

**NOTICE OF PROPOSED CLASS LITIGATION SETTLEMENT**

*Hilsley v. Ocean Spray Cranberries, Inc.*, Case No. 3:17-CV-2335-GPC-MDD  
United States District Court for the Southern District of California

**THE MATTERS DISCUSSED HEREIN MAY AFFECT SUBSTANTIAL LEGAL RIGHTS THAT YOU MAY HAVE.**

**READ THIS NOTICE CAREFULLY.**

*A federal court authorized this Notice. This is not a solicitation from a lawyer.*

**YOU ARE NOT BEING SUED. THIS IS NOT A LAWSUIT AGAINST YOU.**

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**IF YOU ARE A UNITED STATES RESIDENT OR CITIZEN WHO** on or after January 1, 2011 until January 31, 2020 (the "Class Period"), purchased in your respective state, for personal or household use and **not** for resale or distribution, one of the following Ocean Spray® Products:

- Ocean Spray® Cran-Apple™;
- Ocean Spray® Cran-Grape™;
- Ocean Spray® “100% Apple” Juice Drink;
- Ocean Spray® Cran-Raspberry™;
- Ocean Spray® Wave™ Apple with White Cranberries;
- Ocean Spray® Wave™ Berry Medley;
- Ocean Spray® Cran-Cherry™;
- Ocean Spray® Cran-Pineapple™;
- Ocean Spray® Cran-Pomegranate™;
- Ocean Spray® diet Cran-Pomegranate™;
- Ocean Spray® Diet Cran-Cherry™;
- Ocean Spray® 100% Juice Cranberry Cherry Flavor
- Ocean Spray® Cran-Strawberry™
- Ocean Spray® Diet Blueberry
- Ocean Spray® Diet Cranberry With Lime
- Ocean Spray® Cran-Lemonade™
- Ocean Spray® Classic Tea White Cranberry Peach
- Ocean Spray® Cran-Tea™ White Cranberry Peach
- Ocean Spray® Classic Tea Cranberry
- Ocean Spray® Cran-Tea™ Cranberry
- Ocean Spray® 100% Premium Juice Cranberry Apple
- Ocean Spray® 100% Cranberry Concord Grape
- Ocean Spray® 100% Juice Cranberry Raspberry
- Ocean Spray® 100% Juice Cranberry Pomegranate
- Ocean Spray® 100% Juice Tropical Citrus Fruit & Vegetable
- Ocean Spray® Light Tropical Citrus Fruit And Vegetable

- Ocean Spray® 100% Juice Cranberry Pomegranate Blueberry Fruit & Vegetable
- Ocean Spray® Pink Cranberry Passionfruit Juice Drink
- Ocean Spray® 100% Juice Cranberry Mango
- Ocean Spray® Pink Lite Cranberry Juice Drink
- Ocean Spray® Light Cran-Mango™
- Ocean Spray® Pink Cranberry Juice Drink
- Ocean Spray® Pink Lite Cranberry Juice Drink
- Ocean Spray® Pink Cranberry Juice Drink
- Ocean Spray® Ruby Pomegranate
- Ocean Spray® Diet Cran-Tea™
- Ocean Spray® 100% Juice Cranberry Pineapple
- Ocean Spray® Diet Cran-Pineapple™
- Ocean Spray® Mocktails Tropical Citrus
- Ocean Spray® Cran-America™
- Ocean Spray® Pink Cranberry Juice Drink
- Ocean Spray® Cranharvest™ Cranberry Apple Cider
- Ocean Spray® Diet Cran-Raspberry™
- Ocean Spray® Diet Cran-Apple™
- Ocean Spray® Diet Cranberry
- Ocean Spray® Diet Cran-Grape™
- Ocean Spray® Cranberry Cranenergy™
- Ocean Spray® Diet Ruby Red
- Ocean Spray® New Light 50 Cranberry Grape
- Ocean Spray® Sparkling Citrus Tangerine
- Ocean Spray® Cranenergy™ Sparkling Diet Cranberry
- Ocean Spray® Ruby Cherry
- Ocean Spray® Cherry Juice Cocktail
- Ocean Spray® Cranenergy™ Sparkling Cranberry
- Ocean Spray® Sparkling Pink Cranberry Juice Drink
- Ocean Spray® Pom Blue Sparkling Beverage
- Ocean Spray® Sparkling Cranberry
- Ocean Spray® Diet Pom Blue Sparkling Beverage
- Ocean Spray® Sparkling Diet Cranberry
- Ocean Spray® Sparkling Cran-Raspberry™
- Ocean Spray® Sparkling Cran-Grape™
- Ocean Spray® Diet Cran-Lemonade™
- Ocean Spray® Cran-Mango™
- Ocean Spray® Ruby Cranberry
- Ocean Spray® 100% Citrus Tangerine Orange
- Ocean Spray® 100% Citrus Mango Pineapple
- Ocean Spray® Cran-Tropical™ Juice Drink
- Ocean Spray® Light Cranberry Apple
- Ocean Spray® Diet Cran-Mango™
- Ocean Spray® Light Ruby Red
- Ocean Spray® Blueberry Juice Cocktail
- Ocean Spray® Blueberry Pomegranate
- Ocean Spray® Diet Blueberry Pomegranate
- Ocean Spray® Pomegranate Cranenergy™

- Ocean Spray® Light Cran-Pomegranate™
- Ocean Spray® Wave™ Mango Pineapple
- Ocean Spray® Raspberry Cranenergy™
- Ocean Spray® Diet Cran-Blackberry™
- Ocean Spray® New Light 50 Cranberry Raspberry

(the “Products”), **YOU MAY BE ENTITLED TO A CASH PAYMENT.**

**This Notice is to inform you of a proposed class action settlement that could affect your legal rights.**

A proposed settlement has been reached in a class action lawsuit pending in the United States District Court for the Southern District of California against Ocean Spray Cranberries, Inc. (“Ocean Spray”) alleging that certain Ocean Spray product labels claiming that Ocean Spray beverage products contain “No Artificial Flavors” are false and misleading because the Products actually contain ingredients dl-malic acid and/or fumaric acid, which the plaintiffs assert function as artificial flavors. Ocean Spray denies the allegations and any wrongdoing as those ingredients do not function as flavors in the Products. To avoid the expense and distraction of litigation, the parties have reached a settlement that will provide monetary recovery as detailed below.

#### **Am I a Member of the Settlement Class?**

You are a member of the Settlement Class if you are a citizen or resident of the United States who purchased one or more of the Products during the Class Period in your respective state. The Products must have been purchased for personal or household use and not for resale or distribution.

You cannot be a member of the Settlement Class if you are (1) any judicial officer presiding over the action; (2) Ocean Spray or its subsidiaries, parent companies, successors, predecessors, and any entity in which Ocean Spray or its parent has a controlling interest, or any of their current or former officers, directors, and employees; (3)

legal representatives, successors, or assigns of any excluded person; or (4) any person who properly files a timely request for exclusion.

#### **What Benefits Could I Receive?**

The proposed class action settlement will provide for \$5,400,000.00 to pay class member claims, notice, administration, plaintiffs’ incentive awards, and legal expenses and attorneys’ fees.

Claimants who submit a timely and valid claim **will receive \$1.00 in cash from the Settlement Fund per bottle of Product purchased (any size) during the Class Period, up to 20 bottles, limited to one claim per household (total payable per household in no event to exceed \$20, unless distribution is increased as described below).**

If the total amount of eligible claims exceeds the Settlement Fund, then each claimant’s award will be proportionately reduced. If there is any remaining cash amount in the Settlement Fund after payment of all claims, costs, and fees, the settlement administrator will divide it equally among the authorized claimants and will pay each authorized claimant his or her proportionate share of the remaining cash amount.

Within 12 months after the Final Approval Effective Date, Ocean Spray will discontinue manufacturing the Products that contain the

artificial versions of malic acid and/or fumaric acid as an ingredient with labels that contain the claim “no artificial flavors,” provided Ocean Spray will be permitted to exhaust existing label stock purchased, printed, or ordered prior to the Final Approval Effective Date.

### **What Are My Rights?**

You have a choice of whether to stay in the Settlement Class or not, and you must decide this now. If you stay in the Settlement Class, you will be legally bound by all orders and judgments of the Court, and you will not be able to sue, or continue to sue, Ocean Spray as part of any other lawsuit involving the same claims that are in this lawsuit. This is true even if you do not submit a Claim Form.

#### 1. You can accept the Settlement.

If you wish to receive a payment from the Settlement Fund, you **MUST** submit a Claim Form no later than July 10, 2020. You can obtain and/or submit a Claim Form:

- (1) on the Internet at [www.NoArtificialFlavorsLitigation.com](http://www.NoArtificialFlavorsLitigation.com);
- (2) by calling the Settlement Administrator at 1-855-873-3742; or
- (3) by mailing a written request for a Claim Form including your name and mailing address by regular mail to: No Artificial Flavors Litigation, c/o Classaura Class Action Administration, 1718 Peachtree St NW #1080, Atlanta, GA 30309.

If you fail to timely submit a Claim Form and do not timely exclude yourself from the settlement, then you will be bound by the settlement but will not receive any payment.

#### 2. You can object to the Settlement.

If you believe the settlement is unsatisfactory, you may **file a written objection with the Clerk of the Court** for the United States District Court for the

Southern District of California Division **and send copies to the following Counsel** representing the Settlement Class and Ocean Spray:

#### Counsel for Plaintiffs and the Settlement Class

Ronald A. Marron  
LAW OFFICES OF RONALD A.  
MARRON  
651 Arroyo Drive  
San Diego, CA 92103  
Email: [ron@consumersadvocates.com](mailto:ron@consumersadvocates.com)

#### Counsel for Ocean Spray

Rick L. Shackelford  
GREENBERG TRAURIG, LLP  
1840 Century Park East, Suite 1900  
Los Angeles, CA 90067  
Email: [ShackelfordR@gtlaw.com](mailto:ShackelfordR@gtlaw.com)

If you choose to object to the settlement, then your written objection must be received by July 1, 2020.

#### 3. You can “opt out” of the Settlement.

If you do not object to the settlement but simply do not want to participate, you must exclude yourself from the Settlement Class by completing and mailing a Request for Exclusion that includes the name of this lawsuit, your full name, current address, telephone number, a clear statement of your intent to exclude yourself such as “I wish to be excluded from the Settlement Class,” and your signature. You must deliver the Request for Exclusion to the settlement administrator at No Artificial Flavors Litigation, c/o Classaura Class Action Administration, 1718 Peachtree St NW #1080, Atlanta, GA 30309. The request must be postmarked or submitted online no later than July 1, 2020. If you request exclusion from or “opt out” of the Settlement Class, you will not receive any

payment from the Settlement Fund, and will be responsible for any attorneys' fees and costs you incur if you choose to pursue your own lawsuit.

**The Final Approval Hearing**

On July 31, 2020, at 1:30 p.m., the Court will hold a hearing in the United States District Court for the Southern District of California to determine: (1) whether the proposed settlement is fair, reasonable and adequate and should receive final approval; and (2) whether the Class Counsel's application for an award of attorneys' fees and expenses should be granted. Objections to the proposed settlement by members of the Settlement Class will be considered by the Court at such hearing, but only if such objections are timely filed in writing with the Court and sent to Plaintiffs' and Ocean Spray's counsel by no later than July 1, 2020.

If you support the proposed settlement, you do not need to appear at the hearing or take any other action to indicate your approval.

**How Can I Get More Information?**

If you have questions or would like a more detailed notice or other documents about the lawsuit and your rights, visit [www.NoArtificialFlavorsLitigation.com](http://www.NoArtificialFlavorsLitigation.com). You may also contact the settlement administrator by emailing

[Contact@NoArtificialFlavorsLitigation.com](mailto:Contact@NoArtificialFlavorsLitigation.com) or by writing to: No Artificial Flavors Litigation, c/o Classaura Class Action Administration, 1718 Peachtree St NW #1080, Atlanta, GA 30309, or by calling 1-888-978-8269. Please do not contact the Court or Clerk for information.

**By order of the United States District Court for the Southern District of California.**