

## If You Bought Chocolate Candy For Resale, A Class Action Settlement May Affect You.

**Settlements have been reached** with Defendants Cadbury Holdings Ltd., Cadbury plc, and Cadbury Adams Canada, Inc. (“Cadbury”). The litigation is continuing against the remaining Defendants: Hershey Canada, Inc., The Hershey Company, Mars, Inc., Mars Snackfood U.S., LLC and Nestlé U.S.A., Inc.

### Who is Included?

The Indirect Purchaser for Resale Settlement Class includes any person or entity that purchased Chocolate Candy made by Defendants from someone other than a Defendant, for resale in, or for delivery for resale into, certain States and Guam from December 9, 2002 through December 20, 2007. You may also be a member of the Direct Purchaser Plaintiffs Settlement Class if you purchased, in the United States, Chocolate Candy made by Defendants directly from any Defendant listed above during the same period. If you made both direct and indirect purchases of Chocolate Candy made by Defendants, you may properly be a member of both settlement classes. Chocolate Candy means chocolate bars and other confectionery products made by a Defendant and packaged to be sold at retail.

### What is this case about?

The lawsuit claims that Defendants conspired to fix, raise, maintain or stabilize prices of Chocolate Candy resulting in overcharges to those who purchased Chocolate Candy made by a Defendant. The lawsuit seeks nationwide injunctive relief against the Defendants and money for class members. The vast majority of sales of Cadbury’s chocolate candy products in the United States are made by the Hershey Company, pursuant to a trademark license agreement. The Defendants deny that they did anything wrong. The Court has not decided who is right.

### What does the Settlement Provide?

The Settlements provide for the payment by Cadbury of \$250,000 in cash to the Indirect Purchaser for Resale Plaintiffs, and \$1,312,500 in cash to the Direct Purchaser Plaintiffs. It also provides \$250,000 to pay for notice of the settlements to all settlement classes. Cadbury has also agreed

to provide certain cooperation in the prosecution of the litigation against the remaining Defendants.

### Who Represents You?

The Court has appointed separate Interim Lead Counsel for the Indirect Purchasers for Resale and the Direct Purchaser Plaintiffs as set out in the detailed notices and the websites listed below. You do not have to pay these lawyers to represent you. You may hire your own attorney, if you wish, but if you do so you will be responsible for your own attorney’s fees and expenses.

### What are your Options?

If you wish to remain a member of the Indirect Purchaser for Resale or the Direct Purchaser Plaintiffs Settlement Classes you do not need to take any action at this time. If you don’t want to be legally bound by either or both settlements, you must exclude yourself in writing by **October 21, 2011**, or you will not be able to sue, or continue to sue, Cadbury about the legal claims in this case. If you stay in either or both settlement classes, you may object to the settlement by **November 28, 2011**. The detailed notices describe how to exclude yourself or to object. The U.S. District Court for the Middle District of Pennsylvania will hold a Fairness Hearing at **10:30 a.m. on December 12, 2011**, at 228 Walnut Street, Harrisburg, PA 17108. At this hearing the Court will consider whether the Settlements are fair, reasonable and adequate. The Court will also consider requests by Interim Lead Counsel for both classes to use the settlement funds for expenses to be incurred in the future in this case. If there are objections or comments, the Court will consider them at that time. You may appear at the hearing, but you don’t have to. After the hearing, the Court will decide whether to approve the Settlements. Please do not contact the Court about this case.

**This Notice is only a Summary.** To obtain a detailed notice, or a copy of the Settlement Agreement: Indirect Purchasers for Resale may visit [www.ChocolateSettlementIndirect.com](http://www.ChocolateSettlementIndirect.com), or write to Chocolate Settlement, c/o The Notice Company, P.O. Box 455, Hingham, MA 02043. Direct Purchaser Plaintiffs may visit [www.ChocolateSettlementDirect.com](http://www.ChocolateSettlementDirect.com).

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