the higher recommended label rate (¼ tsp. per gal of water) for heavy pest infestations. Note: Use the higher volumes of water when situations of dense foliage exists, or in arid or drought conditions.

WHEN TO APPLY

- For best results treat in early morning or late evening hours, but not in the heat of the day.
- Spray evenly over the lawn when insects first appear.
- To prevent insect reinfestation repeat treatment as necessary but not more frequently than once every 14 days.

APPLICATION RATES FOR USE ON ORNAMENTALS

SITE	PEST	RATE	SPECIFIC APPLICATION INSTRUCTIONS
Ornamental foliage and flowering plants (Including conifers, woody and herbaceous non-edible ornamentals)	Ants, Aphids, Bagworm, Beet Armyworm, Cabbage Looper, Cankerworms, Citrus Thrips, Coneworm (Incl web) ¹ , and Seed bugs, Fungus Gnat, Gypsy Moth Caterpillars, Heliiothis spp, Japanese Beetles, Lace Bug, Leaf Feeding Caterpillars, Leaffooted Bugs, Leafminers, Leafhoppers, Leaf rollers, Lygus Bugs, Mealybugs, Mosquitoes, Nantucket Pine Tip Moth, Oblique Leafroller, Pine Sawflies, Plant Bugs, Root Weevils (Adult), Rosy Aphid.	0.04 to 0.08 Fluid Ounces (⅓ to ¼ tsp.) (1 to 2 ml) per gal.	Note: Direct application to blooms may cause browning of petals. Marginal leaf burn may occur on Salvia, Dieffenbachia and Pteris Fern. Mosquitoes coming to rest on treated plants will be killed for varying periods of time after treatment, depending on exposure of treated areas to weathering conditions. ¹ To control Webbing Coneworm make first

APPLICATION RATES FOR USE ON ORNAMENTALS cont.

SITE	PEST	RATE	SPECIFIC APPLICATION INSTRUCTIONS
	Rose Chafer, Spotted Leafminer, Stink Bugs, Tarnished Plant Bug, Tent Caterpillars, Webworms, Whiteflies, Zimmerman Pine Moth ¹	0.04 to 0.08 Fluid Ounces (½ to ¼ tsp.) (1 to 2 ml) per gal.	application just prior to peak pollen flight. To control other Coneworms and Seed Bugs , make application 30 days prior to flower closure.
	Bark Beetles and Boring insects, (including but not limited to: Ash Borer, Bronze Birch Borer, Rhododendron Borer, Elm Bark Beetles and Turpentine Beetles)	0.3 to 0.6 Fluid Ounces (2 to 4 tsp) per gal.	Stem-Infesting Beetles: Treat lower branches and trunk prior to adult emergence. Complete, uniform coverage is needed for best control. A repeat application may be necessary on a 3 to 4 week interval to prevent severe tree stem damage.

STORAGE AND DISPOSAL

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

Pesticide Storage: Store at temperatures above 40°F (5°C). Shake container well before using. If crystals form, warm to room temperature by placing container in a room at ambient temperature 70°F (21°C) until crystals dissolve. Do not use or store near heat, open flame or hot surfaces. Store in a dry place and avoid excess heat in storage. Store in original containers only. Carefully open containers. After partial use, replace lids and close tightly. Do not put concentrate or dilute material into food or drink containers.

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. To confine spill, dike surrounding area or absorb with sand, cat litter, and commercial clay or gel absorbents. If dry material, cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

STORAGE AND DISPOSAL

Pesticide Disposal: Pesticide wastes are toxic. Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility. 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 Handling: Nonrefillable container. Do not reuse or refill this container. 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 $\frac{1}{4}$ 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.

FIRST AID

IF SWALLOWED:	<ul style="list-style-type: none">• Immediately call a poison control center or doctor.• Do not induce vomiting unless told to do so by a poison control center or doctor.• Do not give any liquid to the person.• Do not give anything by mouth to an unconscious person.
IF ON SKIN:	<ul style="list-style-type: none">• Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes.• Rinse skin immediately with plenty of water for 15-20 minutes.• Call a poison control center or doctor for treatment advice.
IF IN EYES:	<ul style="list-style-type: none">• 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.
NOTE TO PHYSICIAN: Contains petroleum distillates-vomiting may cause aspiration pneumonia.	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.	

FOR CHEMICAL EMERGENCY: Spill, leak, fire, exposure, or accident call CHEMTREC
1-800-424-9300

PRECAUTIONARY STATEMENTS - HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION: Harmful if swallowed. Harmful if absorbed through the skin. Causes moderate eye irritation. Avoid contact with skin, eyes or 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.

ENVIRONMENTAL HAZARDS

This product is extremely toxic to aquatic organisms, including fish and invertebrates. To protect the environment, do not allow pesticide to enter or run off into storm drain, drainage ditches, gutters or surface water. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems. Use with care when applying to areas adjacent to any body of water. Do not apply directly to water. Do not apply within 25 feet of lakes, reservoirs, rivers, permanent streams, marshes or natural ponds, estuaries, and commercial fish ponds. Do not contaminate water when disposing of equipment wash waters.

This product is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds when bees are foraging the treatment area.

PHYSICAL OR CHEMICAL HAZARDS

Combustible. Do not use or store near heat or open flame.

Notice: Buyer assumes all risks of use, storage or handling of this product not in accordance with directions.

**IMPORTANT INFORMATION: READ BEFORE USING PRODUCT
CONDITIONS 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 reflect the opinion of experts based on field use and tests and must be followed carefully. It is impossible to eliminate all risks 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 Bonide Products, Inc. or Seller. Handling, storage, and use of the product by Buyer or User are beyond the control of Bonide Products, Inc. and Seller. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold Bonide Products, Inc. and Seller harmless for any claims relating to such factors. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BONIDE PRODUCTS, INC. AND SELLER MAKE NO WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE NOR ANY OTHER EXPRESS OR IMPLIED WARRANTY EXCEPT AS STATED ON THIS LABEL. To the extent consistent with applicable law, Bonide Products, Inc. or Seller shall not be liable for any incidental, consequential or special damages resulting from the use or handling of this product and THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE EXCLUSIVE LIABILITY OF Bonide Products, 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 BONIDE PRODUCTS, INC. OR SELLER, THE REPLACEMENT OF THE PRODUCT. Bonide Products, Inc. and Seller offer this product, and Buyer and User accept it, subject to the foregoing conditions of sale and limitations of warranty and of liability, which may not be modified except by written agreement signed by the duly authorized representative of Bonide Products, Inc.