

**NOTICE OF SETTLEMENT APPROVAL IN THE MATTER OF  
CHOCOLATE PRODUCTS CLASS ACTION LITIGATION**

**PLEASE READ THIS NOTICE CAREFULLY.**

In this notice:

"Class" means all Persons in Canada who, between February 1, 2001 and December 31, 2008, purchased Chocolate Products in Canada, excluding the Defendants and certain parties related to the Defendants;

"Chocolate Products" mean any and all chocolate confectionary products, including boxed chocolates, chocolate bars and seasonal novelties, of the Defendants sold in Canada;

"Defendants" mean Cadbury Schweppes plc and Cadbury Adams Canada Inc. ("Cadbury"), Mars, Incorporated, Mars Canada Inc. (formerly known as Effem Inc.), The Hershey Company, Hershey Canada Inc., Nestle S.A., Nestle Canada Inc.; and

"ITWAL" means ITWAL Limited.

**WHAT IS THIS ACTION ABOUT?**

Class actions were initiated across Canada alleging a conspiracy to fix prices of Chocolate Products in Canada.

**WHO ARE THE DEFENDANTS?**

The Defendants are manufacturers of Chocolate Products. ITWAL is also a defendant and operates a retail and foodservice wholesale distribution network. It was a major purchaser and distributor of Chocolate Products during the relevant period.

**THE SETTLEMENTS APPROVED BY THE COURTS**

Cadbury and ITWAL entered into separate settlements that settled the class actions against them in Canada. Neither Cadbury nor ITWAL admit any wrongdoing or liability. The settlements represent resolutions of disputed claims.

The courts in British Columbia, Ontario and Quebec approved the settlements. No Class members opted out of the litigation and therefore the settlements are final.

Cadbury paid CDN \$5.7 million, plus pre-deposit interest in the amount of \$95,695.60, [total \$5,795,695.60] for the benefit of the Class members.

ITWAL assigned to the representative plaintiffs in trust for the Class, any right it had to sue the Defendants for the wrongdoing asserted in the class actions. Also, ITWAL paid \$25,000 towards the cost of notice.

Both Cadbury and ITWAL agreed to cooperate with the Class in pursuing their claims in the class actions which continue against the Defendants.

**PAYMENT TO THE LAWYERS**

The three Courts fixed legal fees in the total amount of \$1,438,830.94, plus disbursements in the amount of \$82,634.15, plus applicable taxes.

## DISTRIBUTION TO THE CLASS

The settlement funds are being held in an interest bearing trust account for the benefit of the Class. The costs of notice and legal fees have been or will be paid from the settlement funds.

The balance of the settlement funds will not be distributed now. The continuing litigation may or may not result in further settlements and/or judgments. If there is a further recovery, it will be added to the present monies and then distributed. The Courts will decide when and to whom the settlement funds will be distributed.

Further notices will be published in a manner the Courts direct and posted online at [www.chocolateclassaction.com](http://www.chocolateclassaction.com).

## WHO WILL LIKELY RECEIVE THE SETTLEMENT FUNDS?

In Class Counsel's experience, direct compensation is likely to be paid to eligible Class members who purchased Chocolate Products directly from the Defendants or distributors.

There are difficulties associated with directly compensating downstream Class members who are intermediary purchasers of Chocolate Products and end users who bought Chocolate Product at retail stores. These types of Class members are usually compensated by payments to organizations that operate for their general benefit or by payments for charitable purposes designated by the Courts.

## QUESTIONS ABOUT THE SETTLEMENTS

This notice contains only a summary of the Court orders.

Class Members are encouraged to review the Amended Settlement Agreements, reasons, Court orders and the other documents available online at [www.chocolateclassaction.com](http://www.chocolateclassaction.com). Updates will be posted online. If you have questions that are not answered online, please contact one of the Lawyers listed below.

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## INTERPRETATION

This notice contains a summary of some of the terms of the Court orders. If there is a conflict between the provisions of this notice and the Court orders, the terms of the Court orders prevail.

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