

Did you purchase Nature's Touch Organic Berry Cherry Blend?

Class actions have been initiated in Ontario and Québec against Nature's Touch Frozen Foods Inc. and Costco Wholesale Canada Ltd., Costco Canada Holdings, Inc., Gestion Costco Canada Inc., and Costco Western Holdings Ltd. arising from the alleged Hepatitis A contamination of Organic Berry Cherry Blend in 1.5 kg (3.3 lb) bags with best before dates up to and including March 15, 2018 and universal product code 8 73668 00179 1 ("Recalled Frozen Fruit"). Recalled Frozen Fruit was sold at Costco warehouse locations in Ontario, Québec, New Brunswick, Nova Scotia and Newfoundland and Labrador.

Class Actions Certified in the Context of a Settlement

The class actions have been certified by the Ontario and Québec Courts in the context of a Settlement. All residents of Canada who (i) consumed Recalled Frozen Fruit and subsequently contracted Hepatitis A as a result; (ii) consumed Recalled Frozen Fruit and subsequently were immunized for Hepatitis A as a result; (iii) have a claim pursuant to the *Family Law Act* and analogous legislation and common law in other provinces; and (iv) purchased Recalled Frozen Fruit, are automatically included in the lawsuit and need not do anything at this time.

Class Members who do not wish to participate in the lawsuit must Opt-Out. A Class Member who Opts-Out will not be entitled to participate in the class actions (except if the settlement is terminated or not approved) or proposed settlement. His or her right to pursue a claim in a separate proceeding will not be affected, but any limitation period (i.e. a time limit in which you must commence a claim) that was paused by the commencement of the class proceedings will resume running from the date of the Opt-Out. If you want to Opt-Out of the class actions, instructions for how to do so can be found in the long-form notice available online at <http://www.berryrecall.ca> or toll-free at: 1-800-461-6166 x 2278.

Settlement Reached

A settlement has been reached in the class actions. The Defendants have agreed to pay \$3,000,000. The settlement is a compromise of disputed claims and is not an admission of liability or wrongdoing by the Defendants. The Courts have appointed GCG Canada as the Administrator of the proposed settlement. Legal fees, disbursements and administrative expenses, as approved by the Courts, will be paid from the settlement amount.

Court approval is required before the settlement is effective. The Court will also be asked to approve the Plan of Allocation, which is the method for distributing settlement funds to Class Members. In addition, Class Counsel require court approval for their fee request. Motions to approve the material are scheduled for December 4, 2018 (in Québec) and December 10, 2018 (in Ontario). If you wish to object to either the settlement, the Plan of Allocation or Class Counsel fees, you may do so in writing by November 30, 2018. Instructions on how to object to the settlement, the Plan of Allocation, or to Class Counsel's fees can be found in the long-form notice available online at <http://www.berryrecall.ca> or toll-free at: 1-800-461-6166 x 2278.

More Information

For more information about your rights and how to exercise them, or to obtain a copy of the Opt-Out form, or the Plan of Allocation, see the long-form notice available online at <http://www.berryrecall.ca> or toll-free at: 1-800-461-6166 x 2278.