



Molluscicide for Control of Quagga and Zebra Mussels in impounded Waters; Lakes; Ponds; Lagoons; Reservoirs; Potable Water Supplies*; and Equipment/Structures that deliver water directly to publicly owned water treatment facilities to include pipes, intake structures, gatehouses, screens, pumping stations, weirs, and penstocks.

***Water Destined to Be Used as Drinking Water** - this water must receive additional and separate potable water treatment.

ACTIVE INGREDIENT

Copper Sulfate Pentahydrate**(CAS No. 7758-99-8)19.8%

OTHER INGREDIENTS80.2%

Total100.0%

****Metallic Copper: 5%**

This product weighs 9.91 lbs. per gallon (1.188 kg/L) and contains 0.493 lbs. elemental copper per gallon.

KEEP OUT OF REACH OF CHILDREN

WARNING - AVISO

If you do not understand this label, find someone to explain it to you in detail.

(Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.)

See label booklet for additional Precautionary Statements.



Certified to
NSF/ANSI/CAN 60

MANUFACTURED BY:

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NET CONTENTS:

TANKER

EPA REGISTRATION NO.: 64962-1

EPA Establishment No.: 64962-NE-001

Batch No.:

FIRST AID

IF IN EYES:	Hold eye open and rinse slowly and gently with water for 15 to 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 SWALLOWED:	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 do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.
IF ON SKIN OR CLOTHING:	Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 to 20 minutes. Call a poison control center or doctor for treatment advice.
Note to Physician: Probable mucosal damage may contraindicate the use of gastric lavage.	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact INFOTRAC 1-800-535-5053 for emergency medical treatment.	

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

WARNING

Causes substantial but temporary eye injury. Harmful if swallowed. Harmful if absorbed through skin. Do not get in eyes or on clothing. Avoid contact with skin. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

Personal Protective Equipment (PPE)

Mixers, loaders, applicators, and other handlers must wear the following:

- Long-sleeved shirt and long pants
- Shoes plus socks
- Chemical-resistant gloves made of any waterproof material such as polyvinyl chloride $\geq$ 14 mls, polyethylene or Viton $\geq$ 14 mls
- Protective eyewear (goggles, face shield, or safety glasses)

User Safety Requirements

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

ENGINEERING CONTROLS

Pilots must use an enclosed cab that meets the definition listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.305).

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.
- Wash the outside of gloves before removing

ENVIRONMENTAL HAZARDS

This pesticide is toxic to fish and aquatic invertebrates. Waters treated with this product may be hazardous to aquatic organisms.

Fish Advisory Statement: This copper product is toxic to fish and aquatic organisms. Unlike most organic pesticides, copper is an element and will not break down in the environment and will therefore accumulate in sediment with repeated applications. Copper is a micronutrient, but its pesticidal application rate exceeds the amount of copper needed as a nutrient.

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 requirement specific to your state and tribe, consult the agency responsible for pesticide regulation.

SPRAY DRIFT

Aerial Applications:

- Do not release spray at a height greater than 10 ft. above the vegetative canopy or water, unless a greater application height is necessary for pilot safety.
- Applicators are required to use a medium or coarser droplet size (ASABE S572.1).
- Do not apply when wind speed exceeds 15 mph at the application site. If the windspeed is greater than 10 mph, the boom length must be 65% or less of the wingspan for fixed wing aircraft and 75% or less of the rotor diameter for helicopters. Otherwise, the boom length must be 75% or less of the wingspan for fixed-wing aircraft and 90% or less of the rotor diameter for helicopters.
- Applicators must use ½ swath displacement upwind at the downwind edge of the application area.
- Do not apply during temperature inversions.

SPRAY DRIFT ADVISORIES

THE APPLICATOR IS RESPONSIBLE FOR AVOIDING OFF-SITE SPRAY DRIFT. BE AWARE OF NEARBY NON-TARGET SITES AND ENVIRONMENTAL CONDITIONS.

IMPORTANCE OF DROPLET SIZE

An effective way to reduce spray drift is to apply large droplets. Use the largest droplets that provide target pest control. While applying larger droplets will reduce spray drift, the potential for drift will be greater if applications are made improperly or under unfavorable environmental conditions.

Controlling Droplet Size - Aircraft

- **Adjust Nozzles** - Follow nozzle manufacturers recommendations for setting up nozzles. Generally, to reduce fine droplets, nozzles should be oriented parallel with the airflow in flight.

RELEASE HEIGHT - Aircraft

Higher release heights increase the potential for spray drift. When applying aerially to crops, do not release spray at a height greater than 10 ft. above the crop canopy, unless a greater application height is necessary for pilot safety.

SHIELDED SPRAYERS

Shielding the boom or individual nozzles can reduce spray drift. Consider using shielded sprayers. Verify that the shields are not interfering with the uniform deposition of the spray on the target area.

TEMPERATURE AND HUMIDITY

When making applications in hot and dry conditions, use larger droplets to reduce effects of evaporation.

TEMPERATURE INVERSIONS

Drift potential is high during a temperature inversion. Temperature inversions are characterized by increasing temperature with altitude and are common on nights with limited cloud cover and light to no wind. The presence of an inversion can be indicated by ground fog or by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing. Avoid applications during temperature inversions.

WIND

Drift potential generally increases with wind speed. AVOID APPLICATIONS DURING GUSTY WIND CONDITIONS.

Applicators need to be familiar with local wind patterns and terrain that could affect spray drift.

AQUATIC USE PRECAUTION

(excluding fountains and aquatic agriculture)

Waters treated with this product may be hazardous to aquatic organisms. Treatment of aquatic weeds and algae can result in oxygen loss from decomposition of dead biomass. This oxygen loss can cause fish and invertebrate suffocation. To minimize this hazard, do not treat more than ½ of the water body and wait at least 14 days between treatments to avoid depletion of oxygen due to decaying vegetation (excluding water infrastructure and constructed conveyances such as drainage and irrigation canals, ditches and pipelines and aqueducts for drinking water or irrigation use). Begin treatment along the shore and proceed outward in bands to allow fish to move into untreated areas. Consult with the state or local agency with primary responsibility for regulating pesticides before applying to public waters to determine if a permit is required.

Application of algaecides to high density blooms of cyanobacteria can result in the release of intracellular contents into the water. Some of these intracellular compounds are known mammalian hepato- and nervous system toxins. Therefore, to minimize the risk of toxin leakage, manage cyanobacteria effectively in order to avoid applying this product when blooms of toxin-producing cyanobacteria are present at high density. In situations where rapidly reproducing toxic algal species pose a public health threat to drinking or recreational water resources, applicators must receive authorization from applicable state, local or tribal water resources authorities to apply copper at intervals shorter than 14 days should the circumstance demand.

Certain water conditions including low pH (≤ 6.5), low dissolved organic carbon (DOC) levels (3.0 mg/L or lower) and "soft" waters (i.e., alkalinity less than 50 mg/L) increases the potential acute toxicity to non-target aquatic organisms. The application rates on this label are appropriate for water with pH values > 6.5 , DOC levels > 3.0 mg/L, and alkalinity greater than 50 mg/L. Avoid treating waters with pH values < 6.5 , DOC levels < 3.0 , and alkalinity less than 50 ppm (e.g., soft or acid waters), as trout and other sensitive species of fish may be killed under such conditions if present.

Consult your state department of natural resources or fish and game agency before applying this product to public waters. Permits may be required before treating such waters.

APPLICATION AND HANDLING EQUIPMENT

Application, handling, or storage equipment MUST consist of fiberglass, PVC, polypropylene, Viton, corrosion resistant plastics or stainless steel. Never use mild steel, nylon, brass, or copper around EarthTec QZ. Always rinse and clean equipment thoroughly each night with plenty of fresh, clean water.

PRODUCT INFORMATION

EarthTec QZ is for use to control mollusks including Quagga and Zebra mussels in impounded waters, lakes, ponds, lagoons, reservoirs, potable water supplies*, and equipment/structures that deliver water directly to publicly owned water treatment facilities to include pipes, intake structures, gatehouses, screens, pumping stations, weirs, tanks, and penstocks.

***Water Destined to Be Used as Drinking Water** (this water must receive additional and separate potable water treatment)

APPLICATION INSTRUCTIONS

EarthTec QZ may be applied throughout the year. Apply based on the volume of water to be treated. See **Specific Directions for Use** section.

Apply EarthTec QZ through metering pump, subsurface hoses or from a properly equipped moving boat into the body of water. EarthTec QZ is soluble and will quickly disperse.

When treating flowing waters, use a metering pump or similar means to apply a continuous dose so as to achieve a final dilution within the recommended range. See **Specific Directions for Use**.

EarthTec QZ may be poured directly into ponds, small lakes, and reservoirs 3 acres or less in area. For larger bodies of water, of 3 acres or more, apply EarthTec QZ at several points in the ponds, lakes, or reservoirs. Larger bodies of water may be treated with EarthTec QZ by dragging a feeder hose behind a boat across the body of water or dispensing via conventional spray equipment mounted to a boat, helicopter, or airplane.

EarthTec QZ will quickly diffuse throughout the water body in several hours; broad distribution of the product will speed dispersal and provide quicker control of algae. EarthTec QZ may be applied to irrigation systems by a drip system or feeder pump according to the flow volume.

In regions where ponds freeze in winter, treatment should be done 6 to 8 weeks before expected freeze to prevent masses of decaying algae under an ice cover. Before treating bodies of water, consult proper state authorities such as the fisheries commission or conservation department to obtain any necessary permits.

Pre-Application Dose Determination

For algae and aquatic plant treatments, applicators should conduct initial dose determination tests simulating a full-scale treatment program to determine the minimum efficacious concentrations for eliminating the target species, unless an effective dose is already known for the given target pest population.

USE RATES

Direct Applications to Whole Water Bodies

Apply 0.33 to 1.3 gallons EarthTec QZ (0.06 to 0.24 ppm metallic copper) (1 to 4 gallons EarthTec QZ per million gallons water) per acre-foot per application. Increase as necessary to achieve control but do not exceed 5.5 gallons EarthTec QZ (2.74 lbs. metallic copper) per acre-foot (1.0 ppm metallic copper) (16.7 ppm EarthTec QZ) in the treated water. If algae are present, use the higher labeled rate. Do not apply to more than one-half of the water body at a time. Stagger treatments at 14-day intervals. See **Specific Directions for Use** section for additional treatment instructions.

Restrictions:

- Do not apply more than 5.5 gallons EarthTec QZ (2.74 lbs. metallic copper) per acre-foot (1.0 ppm metallic copper) (16.7 ppm EarthTec QZ) per application.
- Do not apply more than 44.5 gallons EarthTec QZ (21.9 lbs. metallic copper) per acre-foot per year (8 applications per year at up to 1 ppm). This rate/frequency is calculated based on staggering the treatment of each half of the water body every 14 days (at a rate of 2.74 lbs. metallic copper per acre-foot = 1 ppm) for eight months (244 days).

Direct Application to Sections of a Waterbody (Water Management Units)

Apply 0.33 to 1.3 gallons EarthTec QZ (0.06 to 0.24 ppm metallic copper) per acre-foot per application. Increase as necessary to achieve control but do not exceed 5.5 gallons EarthTec QZ (2.74 lbs. metallic copper) per acre-foot (1.0 ppm metallic copper) (16.7 ppm EarthTec QZ) in the treated water. Applicators must wait at least 14 days before beginning retreatment. See **Specific Directions for Use** section for additional treatment instructions.

Restrictions:

- Do not apply more than 5.5 gallons EarthTec QZ (2.74 lbs. metallic copper) per acre-foot (1.0 ppm metallic copper) (16.7 ppm EarthTec QZ) per application.
- Do not apply more than 94 gallons EarthTec QZ (46.6 lbs. metallic copper) per acre-foot (16.7 ppm metallic copper) per year (17 applications per year at up to 1 ppm). This rate/frequency is calculated based on the maximum number of possible applications allowed based on a 14-day minimum (at a rate of 2.74 lbs. metallic copper per acre-foot = 1 ppm) retreatment interval for eight months (244 days). Do not apply more than 46.6 lbs. of metallic copper to a water management unit, regardless of the pest(s) targeted by applications.

Note: In situations where rapidly reproducing toxic algal species pose a public health threat to drinking or recreational water resources, applicators must receive authorization from applicable state, local or tribal water resources authorities to apply copper in excess of 46.6 lbs. of metallic copper per acre-foot per year for a single water management unit.

GALLONS OF EARTHTEC QZ AND WATER		
Gallons EarthTec QZ	Gallons Water	Metallic Copper (ppm)
0.1 (0.4 quart or 0.8 pint)	6,000	1.0
0.25 (1 quart)	15,000	1.0
1	60,000	1.0
1.66	100,000	1.0
2.50	150,000	1.0
3.33	200,000	1.0
8.33	500,000	1.0
16.66	1,000,000	1.0

Example: To achieve 1.0 ppm of metallic copper, 1 gallon of EarthTec QZ added to 60,000 gallons of water is equal to 1.0 ppm metallic copper. In order to attain 1.0 ppm of metallic copper in the treated water, the amount of EarthTec QZ added to a water body is equal to the gallons of water being treated divided by 60,000 multiplied by 1 (see above). Use volumetric measurement devices that are calibrated in accordance with manufacturer specifications.

Use the following formulas for calculating water volume and flow rates:

- To calculate the volume of water, multiply the average depth by surface area. One acre foot equals 326,000 gallons.
- To calculate the gallons of water, multiply the volume in cubic feet times 7.5. One cubic foot per second of flow equals 27,000 gallons/hour.

See **Specific Directions for Use** section for additional treatment instructions.

If there is uncertainty about the dosage begin with the lower dosage and increase until control is achieved or until the maximum allowable level has been reached. See **Specific Directions for Use**.

For Use in Flowing Waters

For flowing waters use a metering pump to apply a continuous dose to achieve a final dilution not to exceed 1.0 ppm as metallic copper (16.7 gallons of EarthTec QZ) per million gallons of water. Start with 1 to 4 gallons of EarthTec QZ per million gallons of water (0.06 to 0.24 ppm metallic copper) and increase as necessary. A continuous maintenance dose of 0.6 to 2.0 gallons of EarthTec QZ per million gallons water (0.036 to 0.12 ppm metallic copper) can be used to prevent further growth. See **Specific Directions for Use** section for additional treatment instructions.

SPECIFIC DIRECTIONS FOR USE
FOR USE AS A MOLLUSCICIDE
Including Quagga and Zebra Mussels

FOR USE IN OPEN WATERS**In Lakes, Ponds, Lagoons, Reservoirs, and Potable Water Supplies***

EarthTec QZ may be applied in open or slow-moving, quiescent waters as a curative measure, i.e., when mollusks (veliger, juvenile or adult) have been detected.

Apply near the water surface and allow to disperse, or deliver via hose and pump to the depths, sites, and surfaces of worst infestation. When applying to large areas, dispense along a route with gaps no greater than 200 feet. When fish are present, do not treat more than one-half of the lake or body of water at one time, starting near one shore and moving outward in bands so as to allow fish to move away. When treating half of a body of water, the second half must not be treated within 14 days from the last treatment.

To control adult and juvenile mollusks, apply 2 to 16 gallons of EarthTec QZ per million gallons of water (0.65 to 5.5 gallons EarthTec QZ per acre-foot) to yield a rate of 0.12 to 1.0 ppm metallic copper. Do not exceed 5.5 gallons EarthTec QZ (2.74 lbs. metallic copper) per acre foot (1.0 ppm metallic copper) (16.7 ppm EarthTec QZ) in any single application or in the treated water. Allow at least 4 days for mortality to occur. Colder water temperatures may require longer exposures and higher labeled rates.

Restrictions:

- Do not apply more than 5.5 gallons EarthTec QZ (2.74 lbs. metallic copper) per acre-foot (1.0 ppm metallic copper) (16.7 ppm EarthTec QZ) per application.
- When treating an entire waterbody, do not apply more than 44.5 gallons EarthTec QZ (21.9 lbs. metallic copper) per acre-foot per year (8 applications per year at up to 1 ppm). This rate/frequency is calculated based on staggering the treatment of each half of the water body every 14 days (at a rate of 2.74 lbs. metallic copper per acre-foot = 1 ppm) for eight months (244 days).
- When treating sections of a waterbody, do not apply more than 94 gallons EarthTec QZ (46.6 lbs. metallic copper) per acre-foot (16.7 ppm metallic copper) per year (17 applications per year at up to 1 ppm). This rate/frequency is calculated based on the maximum number of possible applications allowed based on a 14-day minimum (at a rate of 2.74 lbs. metallic copper per acre-foot = 1 ppm) retreatment interval for eight months (244 days). Do not apply more than 46.6 lbs. of metallic copper to a water management unit, regardless of the pest(s) targeted by applications.

FOR USE IN FLOWING WATERS

In Potable Water Supplies* and equipment/structures to include pipes, intake structures, gatehouses, screens, pumping stations, weirs, tanks, and penstocks that deliver treated water directly to publicly owned-water treatment facilities.

Apply EarthTec QZ in flowing waters when mollusks (veliger, juvenile, or adult) have been detected. EarthTec QZ may be used as a curative measure when adult or juvenile mollusks are present, or as a preventative measure (to inhibit colonization) when adults and/or planktonic larval mollusks have been detected. EarthTec QZ may be used continuously on flowing waters as a means of preventing further spread and colonization of mollusks. Start the continuous application of EarthTec QZ when mollusks are detected and end application when mollusks are no longer present.

For flowing waters use a metering pump to apply a continuous dose to achieve a final dilution not to exceed 1.0 ppm as metallic copper (16.7 gallons of EarthTec QZ) per million gallons of water. Start with 1 to 4 gallons of EarthTec QZ per million gallons of water (0.06 to 0.24 ppm metallic copper) and increase as necessary. Start treatment at the first sign of algae problems and stop treatment when algae no longer pose a nuisance.

If adult mollusks are already present, allow at least 4 days for mortality to occur, or longer for well-established populations where adults appear in clumps. For most situations satisfactory control will be obtained at a continuous dose of 1 to 5 ppm EarthTec QZ (i.e., 0.06 to 0.30 ppm metallic copper). Colder water temperatures may require longer exposure and higher labeled rates. Once the initial infestation has been cleared from surfaces, a continuous maintenance dose of 1.0 to 2.0 ppm EarthTec QZ (0.06 to 0.12 ppm metallic copper) can be used to prevent further colonization.

***Water Destined to Be Used as Drinking Water** (this water must receive additional and separate potable water treatment)

Restrictions:

- Do not exceed 5.5 gallons EarthTec QZ (2.74 lbs. metallic copper) per acre-foot (1.0 ppm metallic copper) (16.7 ppm EarthTec QZ) in the flowing water.

***Water Destined to Be Used as Drinking Water** (this water must receive additional and separate potable water treatment)

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Store in a safe place away from pets and keep out of the reach of children. Store away from excessive heat. Always store above 32 degrees F. Do Not Freeze. Freezing may cause product separation. Always keep container closed. Keep away from galvanized pipe, and any nylon storage or handling equipment.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of excess 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. In the event of spill, neutralize with limestone or baking soda before disposal. May deteriorate concrete.

CONTAINER HANDLING:

Nonrefillable containers with capacities less than or equal to 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 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 2 more times. Offer for recycling if available. If recycling is not available, puncture and dispose of in a sanitary landfill, or by incineration.

Nonrefillable containers with capacities greater than 5 gallons: Nonrefillable container. Do not reuse or refill this container. Offer for recycling, if available. 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 $\frac{1}{4}$ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least 1 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 2 more times. Offer for recycling if available. If recycling is not available, puncture and dispose of in a sanitary landfill, or by incineration.

Pressure rinse as follows: Empty the remaining contents into application equipment or a 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 for 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.

Refillable Containers: Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. 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 2 more times. Offer for recycling if available. If recycling is not available, puncture and dispose of in a sanitary landfill, or by incineration.

IMPORTANT READ BEFORE USING LIMITED WARRANTY AND LIMITATION OF REMEDIES

Read the entire Directions for Use, Limited Warranty and Limitation of Remedies (including limitations on liability) before using this product. If terms are not acceptable, return the unopened product container at once. By using this product, user or buyer accepts the following conditions, disclaimer of warranties and limitations of liability.

The Directions for Use of this product are believed to be adequate and must be followed carefully. However, 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 weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Earth Science Laboratories, Inc. To the extent consistent with applicable law, all such risks shall be assumed by the user or buyer.

To the extent consistent with applicable law, seller warrants that the product conforms to the chemical description and is reasonably fit for the purpose stated on the label for use under normal conditions, but makes no other warranties of FITNESS OR MERCHANTABILITY expressed or implied, or any other warranty if the product is used contrary to the label instructions, or under conditions not foreseeable to the seller. To the extent consistent with applicable law, the seller shall not be liable for more than the cost of this product to the buyer and will in no event be liable for any consequential, special, or indirect damages connected with the use or handling of this product. This product is offered and the buyer or user accepts it subject to the foregoing terms which may not be varied. Seller makes no warranty for product which has been frozen.