

LEGAL NOTICE

IF YOU PURCHASED A CARDBOARD BOX OF RAISINETS®, BUNCHA CRUNCH®, BUTTERFINGER BITES®, TOLLHOUSE SEMI-SWEET CHOCOLATE MORSELS®, RAINBOW NERDS®, SWEETARTS®, SPREE®, GOBSTOPPER®, SNO-CAPS®, AND RUNTS® CANDY BETWEEN FEBRUARY 9, 2013 AND SEPTEMBER 23, 2021, THEN YOU COULD BE ENTITLED TO MONEY FROM A CLASS ACTION SETTLEMENT

Thomas, et al. v. Nestle USA, Inc., et al., Superior Court of CA County of Los Angeles, Case No. BC649863
Iglesia, et al. v. Nestle USA, Inc., et al., District of New Jersey, Case No. 3:20-cv-05971- BRM-DEA

WHAT IS THIS NOTICE ABOUT?

Lawsuits pending in the Superior Court of California County of Los Angeles and District of New Jersey (“Litigation”) may affect your rights. The Litigation claims Nestle USA, Inc., Ferrara Candy Co., and Ferrero U.S.A., Inc. (“Defendants”) deceptively packaged Raisinets®, Buncha Crunch®, Butterfinger Bites®, Tollhouse Semi-Sweet Chocolate Morsels®, Rainbow Nerds®, SweetTarts®, Spree®, Gobstopper®, Sno-Caps®, and Runts® candy products (“Covered Products”) in oversized packaging with nonfunctional empty space. The Court did not rule in favor of Plaintiffs or Defendants. The parties instead agreed to settle.

AM I A MEMBER OF THE CLASS?

The class is defined as all persons residing in the United States who purchased one or more Settlement Class Products between February 9, 2013 and September 23, 2021.

WHAT DOES THE SETTLEMENT PROVIDE?

With Court approval, the settlement provides cash payments who submit a Valid Claim shall receive Fifty Cents (\$0.50) per unit of Covered Product purchased up to a maximum of sixteen units or Eight Dollars (\$8.00). Checks for Valid Claims will have a 180-day expiration from the time of issuance. If the amount in the Settlement Fund is either less or more than the aggregate amount of the total Valid Claims submitted by Settlement Class Members, the amount of the claims of each Settlement Class Member will be increased or decreased, respectively, pro rata in the event of under-subscription or over-subscription, respectively, of the Settlement Fund. Pro rata upward adjustment of cash claims shall be capped at a multiple of five (5) times a given Settlement Class Member’s claimed amount or \$40.00, whichever is lower. A maximum of \$40.00 shall be paid to any Household for claimed purchases. Any unused amounts from the Settlement Fund after checks for Valid Claims are issued and cashed, including from uncashed checks, shall be disbursed *cy pres* to St. Jude, Make-A-Wish Foundation, No Kid Hungry, and America’s Grow A Row. The Settlement also provides for modification to the Covered Products’ labeling in the form of either: (i) including an actual size depiction of an individual piece of the Covered Product’s candy accompanied by the term “actual size” on the product label, (ii) providing a fill line on the product label, (iii) targeting a fill level for the packaging that, measured from the top of the candy, with carton sides held rigid, would be higher than the current fill level, provided that such fill level does not interfere with the functioning of any container reseal mechanism; or (iv) including any other label statement or image, in addition to the net quantity of contents statement, that provides a piece count, volume or amount.

WHAT ARE MY RIGHTS? You have three options:

1. You Can Accept the Settlement. Class Members who wish to receive a Cash Payment **must** submit a Claim Form on or before **December 27, 2021** either online at www.FerraraCandyBoxClassAction.com or by mailing it to **Claims Administrator, Digital Settlement Group, LLC; PO Box 350; Valparaiso, IN 46384**. If you don’t submit a timely Claim Form and don’t exclude yourself from the settlement, you will be bound by the settlement and will not receive a Cash Payment. If you stay in the Class, you will be bound by all orders and judgments of the Court, and you won’t be able to sue

or continue to sue Defendants as part of any other lawsuit involving the same claims in this lawsuit.

2. You Can Object to the Settlement. You can ask the Court to deny approval by objecting with the Court. You can’t ask the Court to order a larger settlement; the Court can only approve or deny the settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object. You may hire your own lawyer to appear in Court for you if you wish; however, you will be responsible for paying your lawyer. The Court will hear objections from any Class Member who attends the Final Approval Hearing and asks to speak regarding his or her objection. Objections must be in writing, state your name, address, telephone number, name of this Litigation, factual and legal grounds for your objection, name, address and telephone number of any attorney representing you and any case in which you or your attorney has objected to a class action settlement previously and the result of that objection. Objections must be sent to the Claims Administrator, Digital Settlement Group, LLC; PO Box 350; Valparaiso, IN 46384 and postmarked no later than the Objection Deadline. The requirement to submit a written objection may be waived upon a showing of good cause.

3. You Can “Opt Out” of the Settlement. If you exclude yourself from the Class – which is sometimes called “opting-out” of the Class – you won’t get a payment from the settlement but won’t be barred from asserting claims against Defendants in a separate lawsuit. Such notice shall include your name, address, telephone number, and signature and a statement that you want to be excluded from the Litigation, *Thomas, et al. v. Nestle USA, Inc., et al.*, Superior Court of California County of Los Angeles, Case No. BC649863 and *Iglesia, et al. v. Nestle USA, Inc.*, District of New Jersey, Case No. 3:20-cv-05971- BRM-DEA. Send written notice to Claims Administrator, Digital Settlement Group, LLC; PO Box 350; Valparaiso, IN 46384 by December 27, 2021.

THE FAIRNESS HEARING

On January 12, 2022, at 10:30 a.m., the Court will hold a hearing at the Superior Court of California County of Los Angeles at 312 N. Spring St., Dept. 1, Los Angeles, CA 90012 to approve: (1) the proposed settlement as fair, reasonable, and adequate; and (2) the application for Plaintiff’s attorneys’ fees of up to \$1,166,667, plus litigation costs and expenses, and payment of up to \$20,000 in total to the Class Representatives. The Court’s Covid-19 pandemic procedures currently require all persons, regardless of vaccination status, to wear a face mask in the courthouse. Class Members who support the proposed settlement do not need to appear at the hearing or take any other action to indicate their approval.

HOW CAN I GET MORE INFORMATION?

This is only a summary of the settlement. If you have questions or want to view the detailed notice or other documents about the Litigation, including the Settlement Agreement visit www.FerraraCandyBoxClassAction.com or contact Class Counsel at info@clarksonlawfirm.com, or call the Settlement Administrator at **1 (877) 342-0828**.

**BY ORDER OF THE SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**