

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING IN THE MATTER OF CHOCOLATE PRODUCTS CLASS ACTION LITIGATION

PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR LEGAL RIGHTS.

TO: All Persons in Canada who, between February 1, 2001 and December 31, 2008, purchased Chocolate Products in Canada, except the Defendants and certain parties related to the Defendants (the "Settlement Class").

Chocolate Products mean any and all chocolate confectionary products of the Defendants sold in Canada. The Defendants are: Cadbury Schweppes plc, Cadbury Adams Canada Inc., Mars, Incorporated, Mars Canada Inc. formerly known as Effem Inc., The Hershey Company, Hershey Canada Inc., Nestle S.A., Nestle Canada Inc., and ITWAL Limited. With the exception of ITWAL Limited ("ITWAL"), the Defendants are manufacturers of Chocolate Products. ITWAL operates a retail and foodservice wholesale distribution network, and was a major purchaser and distributor of Chocolate Products during the relevant period.

I. THE PURPOSE OF THIS NOTICE

Class proceedings lawsuits have been initiated across Canada alleging that the Defendants conspired to fix prices for Chocolate Products in Canada and that ITWAL engaged in price maintenance.

Cadbury Holdings Limited, as the successor to Cadbury Schweppes plc, and Cadbury Adams Canada Inc. ("Cadbury Adams Canada", collectively "Cadbury") and ITWAL have entered into separate settlements that will resolve the allegations and litigation against them. Neither Cadbury nor ITWAL admit any wrongdoing or liability, and the settlements represent resolutions of the disputed claims. The settlements are subject to court approval in Ontario, British Columbia and Quebec. The litigation is continuing against the remaining six Defendants.

The lawsuits were certified as class proceedings against Cadbury and ITWAL for the purpose of settlement only. The lead representative plaintiffs in Ontario, British Columbia and Quebec are David Osmun, Metro (Windsor) Enterprises Inc., Gaetan Roy and Jacob Stuart Main. The class action is brought on behalf of all persons in Canada who purchased Chocolate Products in Canada between February 1, 2001 and December 31, 2008. The defendants and any of their subsidiaries, affiliates, officers, directors, senior employees, legal representatives, heirs, predecessors, successors or assigns are excluded as class members. The court certified as a common issue the following question:

Did the Settling Defendant conspire to raise, maintain, fix or stabilize the prices of, or allocate markets and customers for, Chocolate Products in Canada during the Settlement Class Period? If so, what damages did Ontario, British Columbia and Quebec Settlement Class Members suffer?

Under the terms of the Cadbury Settlement Agreement, Cadbury has agreed to pay CDN \$5.7 million for the benefit of the Settlement Class in Canada. The settlement amount is being held in an interest bearing account for the benefit of Settlement Class Members in Canada. The calculation and timing of the distribution of the settlement amount will be determined by further

order of the courts. Under the terms of the ITWAL Settlement Agreement, ITWAL has agreed to assign to the Settlement Class any and all claims that it may have against the Defendants in relation to any allegations asserted in the litigation. Cadbury Adams Canada and ITWAL have agreed to provide cooperation to the Plaintiffs in pursuing their claims against the remaining Defendants.

The settlements must be approved by the courts before they can become effective. A motion to approve the settlements will be heard by the Ontario Superior Court of Justice in the City of Toronto on April 21, 2010 at 10:00 a.m., the Supreme Court of British Columbia in the City of Vancouver on May 25, 2010 at 10:00 a.m., and the Superior Court of Quebec in Quebec City on June 8, 2010 at 9:30 a.m. At these hearings, each of the Ontario, British Columbia and Quebec courts will determine whether the Settlement Agreements are fair, reasonable, and in the best interests of Settlement Class Members.

Settlement Class Members who do not oppose the proposed settlements need not appear at the settlement approval hearings or take any other action at this time to indicate their desire to participate in the settlements.

Settlement Class Members are entitled to appear and make submissions at the settlement approval hearings. If you wish to comment on or make an objection to the Settlement Agreements, a written submission must be delivered to the appropriate Class Counsel at one or both of the addresses listed below, postmarked no later than April 11, 2010. Class Counsel will forward all such submissions to the appropriate court. All written submissions will be considered by the court. If you do not file a written submission by April 11, 2010, you may not be entitled to participate, through oral submissions or otherwise, in the settlement approval hearings.

If the Settlement Agreements are approved by the courts in Ontario, British Columbia and Quebec, further notices will be published and posted online at www.classaction.ca to advise Settlement Class Members in Canada of such court approval and the process for filing a claim under the Settlement Agreements.

II. OPTING OUT OF THE CLASS ACTION LAWSUITS

You will be bound by the terms of the Settlement Agreements unless you “opt-out” of the class action lawsuits. If you do not opt-out, you will not be able to bring or maintain any other claim or legal proceeding in respect of any allegations asserted in the class action lawsuits, including allegations relating to violations of the *Competition Act*. No further right to opt-out of the class action lawsuits will be provided.

If you opt-out of the class action lawsuits, you will not be able to participate in the Settlement Agreements, and you will not be able to participate in any further settlements with, or judgments against, other Defendants in the litigation.

To opt-out, you must submit a written request to be excluded from the class action lawsuits. Your written request must include the following information:

- (a) name, address, and telephone number;

- (b) the dollar amount and the date of your Chocolate Product purchases; and
- (c) a request to be excluded from the class action lawsuits.

Written requests to opt-out must be sent to the following address, postmarked no later than April 13, 2010:

CHOCOLATE PRODUCTS OPT-OUT ADMINISTRATOR
3063 Walker Road,
Windsor, ON N8W 3R4

Quebec Class Members must also send the written request to opt-out to:

Clerk of the Superior Court of Québec
300, Boulevard Jean Lesage, Room 1.24
Québec, Qc G1K 8K6
Court File No: 200-06-000094-071

III. CLASS COUNSEL

The law firms of Siskinds^{LLP} and Sutts, Strosberg^{LLP} represent Settlement Class Members in Ontario, and in provinces other than British Columbia or Quebec, as well as corporations of more than 50 employees in Quebec. Siskinds^{LLP} can be reached toll free at 1-800-461-6166 ext. 2455, by email at charles.wright@siskinds.com, or by mail at 680 Waterloo Street, London, Ontario N6A 3V8, Attention: Charles Wright. Sutts, Strosberg^{LLP} can be reached toll free at 1-800-229-5323 ext. 8296, by email at harvey@strosbergco.com, or by mail at 600-251 Goyeau Street, Windsor, ON N9A 6V4, Attention: Harvey Strosberg.

The law firms of Camp Fiorante Matthews and Branch MacMaster represent Settlement Class Members in British Columbia. Camp Fiorante Matthews can be reached at 604-689-7555, by email at DJones@cfmlawyers.ca, or by mail at 4th Floor, Randall Building, 555 West Georgia Street, Vancouver, BC V6B 1Z6, Attention: David Jones. Branch MacMaster can be reached at 604-654-2966, by email at wbranch@branmac.com, or by mail at 1410-777 Hornby Street, Vancouver, BC V6Z 1S4, Attention: Ward Branch.

The law firm of Siskind Desmeules s.e.n.c.r.l. represents individuals and corporations of 50 or less employees who are Settlement Class Members in Quebec. Quebec Class Counsel can be reached at 418-694-2009, by email at simon.hebert@siskindsdesmeules.com, or by mail at Les promenades du Vieux-Quebec, 43 rue De Buade, bureau 320, Quebec City, QC G1R 4A2, Attention: Me Simon Hébert.

Class Counsel legal fees and disbursements must be approved by the courts. Class Counsel will collectively be requesting court approval of legal fees in an amount not to exceed 25% of the value of the settlements, plus disbursements and applicable taxes. Legal fees, disbursements and applicable taxes will be paid from the Settlement Funds.

IV. QUESTIONS ABOUT THE SETTLEMENTS

This notice contains only a summary of the Settlement Agreements and Settlement Class Members are encouraged to review the complete Settlement Agreements online at www.classaction.ca. Updates and copies of important court filings, including the Certification Record filed by the Settlement Class Members, will be posted at the website www.classaction.ca. Alternatively, copies of the Settlement Agreements can also be mailed to you at a cost of \$10, which represents the cost of photocopying and mailing. If you would like copies of the Settlement Agreements or have questions that are not answered online at www.classaction.ca, please contact the appropriate Class Counsel. **QUESTIONS SHOULD NOT BE DIRECTED TO THE COURT.**

V. INTERPRETATION

This notice contains a summary of some of the terms of the Settlement Agreements. If there is a conflict between the provisions of this notice and the Settlement Agreements, including the appendices of the Settlement Agreements, the terms of the Settlement Agreements shall prevail.

THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE, THE SUPREME COURT OF BRITISH COLUMBIA, AND THE SUPERIOR COURT OF QUEBEC