

SPECIMEN

Systiva® XS

Xemium® Brand Fungicide

For commercial use only

Seed treatment for barley, brassica vegetables, bulb vegetables, cotton, cucurbit vegetables, dried shelled peas and beans, edible-podded legume vegetables, leafy vegetables, oats, rapeseed, rice, root and tuber vegetables, rye, sugar beet, triticale and wheat

Powered by **Xemium® fungicide**

Active Ingredient:

fluxapyroxad*: 1*H*-pyrazole-4-carboxamide,3-(difluoromethyl)-1-methyl-N-(3',4',5'-trifluoro[1,1'-biphenyl]-2-yl)- 28.7%

Other Ingredients: 71.3%

Total: 100.0%

* Equivalent to 2.72 pounds of active ingredient per gallon

EPA Reg. No. 7969-308

EPA Est. No.

KEEP OUT OF REACH OF CHILDREN CAUTION/PRECAUCION

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

See inside for complete **First Aid, Precautionary Statements, Directions For Use, Conditions of Sale and Warranty**, and state-specific crop and/or use site restrictions.

In case of an emergency endangering life or property involving this product, call day or night 1-800-832-HELP (4357).

Net Contents:

FIRST AID

If swallowed	<ul style="list-style-type: none">• Call a poison control center or doctor immediately for treatment advice.• Have person sip a glass of water if able to swallow.• DO NOT induce vomiting unless told to by a poison control center or doctor.• DO NOT give anything to an unconscious person.
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HOTLINE 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 BASF Corporation for emergency medical treatment information: 1-800-832-HELP (4357).

Precautionary Statements

Hazards to Humans and Domestic Animals

CAUTION. Harmful if swallowed.

Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves made of any waterproof material such as barrier laminate, butyl rubber \geq 14 mils, nitrile rubber \geq 14 mils, neoprene rubber \geq 14 mils, natural rubber* \geq 14 mils, polyethylene, polyvinyl chloride (PVC) \geq 14 mils, or viton \geq 14 mils
- Shoes plus socks

* Includes natural rubber blends and laminates

Follow the manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.

USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands 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. As soon as possible, wash thoroughly and change into clean clothing.

Environmental Hazards

This pesticide is toxic to fish and aquatic invertebrates. Runoff may be hazardous to aquatic organisms in water adjacent to treated areas. Treated seed exposed on the soil surface may be hazardous to birds and other wildlife. Cover or incorporate all treated seed. For terrestrial uses, **DO NOT** contaminate water when disposing of equipment washwaters, rinsate, or treated seed.

DO NOT discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans, or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. **DO NOT** discharge effluent containing this product to sewer systems without previously notifying

the local sewage treatment plant authority. For guidance, contact your State Water Board or the regional office of the EPA.

Groundwater Advisory

This chemical has 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

This product may impact surface water quality due to runoff of rain water. This is especially true for poorly draining soils and soils with shallow ground water.

This product is classified as having a high potential for reaching surface water via runoff for several months or more after application. A level, well-maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, and springs will reduce the potential loading of fluxapyroxad from runoff water and sediment. Runoff of this product will be reduced by avoiding the planting of treated seed when rainfall or irrigation is expected 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. **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.

Systiva® XS Xemium® brand fungicide is not for sale, distribution, or use in Nassau and Suffolk counties in New York State.

STORAGE AND DISPOSAL

DO NOT contaminate water, food, or feed by storage or disposal.

Pesticide Storage

Store in original containers only. Keep container closed when not in use. **DO NOT** store near food or feed.

Pesticide Disposal

Wastes resulting from using this product may be disposed of on-site or at an approved waste disposal facility. If these wastes cannot be disposed of according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representatives at the nearest EPA Regional Office for guidance.

Container Handling

Nonrefillable Container. DO NOT reuse or refill this container. Triple rinse or pressure rinse container (or equivalent) promptly after emptying; then offer for recycling, if available, or reconditioning, if appropriate, or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.

Triple rinse containers small enough to shake (capacity ≤ 5 gallons) 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 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.

Triple rinse containers too large to shake (capacity > 5 gallons) as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 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. Turn the container over onto its other 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.

Pressure rinse as follows: Empty the remaining contents into application equipment or mix tank and continue to drain for 10 seconds after the flow begins to drip. Hold container upside down over application equipment or mix tank, or collect rinsate for later use or disposal. Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds. Drain for 10 seconds after the flow begins to drip.

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STORAGE AND DISPOSAL (continued)

Container Handling (continued)

Refillable Container. Refill this container with pesticide only. **DO NOT** reuse this container for any other purpose. Triple rinsing the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller.

Triple rinse as follows: To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10% full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

When this container is empty, replace the cap and seal all openings that have been opened during use; return the container to the point of purchase or to a designated location. This container must only be refilled with a pesticide product. Prior to refilling, inspect carefully for damage such as cracks, punctures, abrasions, worn-out threads and closure devices. Check for leaks after refilling and before transport. **DO NOT** transport if this container is damaged or leaking. If the container is damaged, or leaking, or obsolete and not returned to the point of purchase or to a designated location, triple rinse emptied container and offer for recycling, if available, or dispose of container in compliance with state and local regulations.

In Case of Emergency

In case of large-scale spillage regarding this product, call:

- CHEMTREC 1-800-424-9300
- BASF Corporation 1-800-832-HELP (4357)

In case of medical emergency regarding this product, call:

- Your local doctor for immediate treatment
- Your local poison control center (hospital)
- BASF Corporation 1-800-832-HELP (4357)

Steps to be taken in case material is released or spilled:

- In case of spill on floor or paved surfaces, mop and remove to chemical waste storage area until proper disposal can be made if product cannot be used according to label.
- Dike and contain the spill with inert material (sand, earth, etc.) and transfer liquid and solid diking material to separate containers for disposal.
- Remove contaminated clothing and wash affected skin areas with soap and water.
- Wash clothing before reuse.
- Keep the spill out of all sewers and open bodies of water.

Product Information

Systiva® XS Xemium® brand fungicide is a broad-spectrum fungicide that provides preventive seed and seedling protection from several seed and soilborne diseases. Make all applications according to the use directions in this label. Use the higher rates of **Systiva XS** when disease pressure is expected to be high.

Resistance Management

Fluxapyroxad, the active ingredient of **Systiva XS**, belongs to the group of respiration inhibitors classified by the U.S. EPA and Canada PMRA as a target-site-of-action **Group 7** fungicide. Because of the minimal amounts of **Systiva XS** applied to the seed, the potential for development of resistance is low. Therefore, **Systiva XS** seed treatments can be followed by foliar use. Follow resistance management guidelines of foliar use fungicides containing fluxapyroxad as specified on the respective labels.

Application Instructions

For use at commercial treatment facilities. Not for use on-farm.

Apply **Systiva XS** as a water-based mixture using standard slurry or mist-type seed treatment application equipment. The exact amount of water needed to provide the mixture or slurry rate (ml/100 kg or oz/cwt of seed) for optimum coverage is difficult to predict because weather conditions (hot or cold), seed type and surface, and equipment used all have a bearing on coverage. Consult a seed treatment specialist regarding slurry rates recommended for the crop seed to be treated with **Systiva XS**. The required amount of **Systiva XS** must then be diluted with the specified amount of water that will provide uniform and complete coverage on the seed surface. Uniform application on seed and complete seed coverage are necessary for seed safety and best disease protection. Seed must be of a good quality and well cleaned before treatment.

The purchaser of **Systiva XS** is responsible for ensuring that all seed treated with this product are adequately dyed with a suitable color to prevent accidental use as food for man or feed for animals. Refer to 21CFR, Part 2.25. Use an EPA-approved dye or colorant that imparts an unnatural color to the seed. Any dye or colorant added to treated seed must be cleared for use under 40CFR, Part 180.900, "Exemptions from the requirement of a tolerance". Federal regulations have established official tolerances or exemptions from tolerances for residues on food and forage crops that must not be exceeded when the product (dye or colorant) is used at specified rates.

Consult the seed treatment specialist for calibration and operation procedures of the seed treatment equipment being used. Mechanical agitation is required for proper mixing of **Systiva XS**. Prepare no more mixture of **Systiva XS** than is needed for immediate treating. Add 3/4 of the required volume of water to the mix tank. With agitation running, add the required amount of **Systiva XS** in the tank along with other seed treatment

components. Add the remaining 1/4 amount of the required volume of water. Use the mixing sequence that follows. Agitate thoroughly before and during application.

Systiva XS with Tank Mix Partners

Systiva XS mixes easily with water and other water-based seed treatments. When using **Systiva XS** in a tank mixture with seed treatment products, observe all directions for use, crops/sites, use rates, dilution ratios, precautions, and limitations that appear on the tank mix partner label. Label dosage or application rate must not be exceeded, and the most restrictive label precautions and limitations must be followed. **Systiva XS** must not be mixed with any product that prohibits such mixing. All applications must be made according to the use directions.

When mixing **Systiva XS** with seed treatment products, test the compatibility before use by conducting a jar test as follows:

1. Mix all intended seed treatments with the appropriate amount of water in a clear glass container.
2. Mix well and allow to sit for 1 hour.
3. Remix and observe for incompatibility.

Physical compatibility is only part of compatibility. Testing also needs to be done with the seed to make sure the combination of products does not have detrimental effects on the seed.

Tank Mixing Instructions

1. Add 3/4 of the required amount of water to the mix tank and turn on the agitation. Mechanical agitation is preferred.
2. Use the following mixing sequence: dye or colorant, wettable powders, soluble powders, flowable formulations, emulsifiable concentrates, and remaining 1/4 of the required water. The 1/4 of the required water as the last item for addition to the premix tank can be used as rinse for the chemical container or to adjust the total slurry to compensate for water displacement by powdered products.
3. Maintain agitation until the entire slurry mixture has been used.
4. Ensure that seed is dry before bagging.

SEED LABELING NOTE

Federal law requires that bags of treated seed be labeled with the following information:

“This seed has been treated with Systiva® XS Xemium® brand fungicide containing fluxapyroxad. DO NOT use treated seed for food, feed or oil purposes. Store treated seed away from food and feedstuffs. DO NOT allow children, pets or livestock to have access to treated seed. Wear long pants, long-sleeved shirt and protective gloves when handling treated seed.

Treated seed exposed on soil surfaces may be hazardous to wildlife. Plant treated seed into the soil to the recommended minimum depth or greater to minimize exposure. For cotton, the minimum depth is 1/2 inch. For sugar beet, the minimum depth is 1 inch. For sugar beet, DO NOT apply more than 0.02 lb of active ingredient per acre. Cover or collect treated seed spilled during loading and planting, in particular at row ends and field corners.

Dispose of all excess treated seed by burying seed away from bodies of water. DO NOT contaminate bodies of water when disposing of planting equipment washwater. Dispose of seed packaging or containers in accordance with local requirements. Excess treated seed may be used for ethanol production only if (1) by-products are not used for livestock feed and (2) no measurable residues of pesticide remain in ethanol by-products that are used in agronomic practice.

In the event of crop failure or harvest of a crop grown from this seed, the field may be replanted immediately with barley, berries and small fruits, Brassica leafy vegetables, bulb vegetables, corn (all types), cotton, cucurbit vegetables, dried shelled peas and beans, edible-podded legume vegetables, fruiting vegetables, grapes, leafy vegetables, mint (spearmint and peppermint), nongrass animal feeds (forage, fodder, straw, and hay), oat, oilseed crops (including flax seed, rapeseed and sunflower), peanut, pome fruits, rice, root vegetables, rye, sorghum and millet, soybean, stone fruits, strawberries, succulent shelled peas and beans, sugar beet, sugarcane, tree nuts, tuberous and corm vegetables (including potato), wheat and triticale or any other crop for which a tolerance for fluxapyroxad exists. For all other crops, the minimum plant back interval is 12 months from the date this seed was planted. A cover crop without a tolerance for fluxapyroxad may be planted for purposes of erosion control or soil improvement; however, the crop must not be grazed or harvested for food or feed.”

Systiva® XS Xemium® brand fungicide Crop-specific Use Directions for Seed Treatment

Crop	Target Disease	Product Use Rate ml/100 kg seed (grams ai/100 kg seed)	Product Use Rate* fl ozs/100 lbs seed (lb ai/100 lbs seed)
Barley	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i>	15 to 31 (5 to 10)	0.24 to 0.47 (0.005 to 0.01)
	Early season suppression of: <ul style="list-style-type: none"> • Powdery mildew (<i>Blumeria graminis</i>) • Rust (<i>Puccinia</i> spp.) • Net blotch (<i>Pyrenophora teres</i>) • Scald (<i>Rhynchosporium secalis</i>) 	77 to 154 (25 to 50)	1.18 to 2.36 (0.025 to 0.05)
Brassica vegetables (includes head and stem and brassica leafy greens) Broccoli Broccoli, Chinese Broccoli raab Brussels sprouts Cabbage Cabbage, Chinese Cabbage, Chinese mustard Cauliflower Cavalo broccolo Collards Kale Kohlrabi Mizuna Mustard greens Mustard spinach Rape greens	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , <i>Phoma lingam</i> and other seedborne fungi causing seed decay, seedling damping-off	62 to 123 (20 to 40)	0.95 to 1.9 (0.02 to 0.04)
Bulb vegetables Garlic Leek Onions (all varieties) Shallot	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , and seedborne fungi (<i>Botrytis</i> , <i>Aspergillus</i> and <i>Penicillium</i> spp.) causing seed decay, seedling damping-off	62 to 123 (20 to 40)	0.95 to 1.9 (0.02 to 0.04)
	Onion Smut <i>Urocystis cepulae</i> and <i>U. colchici</i>	386 to 772 (125 to 250)	5.94 to 11.88 (0.125 to 0.25)
Cotton	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i>	61 to 123 (20 to 40)	0.94 to 1.88 (0.02 to 0.04)
	Suppression of seed and seedling disease caused by <i>Fusarium</i> spp.		(0.02 to 0.04 mg ai per seed) ¹
	Suppression of black root rot caused by <i>Thielaviopsis basicola</i>	123 (40)	1.88 (0.04) (0.04 mg ai per seed) ¹

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Systiva® XS Xemium® brand fungicide Crop-specific Use Directions for Seed Treatment

(continued)

Crop	Target Disease	Product Use Rate ml/100 kg seed (grams ai/100 kg seed)	Product Use Rate* fl ozs/100 lbs seed (lb ai/100 lbs seed)
<p>Cucurbit vegetables includes all types and hybrids of:</p> <ul style="list-style-type: none"> Cantaloupe Chayote Chinese waxgourd Citron melon Cucumber Edible gourds Gherkin Muskmelon Pumpkin Summer squash Watermelon Winter squash Zucchini <p>Momordica spp. (such as)</p> <ul style="list-style-type: none"> Balsam apple Balsam pear Bitter melon Chinese cucumber 	<p>Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i>, and other seedborne fungi causing seed decay, seedling damping-off</p>	<p>62 to 123 (20 to 40)</p>	<p>0.95 to 1.9 (0.02 to 0.04)</p>

(continued)

Systiva® XS Xemium® brand fungicide Crop-specific Use Directions for Seed Treatment

(continued)

Crop	Target Disease	Product Use Rate ml/100 kg seed (grams ai/100 kg seed)	Product Use Rate* fl ozs/100 lbs seed (lb ai/100 lbs seed)
<p>Dried shelled peas and beans (except soybean)</p> <p>Broad bean Chickpea Guar Lablab bean Lentil Pigeon pea</p> <p>Lupinus spp. Grain lupin Sweet lupin White lupin</p> <p>Phaseolus spp. Field bean Kidney bean Lima bean Navy bean Pink bean Pinto bean Tepary bean</p> <p>Pisum spp. Field pea</p> <p>Vigna spp. Adzuki bean Blackeyed pea Catjang Cowpea Crowder pea Moth bean Mung bean Rice bean Southern pea Urd bean</p>	<p>Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> and <i>Fusarium solani</i></p> <p>Suppression of seed and seedling disease caused by <i>Fusarium</i> spp.</p> <p>Suppression of seedborne infection of lentils by <i>Ascochyta lentis</i> and <i>Ascochyta rabiei</i></p>	<p>15 to 31 (5 to 10)</p>	<p>0.24 to 0.47 (0.005 to 0.01)</p>

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Systiva® XS Xemium® brand fungicide Crop-specific Use Directions for Seed Treatment

(continued)

Crop	Target Disease	Product Use Rate ml/100 kg seed (grams ai/100 kg seed)	Product Use Rate* fl ozs/100 lbs seed (lb ai/100 lbs seed)
<p>Edible-podded legume vegetables</p> <p>Jack bean Pigeon pea Soybean (immature seed) Sword bean</p> <p>Phaseolus spp. Runner bean Snap bean Wax bean</p> <p>Pisum spp. Dwarf pea Edible-podded pea Snowpea Sugar snap pea</p> <p>Vigna spp. Asparagus bean Chinese longbean Moth bean Yardlong bean</p>	<p>Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> and <i>Fusarium solani</i></p> <p>Suppression of seed and seedling disease caused by <i>Fusarium</i> spp.</p>	<p>15 to 31 (5 to 10)</p>	<p>0.24 to 0.47 (0.005 to 0.01)</p>
<p>Leafy vegetables</p> <p>Arugula Cardoon Celery Celery, Chinese Celtuce Chervil Chrysanthemum, edible-leaved and garland Corn salad Cress, garden and upland Dandelion Dock Endive Fennel, Florence Lettuce, head and leaf Orach Parsley Purslane, garden and winter Radicchio, red chicory Rhubarb Spinach Spinach, New Zealand and vine Swiss chard</p>	<p>Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i>, <i>Stemphylium</i> spp., and seedborne fungi (<i>Botrytis</i> spp.) causing seed decay, seedling damping-off</p> <p>Suppression of seed and seedling disease caused by <i>Verticillium</i> spp.</p>	<p>62 to 123 (20 to 40)</p> <p>309 to 617 (100 to 200)</p>	<p>0.95 to 1.9 (0.02 to 0.04)</p> <p>4.75 to 9.5 (0.1 to 0.2)</p>

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Systiva® XS Xemium® brand fungicide Crop-specific Use Directions for Seed Treatment

(continued)

Crop	Target Disease	Product Use Rate ml/100 kg seed (grams ai/100 kg seed)	Product Use Rate* fl ozs/100 lbs seed (lb ai/100 lbs seed)
Oats	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> Suppression of seed and seedling disease caused by <i>Fusarium</i> spp.	15 to 31 (5 to 10)	0.24 to 0.47 (0.005 to 0.01)
Rapeseed (cultivars, varieties and/or hybrids, including canola and crambe)	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> Suppression of black leg (<i>Phoma lingam</i>), seed and seedling disease caused by <i>Fusarium</i> spp. and <i>Alternaria</i> spp.	31 to 61 (10 to 20)	0.48 to 0.95 (0.01 to 0.02)
Rice	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , and other seedborne fungi causing seed decay, seedling damping-off	77 to 154 (25 to 50)	1.2 to 2.4 (0.025 to 0.05)
Root and tuber vegetables subgroup (except sugar beet) Black salsify Carrot Celeriac Chervil, turnip-rooted Chicory Edible burdock Garden beet Ginseng Horseradish Oriental radish Parsley, turnip-rooted Parsnip Radish Rutabaga Skirret Spanish salsify Turnip	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> , <i>Alternaria</i> spp., and other seedborne fungi causing seed decay, seedling damping-off	62 to 123 (20 to 40)	0.95 to 1.9 (0.02 to 0.04)
Rye	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> Suppression of seed and seedling disease caused by <i>Fusarium</i> spp.	15 to 31 (5 to 10)	0.24 to 0.47 (0.005 to 0.01)
Sugar beet	Suppression of seedling diseases caused by <i>Rhizoctonia</i> spp.	Apply 0.52 fl oz (0.011 lb ai) per unit of sugar beet seed. One unit contains 100,000 seeds and weighs approximately 1 kg (2.2 lbs).	

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Systiva® XS Xemium® brand fungicide Crop-specific Use Directions for Seed Treatment

(continued)

Crop	Target Disease	Product Use Rate ml/100 kg seed (grams ai/100 kg seed)	Product Use Rate* fl ozs/100 lbs seed (lb ai/100 lbs seed)
Triticale, Wheat	Seed and seedling disease (damping-off) caused by <i>Rhizoctonia solani</i> Suppression of seed and seedling disease caused by <i>Fusarium</i> spp.	15 to 31 (5 to 10)	0.24 to 0.47 (0.005 to 0.01)
	Early season suppression of: <ul style="list-style-type: none"> • Powdery mildew (<i>Blumeria graminis</i>) • Brown rust (<i>Puccinia recondita</i>) • Septoria leaf spot (<i>Septoria tritici</i>) • Cephalosporium stripe (<i>Cephalosporium gramineum</i>) 	77 to 154 (25 to 50)	1.18 to 2.36 (0.025 to 0.05)
<p>* mg ai per seed rates based on the following seed weights: ¹ Cotton - 4,500 seeds per pound</p>			

Conditions of Sale and Warranty

The **Directions For Use** of this product reflect the opinion of experts based on field use and tests. The directions are believed to be reliable and must be followed carefully. However, 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 the presence of other or untested or unapproved materials, seed of low quality or low vigor or low germination, use of the product in a manner inconsistent with its labeling, misapplication of the product, or weather conditions at planting or environmental conditions during seed storage, all of which are beyond the control of BASF CORPORATION ("BASF") or the Seller. To the extent consistent with applicable law, all such risks shall be assumed by the Buyer.

BASF warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the **Directions For Use**, subject to the inherent risks, referred to above.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S EXCLUSIVE REMEDY AND BASF'S EXCLUSIVE LIABILITY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE OF THE PRODUCT.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BASF AND THE SELLER DISCLAIM ANY LIABILITY FOR CONSEQUENTIAL, EXEMPLARY, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT.

BASF and the Seller offer this product, and the Buyer and User accept it, subject to the foregoing **Conditions of Sale and Warranty** which may be varied only by agreement in writing signed by a duly authorized representative of BASF.

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Systiva® XS Xemium® brand fungicide is specially formulated and sold by BASF for the control of pests according to the directions on this label. The purchase price of **Systiva XS** includes a royalty whereby the purchaser acquires a prepaid license under U.S. Patent Nos. 5,438,070 and 8,008,232 under which purchaser agrees to employ the purchased quantity of **Systiva XS** only for the above-specified uses under BASF's United States patent rights and to provide notice of the terms and conditions of this license to any subsequent purchaser. Uses of **Systiva XS** other than those specified on this label are not licensed through the purchase of this product and the use of this product for other purposes may violate this license and patent rights of BASF.

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We create chemistry