

FINALIZATION OF SETTLEMENT
FOLLOWING THE PRE-APPROVAL NOTICE
OF SEPTEMBER 24th, 2012

SETTLEMENT APPROVAL NOTICE

Danone Activia® and DanActive® Settlement Program in Canada

**NOTICE OF APPROVAL BY THE COURT OF A CLASS ACTION SETTLEMENT
AGREEMENT**

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

THE CLASS:

The Settlement Agreement has been approved by the Superior Court of Quebec on May 27, 2013 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 have timely and validly requested exclusion from the Class pursuant to the Pre-Approval Notice published on September 24, 2012.

Any Class Members who have already submitted a claim or opted out further to the Pre-Approval Notice will be sent a specific notice detailing their options going forward.

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: \$ 30;
- 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 \$ 30 and \$ 100, depending on the amount of the purchases:

- If the proof or proofs of purchase show purchase(s) of less than \$ 30, the Class Member is entitled to \$ 30;
- If the proof or proofs of purchase show purchase(s) between \$ 30 and \$ 100, then the Class Member is entitled to the amount of purchase;
- If the proof or proofs of purchase show purchase(s) above \$ 100, then the Class Member is entitled to \$ 100.

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 \$ 30 to \$ 100 that is applicable to them.

(b) *Indirect compensation*

Pursuant to the Approved Settlement, Danone Inc. has already made 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) *Donation*

Over a period of two (2) years following the Effective Date, Danone Inc. shall donate Danone products up to a total wholesale value of \$ 500,000 to be distributed to one or more charities that help feed the poor in Canada to be jointly chosen by the Settling Parties and approved by the Court. This donation may include any commercially sold Danone dairy product in good, saleable condition and not out of code or past their sale expiration dates at the time they are distributed.

(d) *Award for Representative Plaintiff Emmanuelle Sonogo*

Danone Inc. 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 Court approved 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 approved settlement.

IMPORTANT DATES – HOW TO MAKE A CLAIM

To receive Compensation, you must make a claim in the following way. To make a claim, you must complete and submit a Claim Form, along with any required documentation, in compliance with the instructions below, and under penalty of perjury. To obtain Compensation:

- a) you must:
 - i) complete and submit by mail a Claim Form to the following address:

Collectiva Services en recours collectifs inc.
285, Place D'Youville, bureau 9
Montréal (Québec) H2Y 2A4;

OR

ii) send by e-mail to info@collectiva.ca with the information requested in the Claim Form with a signature and the solemn declaration as attachment;

OR

ii) on the Claim Web Site www.collectiva.ca, complete the electronic Claim Form and attach a signature and the solemn declaration,

b) in which you solemnly declare under penalty of perjury that you have purchased either Activia® or DanActive® products in Canada between April 1, 2009 and November 6, 2012;

c) AND, if applicable, provide one or more proof(s) of purchase for this/these products.

The Claim Form must be postmarked, sent by e-mail or completed on the Claim Web Site no later than August 27, 2013.

FURTHER INFORMATION:

A complete copy of the Court approved Settlement Agreement, and detailed information on how to obtain or file a Claim are available on the Claims Web Site: www.collectiva.ca.

For any information about the Court approved Settlement or to submit a claim, you may contact the mandated Claims Administrator COLLECTIVA SERVICES EN RECOURS COLLECTIFS INC. at:

Collectiva Services en recours collectifs Inc.
285, Place D'Youville, bureau 9
Montréal (Québec) H2Y 2A4
Tel. : (514) 287-1000
Toll Free : 1-800-287-8587
Fax : (514) 287-1617
Email : info@collectiva.ca
www.collectiva.ca

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

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Lex Group Inc.
4101 Sherbrooke Street West
Westmount, Quebec H3Z 1A7
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If there is a conflict between the provisions of this Notice and the Court approved Settlement Agreement (and any of its Schedules), the terms of the Court approved Settlement Agreement shall prevail.

This notice has been approved by the Superior Court of Quebec.