

## PRE-APPROVAL NOTICE

### Danone Activia® and DanActive® Settlement Program in Canada

#### NOTICE OF UPCOMING COURT HEARING ON THE APPROVAL OF A CLASS ACTION SETTLEMENT AGREEMENT

**PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS**

#### **THE CLASS:**

A proposed settlement has been reached with respect to the class action commenced against Danone Inc. and The Dannon Company, Inc., by Emmanuelle Sonogo before the Superior Court of Quebec under docket number 500-06-000482-097 on behalf of the Class defined as:

All Persons residing in Canada who have purchased in Canada between April 1, 2009 and November 6, 2012 Activia® yogurt products or DanActive® probiotic drink products.

Excluded from the Class are all Persons who timely and validly request exclusion from the Class pursuant to the Pre-Approval Notice disseminated and published in accordance with the Approval Order.

#### **SUMMARY:**

Danone Inc. and The Dannon Company, Inc. have agreed to provide for three types of compensation, as follows:

#### **(a) Direct compensation**

Danone Inc. will provide to each Class Member that qualifies Compensation in the following manner:

- a) Class Members who sign and solemnly declare that they have purchased either Activia® or DanActive® products in Canada between April 1, 2009 and November 6, 2012: \$ 15;
- b) Class Members who sign and solemnly declare that they have purchased either Activia® or DanActive® products in Canada between April 1, 2009 and November 6, 2012 AND have proof of purchase will be entitled to receive between \$ 15 and \$ 50, depending on the amount of the purchases:
  - If the proof or proofs of purchase show purchase(s) of less than \$ 15, the Class Member is entitled to \$ 15;
  - If the proof or proofs of purchase show purchase(s) between \$ 15 and \$ 50, then the Class Member is entitled to the amount of purchase;
  - If the proof or proofs of purchase show purchase(s) above \$ 50, then the Class Member is entitled to \$ 50.

It is understood that the *Fonds d'aide aux recours collectifs* will be entitled to claim a percentage of 2% on each individual amount of Compensation paid to Class Members

residing in the Province of Quebec only. This means that Class Members residing in the Province of Quebec will actually receive 98% of the amount between \$15 to \$ 50 that is applicable to them.

**(b) *Indirect compensation***

Starting at the latest on January 4, 2013, Danone Inc. will make changes to its advertising and labelling in Canada, to describe with better precision the characteristics of its Activia® yogurt products or DanActive® probiotic drink products.

**(c) *Award for Representative Plaintiff Emmanuelle Sonogo***

Danone will pay an award of \$ 5,000 to Representative Plaintiff Emmanuelle Sonogo in consideration for the time and efforts she has put into the Litigation.

**CLASS COUNSEL FEES:**

In addition, Danone Inc. has agreed to pay the legal fees and disbursements of class counsel (plus taxes) as more described in the Settlement Agreement. This amount is paid over and above any compensation to Class Members and will not come out of or in any way reduce the settlement payments to Class Members under the proposed settlement.

**IMPORTANT DATES – APPROVAL, OPT OUT AND OBJECTION:**

A motion to approve the settlement will be heard by the Québec Superior Court, 1 Notre Dame Street East, Montréal, Québec on November 6, 2012 at 2:15 pm in room 2.08.

If the proposed settlement is approved, it will be binding on all Class Members except those who timely and properly opt out.

Class Members are bound by the terms of the Settlement Agreement, unless they opt out of the class action. If you wish to opt out, you must no later than December 24, 2012: i) complete and submit by mail the Opt Out Form; OR ii) send by e-mail the Opt Out Form with your signature; OR iii) on the Claim Web Site [www.collectiva.ca](http://www.collectiva.ca), complete the electronic Opt Out Form Claim Form and attach a signature. Class Members who want to opt out and who are residents of Quebec must IN ADDITION give notice to the Clerk of the Superior Court of Quebec. The Opt Out form is available at [www.collectiva.ca](http://www.collectiva.ca).

If you wish to object to the proposed settlement, you must send a written notice of objection to Class Counsel and Defence Counsel by no later than October 23, 2012. Your written objection should include (a) your name, address, e-mail address and telephone number; (b) a brief statement of the reasons for your objection; and (c) whether you plan to attend at the hearing in person or through a lawyer, and if by lawyer, the name, address, e-mail address and telephone number of the lawyer. Class Members who do not oppose the proposed settlement need not appear at the settlement approval hearing or take any other action at this time.

**IMPORTANT DATES – WHEN TO MAKE A CLAIM:**

A Claim Form must be postmarked, sent by e-mail or completed on the Claim Web Site [www.collectiva.ca](http://www.collectiva.ca) no later than August 27, 2013. There will be no further notice in the newspapers of this settlement agreement.

**FURTHER INFORMATION:**

A complete copy of the Settlement Agreement, and detailed information on how to obtain or file a Claim are available on the following Claims Web Site [www.collectiva.ca](http://www.collectiva.ca). To obtain a paper copy, please call Danone Inc.'s agent at 1-800-287-8587.

The Class Counsel, or law firm representing the petitioner, is the following:

Me David Assor  
**Lex Group Inc.**  
4101 Sherbrooke Street West  
Westmount, Quebec H3Z 1A7  
Phone 514-451-5500, extension 321  
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If there is a conflict between the provisions of this Notice and the Settlement Agreement and any of its Schedules, the terms of the Settlement Agreement shall prevail.

This notice has been approved by the Québec Superior Court.