

(7) Any word, statement, or other information required by this subtitle to appear on the labeling is not placed prominently and conspicuously, as compared with other words, statements, designs, or graphic matter in the labeling and in terms that render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(8) In the case of an insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice, the pesticide is injurious to living man including any person applying it, other vertebrate animals, or vegetation, except weeds;

(9) In the case of a plant regulator, defoliant, or desiccant when used as directed, the pesticide is injurious to living man including any person applying it, other vertebrate animals, or vegetation to which it is applied, except that physical or physiological effects on any plant, or part of it, is not deemed to be injury, when this is the purpose for which the plant regulator, defoliant, or desiccant is applied, in accordance with the label claims and recommendations.

(q) (R) ["Nematicide"] "NEMATICIDE" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

[(r)] (S) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, an unsegmented round worm, commonly known as a nema or eelworm, with an elongated, fusiform or saclike body covered with cuticle, and which inhabits soil, water, plants, or plant parts.

[(s)] (T) "Pesticide" means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other forms of plant or animal life or viruses, except viruses on or in living humans or other animals, which the Secretary declares to be a pest; and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

[(t)] (U) "Plant regulator" means any substance or mixture of substances, intended to accelerate or retard, through physiological action, the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but does not include any substance to the extent that it is intended as a plant nutrient, trace element, nutritional chemical, plant inoculant, or soil amendment.

[(u)] (V) "Registrant" means any person who registers any pesticide pursuant to the provisions of this subtitle.