

If you bought a cardboard box of Jujufruits®, Jujubes®, Now & Later®, Lemonhead®, Applehead®, Cherryhead®, Grapehead®, RedHots®, Trolli®, Chuckles®, Black Forest®, Jawbuster®, Jawbreaker®, Brach’s®, Boston Baked Beans®, Super Bubble®, Rainblo®, or Atomic Fireball candy, or any flavors or varieties of those candies, between February 21, 2013 and June 21, 2018, then you could be entitled to money from a class action settlement.

A court authorized this notice. This is not a solicitation from a lawyer.

- A settlement has been reached between Ferrara Candy Co. (“Defendant”) and Thomas Iglesias (“Class Representative” or “Plaintiff”), individually and on behalf of the Settlement Class. The settlement resolves a class action lawsuit about allegations that Defendant packages its boxed candy products in oversized packaging with nonfunctional empty space. Defendant denies the allegations. The Court did not rule in favor of either side. The parties agreed to the settlement to avoid the expense and risks of continuing the lawsuit.
- You are a class member if you are a resident of the United States who purchased one or more cardboard boxes of Jujufruits®, Jujubes®, Now & Later®, Lemonhead®, Applehead®, Cherryhead®, Grapehead®, RedHots®, Trolli®, Chuckles®, Black Forest®, Jawbuster®, Jawbreaker®, Brach’s®, Boston Baked Beans®, Super Bubble®, Rainblo®, or Atomic Fireball candy, or any flavors or varieties of them (“Settlement Class Products”), between February 21, 2013 and June 21, 2018.
- The settlement provides cash payments based on the number of Settlement Class Products purchased. Class members with proof of purchase may submit a claim for fifty cents (\$0.50) per box for each Settlement Class Product purchased. Class members without proof of purchase may submit a claim for fifty cents (\$0.50) per box for up to fifteen (15) boxes, totaling up to seven dollars and fifty cents (\$7.50). These amounts will be increased proportionally (pro rata) if the total amount of claims does not exhaust the available settlement funds. These amounts will be reduced proportionally (pro rata dilution) if the total amount of claims exceeds the available settlement funds.

Please read this Notice carefully and in its entirety. Your rights may be affected by the settlement of this Lawsuit, and you have a choice to make now about how to act:

| YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT: | |
|--|--|
| SUBMIT A VALID CLAIM BY September 20, 2018 | The only way to get a cash payment, if you qualify. |
| EXCLUDE YOURSELF FROM THE CLASS BY September 20, 2018 | This is the only option that allows you to be part of any other lawsuit against Defendant about the legal claims in this case. |

QUESTIONS? CALL 1-877-452-8477 OR VISIT www.FerraraCandySettlement.com PARA UNA NOTIFICACIÓN EN ESPAÑOL, VISITE NUESTRO SITIO DE INTERNET.

| | |
|---|--|
| OBJECT TO THE SETTLEMENT BY September 20, 2018 | Tell the Court about why you don't like the settlement. |
| GO TO A HEARING ON October 25, 2018 | Ask to speak in Court about the settlement. |
| DO NOTHING | Get no benefits. Give up rights to be part of any other lawsuit against Defendant about the legal claims in this case. |

- These rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Cash payments for valid claims will be issued only if the Court approves the settlement and after the time for appeals has ended and any appeals are resolved. Please be patient.

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BASIC INFORMATION

1. Why was this notice issued?

A Court authorized this notice because you have a right to know about the proposed settlement in this class action lawsuit, and about all of your options, before the Court decides whether to give “final approval” to the settlement. This notice explains the lawsuit, the settlement, and your legal rights.

The case is known as *Iglesias vs. Ferrara Candy Co.*, United States District Court for the Northern District of California, Case No. 3:17-cv-00849-VC (the “Action”). The person who sued is called the Plaintiff. The company he is suing, Ferrara Candy Co., is called the Defendant.

2. What is the lawsuit about?

On February 21, 2017, the Plaintiff filed a legal action on behalf of himself and all others similarly situated alleging that he relied on allegedly oversized packaging of the Settlement Class products, and that such packaging violates state and federal packaging laws and state consumer protections laws (including California’s False Advertising Law (“FAL”), Cal. Bus. & Prof. Code § 17500, *et. seq.*, California’s Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code § 17200, *et. seq.*, and California’s Consumers Legal Remedies Act (“CLRA”), Civil Code § 1750, *et seq.*), and that as a direct result of such violations Plaintiff has been economically injured.

Defendant denies any wrongdoing or liability arising out of any of the facts or conduct alleged in the Action and believes that it has valid defenses to the allegations. The Court has not decided that Defendant did anything wrong, and the settlement does not mean Defendant broke the law. Both the Plaintiff and Defendant believe that the settlement is fair, adequate, and reasonable and that it is in the best interests of the Settlement Class.

3. Why is this a class action?

In a class action one or more people called “Class Representatives” (in this case, Thomas Iglesias) sue on behalf of people who have similar claims. All of these people or entities are a “Class” or “Class Members.” One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

4. Why is there a settlement?

Both sides agreed to the settlement to avoid the cost and risk of further litigation and trial. The settlement does *not* mean that any law was broken. Defendant denies all of the legal claims in this case. The Class Representatives and the lawyers representing them think the settlement is best for all Class Members.

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WHO IS IN THE SETTLEMENT?

To see if you are affected or if you can get benefits, you first have to determine whether you are a Settlement Class member.

5. How do I know if I am part of the settlement?

You are a member of the Settlement Class if you purchased for personal consumption, and not for resale, one or more cardboard boxes of Jujyfruits®, Jujubes®, Now & Later®, Lemonhead®, Applehead®, Cherryhead®, Grapehead®, RedHots®, Trolli®, Chuckles®, Black Forest®, Jawbuster®, Jawbreaker®, Brach's®, Boston Baked Beans®, Super Bubble®, Rainblo®, or Atomic Fireball candy, or any flavors or varieties of them, in the United States between February 21, 2013 and June 21, 2018. This time period is referred to as the "Class Period". Excluded from the Settlement Class are any officers, directors, or employees of Defendant, and the immediate family member of any such person. Also excluded is any judge presiding over this case.

6. I'm still not sure if I'm included in the settlement.

If you are not sure whether you are included in the Class, call 1-877-452-8477 or go to www.FerraraCandySettlement.com.

THE SETTLEMENT BENEFITS—WHAT YOU GET

7. What does the settlement provide?

The parties have agreed to make available a total Common Fund of two million five hundred thousand dollars (\$2,500,000) for payment of Valid Claims. Class Members who submit a Valid Claim may receive a benefit from the Claim. Class Members who do not have a purchase receipt, and who submit a Valid Claim, will be entitled to a maximum refund of fifty cents (\$0.50) per box for up to fifteen (15) boxes, totaling seven dollars and fifty cents (\$7.50). These amounts will be increased proportionally (pro rata) if the total amount of claims does not exhaust the available settlement funds. These amounts will be reduced proportionally (pro rata dilution) if the total amount of claims exceeds the available settlement funds. Settlement Class Members who submit a Valid Claim without a purchase receipt will not be entitled to any other refunds. Class Members with proof of purchase may submit a claim for fifty cents (\$0.50) per box for each Settlement Class Product purchased.

Additionally, Defendant has agreed to modify its fill level quality control procedures and target fill levels. The parties have further agreed that the costs to administer this Settlement will be paid from the Common Fund, that Class Counsel may request reasonable attorneys' fees not to exceed thirty (30%) of the Common Fund, plus reimbursement of reasonable costs and expenses upon Court approval, and that the named plaintiff may apply for an enhancement award of five thousand dollars (\$5,000) from the Court.

To make a Valid Claim, Class Members must provide purchase receipts documenting proof of purchase, or provide information, signed under penalty of perjury, relating to their purchase of Settlement Class Products, including where the purchase took place, the quantity purchased, and the approximate dates of purchase. Class Members with proof of purchase may submit a claim for fifty cents (\$0.50) per box of each Settlement Class Product purchased. Class Members who submit a Valid Claim without purchase receipts will be entitled to a maximum reimbursement of fifty cents (\$0.50) per box up to fifteen (15) boxes, totaling up to seven dollars and fifty cents (\$7.50). These amounts will be increased proportionally (pro rata) if the total amount of claims does not exhaust the available settlement funds. These amounts will be reduced proportionally (pro rata dilution) if the total amount of claims exceeds the available settlement funds. Instructions for submitting a Claim are included in Section 9 below.

More details are in a document called the Settlement Agreement, which is available at www.FerraraCandySettlement.com.

QUESTIONS? CALL 1-877-452-8477 OR VISIT www.FerraraCandySettlement.com
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8. What am I giving up in exchange for the settlement benefits?

If the settlement becomes final, Class Members will be releasing Defendant and all related people and entities for all the claims described and identified in Section 6 of the Settlement Agreement (called the “Class Released Claims”). The Settlement Agreement is available at www.FerraraCandySettlement.com. The Settlement Agreement describes the Class Released Claims with specific descriptions, in necessarily accurate legal terminology, so read it carefully. You can talk to one of the lawyers listed below for free or you can, of course, talk to your own lawyer if you have questions about the released claims or what they mean.

HOW TO GET A CASH PAYMENT—SUBMITTING A VALID CLAIM FORM

9. How can I get a cash payment?

To ask for a cash payment you must complete and submit a Valid Claim Form along with the required supporting documentation, if you have it. You can get a Claim Form at www.FerraraCandySettlement.com. You may also submit your claim via the website. The Claim Form describes what you must provide to prove your claim and receive a cash payment and generally requires information, provided by you under penalty of perjury, on where any purchases took place, the quantity of Settlement Class Products purchased, and the approximate dates of purchase. Please read the instructions carefully, fill out the Claim Form, and either submit it online at www.FerraraCandySettlement.com or mail it postmarked no later than, **September 20, 2018** to:

Ferrara Candy Claims Administrator
Digital Settlement Group, LLC
8001 Broadway, Suite 200
Merrillville, IN 46410

The Settlement Administrator may seek additional information to validate the Claim Form and/or disqualify an invalid claim. If you provide incomplete or inaccurate information, your claim may be denied.

10. When will I get my check?

Checks will be mailed to Class Members who send in Valid Claim Forms on time, after the Court grants “final approval” of the settlement, and after the time for appeals has ended and any appeals have been resolved. If the judge approves the settlement after a hearing on **October 25, 2018** (see the section “The Court’s Fairness Hearing” below), there may be appeals. Resolving these appeals can take time. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to keep the right to sue or continue to sue Defendant over the legal issues in this case, you must take steps to get out of the settlement. This is called asking to be excluded from—sometimes called “opting out” of—the Class.

QUESTIONS? CALL 1-877-452-8477 OR VISIT www.FerraraCandySettlement.com
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11. If I exclude myself, can I get anything from the settlement?

If you ask to be excluded, you will not get a cash payment, and you cannot object to the settlement. But you may be part of a different lawsuit against Defendant in the future. You will not be bound by anything that happens in this lawsuit.

12. If I don't exclude myself, can I sue later?

No. Unless you exclude yourself, you give up the right to sue Defendant for the claims that this settlement resolves. You must exclude yourself from *this* Class to start or continue your own lawsuit.

13. How do I get out of the settlement?

To opt out from the settlement, you must send a letter by mail saying that you want to be excluded from *Iglesias v. Ferrara Candy Co.*, United States District Court for the Northern District of California, Case No. 3:17-cv-00849-VC. Be sure to include your name, address, telephone number, the approximate date of purchase, and your signature. You can't ask to be excluded at the website or on the phone. You must mail your opt out request postmarked no later than **September 20, 2018** to:

Ferrara Candy Claims Administrator
Digital Settlement Group, LLC
8001 Broadway, Suite 200
Merrillville, IN 46410

Requests to opt-out that do not include all required information and/or that are not submitted on a timely basis, will be deemed null, void, and ineffective. Settlement Class Members who fail to submit a valid and timely Request for opting out on or before the deadline above shall be bound by all terms of the settlement and any Final Judgment entered in this Litigation if the Settlement is approved by the Court, regardless of whether they ineffectively or untimely requested exclusion from the settlement.

OBJECTING TO THE SETTLEMENT

14. How do I tell the Court I don't like the proposed settlement?

To object to the settlement, you or your attorney must file a written objection to the Court in the Action showing the basis for your objections. Your objection must contain the following information: (i) your name, address, and telephone number, (ii) the name, address, and telephone number of any attorney you have hired with respect to the objection; (iii) the factual basis and legal grounds for your objection, including any documents sufficient to establish your purchase of the Settlement Class Products at issue in this case e.g., receipt, or verification under oath as to the approximate date(s) and location(s) of the purchase(s) of the Settlement Class Products; and (iv) identification of the case name, case number, and court for any prior class action lawsuit in which you or your attorney has objected to a proposed class action settlement, the general nature of such prior objection(s), and the outcome of said prior objection(s). You must also send a copy of your objection to the Court at the following address: Office of the Clerk of Court; United States District Court; 450 Golden Gate Avenue; San Francisco, California 94102-3489.

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You or your lawyer may, but are not required to, appear at the Final Approval Hearing. If you or your lawyer wish to appear at the Final Approval Hearing, you must file with the Court a Notice of Intention to Appear along with your written objection. You must file your written objections by certified mail or in person, along with any other supporting materials to: Office of the Clerk of Court; United States District Court; 450 Golden Gate Avenue; San Francisco, California 94102-3489. Your written objection must be marked with the Case name and Case Number (*Thomas Iglesias v. Ferrara Candy Co.*, United States District Court for the Northern District of California, Case No. 3:17-cv-00849-VC). In addition, you must also send copies of all documents you file with the Court to:

Ryan J. Clarkson
Shireen M. Clarkson
Bahar Sodaify
Clarkson Law Firm, P.C.
9255 Sunset Boulevard, Suite 804
Los Angeles, CA 90069

and

Michael J. Shephard and Chris Mitchell
Hogan Lovells US LLP
3 Embarcadero Center, Suite 1500
San Francisco, CA 94111

The Court will only require substantial compliance with the requirements for submitting an objection. The requirement to submit a written objection may be waived upon a showing of good cause.

OBJECTION AND OPT-OUT DIFFERENCES

15. What's the difference between objecting and opting out?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. If you stay in the Class, you will be legally bound by all orders and judgments of the Court, and you won't be able to sue, or continue to sue, Ferrara as part of any other lawsuit involving the same claims that are in this lawsuit. Opting out is telling the Court that you don't want to be part of the Class. If you opt out, you have no basis to object because the case no longer affects you.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in the case?

The Court has designated the lawyers at Clarkson Law Firm, P.C., 9255 Sunset Boulevard, Suite 804, Los Angeles, CA 90069 to represent you as "Class Counsel". You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

17. How will the costs of the lawsuit and settlement be paid?

The Settlement Administrator's and Notice Provider's costs and fees associated with administering the Settlement, including all costs associated with the publication of the Notice of Settlement will be paid out of the Common Fund and shall not exceed five hundred twenty-two thousand dollars (\$522,000), plus postage. Class Counsel's reasonable attorneys' fees and costs related to obtaining the settlement consistent with applicable law will also be paid out of the Common Fund, subject to Court approval.

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The named plaintiff will also request that the Court approve a payment to him of up to Five Thousand Dollars (\$5,000) from the Common Fund, as an incentive award for his participation as the Class Representative, for taking on the risk of litigation, and for settlement of his individual claims as Class Member in this Action. These amounts are subject to Court approval and the Court may award less than these amounts.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. If you have filed an objection on time, you may attend and you may ask to speak, but you don't have to.

18. When and where will the Court decide whether to approve the settlement?

The Court will hold a Fairness Hearing at 10:00 a.m. on **October 25, 2018**, at United States District Court for the Northern District of California. The hearing may be moved to a different date or time without additional notice, so please check for updates at www.FerraraCandySettlement.com. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The judge will only listen to people who have filed a written objection. The Court will also decide how much to pay the Class Representatives and the lawyers representing Class Members. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

19. Do I have to come to the hearing?

No. Class Counsel will answer any questions the judge may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. If you have sent an objection but do not come to the Court hearing, however, you will not have a right to appeal an approval of the settlement. You may also pay another lawyer to attend on your behalf, but it's not required.

20. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intent to Appear" in the *Iglesias v. Ferrara Candy Co.* litigation. Be sure to include your name, address, telephone number, and your signature as well as the name, address and telephone number of any lawyer representing you (if applicable). Your Notice of Intent to Appear must be postmarked no later than **September 20, 2018**, and be sent to the addresses listed in Questions 13 and 14. You cannot speak at the hearing if you excluded yourself from the Class.

IF YOU DO NOTHING

21. What happens if I do nothing at all?

If you are a Class Member and do nothing, you will not receive a payment from this settlement. And, unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant about the claims in this case, ever again.

GETTING MORE INFORMATION

22. How do I get more information?

This notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement, download a Claim Form and review additional case information at www.FerraraCandySettlement.com. You may also call toll-free 1-877-452-8477.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

DATED: June 21, 2018

**BY ORDER OF THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

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