

SUPREME COURT OF THE STATE OF NEW YORK, BRONX COUNTY

If you purchased Breyers® Natural Vanilla ice cream as a consumer in the United States from April 21, 2016, through August 14, 2024, you may be eligible for a cash payment from a class action Settlement.

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

An \$8.85 million settlement has been reached in a class action lawsuit filed against Conopco, Inc., and Unilever United States, Inc. (together, “Defendants”). Plaintiffs filed this lawsuit against the Defendants alleging the Defendants’ labelling of Breyers® Natural Vanilla ice cream gave consumers the impression the ice cream contained vanilla flavor derived only from the vanilla plant and not from non-vanilla plant sources, and allege that it contained non-vanilla plant vanilla flavors. The Defendants dispute all of these allegations and deny any wrongdoing. The Court has not decided who is right.

You are a “Settlement Class Member” if you are a consumer who purchased the Product (Breyers® Natural Vanilla ice cream) in any size in the United States from April 21, 2016, through August 14, 2024.

Monetary Benefits Available to Settlement Class Members: Settlement Class Members who submit a valid and timely Claim Form by the deadline are eligible for the following cash payments:

1 – Valid Claim with Proof of Purchase: If you are a Settlement Class Member and submit a Valid Claim with proof of purchase, you will receive \$1.00 for each Product. There is no limit to the number of Products you can seek a cash payment for if proof of purchase is provided with your Claim Form.

2 – Valid Claim without Proof of Purchase: If you are a Settlement Class Member and submit a Valid Claim without proof of purchase, you will receive \$1.00 for each Product **up to a maximum of 8 Products.**

If you are a Settlement Class Member and submit a Valid Claim for Products with both Proof of Purchase *and* without Proof of Purchase, the cash payment benefits will be combined. **Each Household is limited to and may only submit one single Claim Form.** If the total value of Valid Claims submitted exceeds the Settlement Amount after allowed fees are paid, the amount payable for each Valid Claim will be reduced on a pro-rata (a legal term meaning equal) basis.

Injunctive (Non-Monetary) Benefit: Within 12 months of the Settlement becoming final, the Defendants will be required to develop a new Product formula that does not include vanilla flavor derived from non-vanilla plant sources.

This Notice may affect your rights. Please read it carefully.

YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
Submit a Claim Form	The only way to get a cash payment is to submit a valid and timely Claim Form.	February 19, 2025
Exclude Yourself	Get no cash payment and keep any right to file your own lawsuit against the Released Parties about the legal claims in this lawsuit that are released by the Agreement (“Settlement Agreement”).	October 31, 2024
Object	Tell the Court why you do not like the Settlement. You will still be bound by the Settlement if the Court approves it, and you may still file a Claim Form and receive a cash payment.	October 31, 2024
Do Nothing	Get no cash payment. Give up your legal rights.	

These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

If you have any questions about this Notice, the Settlement, or your eligibility to participate in the Settlement, please visit www.vanillaicecreamsettlement.com or call toll-free at 1-888-603-5137.

Questions? Call 1-888-603-5137 or visit www.vanillaicecreamsettlement.com.

BASIC INFORMATION

1. Why is this Notice being provided?

A state court authorized this Notice because you have the right to know about the proposed Settlement of this class action lawsuit and about all of your rights and options before the Court decides whether to grant final approval to the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to get them.

The Honorable Veronica G. Hummel, Justice of the Supreme Court of the State of New York, Bronx County, is overseeing this class action. The lawsuit is known as *McKinley et al. v. Conopco, Inc. et al.*, Index No. 805260/2024E. The persons who filed the lawsuits are called the “Plaintiffs” or “Class Representatives” and the companies sued, Conopco, Inc., and Unilever United States, Inc. are called the “Defendants.” This Settlement is on behalf of a nationwide class and covers all pending litigation, including a related action pending elsewhere. For more information regarding the related action pending elsewhere, please see section 1.3 of the Settlement Agreement available on the Settlement Website.

2. What is this lawsuit about?

Plaintiffs filed this lawsuit against the Defendants alleging the Defendants’ labelling of Breyers® Natural Vanilla ice cream gave consumers the impression the ice cream contained vanilla flavor derived only from the vanilla plant and not from non-vanilla plant sources, and allege that it contained non-vanilla plant vanilla flavors. The Defendants dispute all of these allegations and deny any wrongdoing. The Court has not decided who is right.

3. What is a class action?

In a class action lawsuit, one or more persons called plaintiffs sue on behalf of other persons that have similar legal claims. The people are a “class” or “settlement class members.” In this lawsuit, the people who sued are called the “Plaintiffs.” The companies and people they are suing, Conopco, Inc., and Unilever United States, Inc. are called the “Defendants.” One court resolves the issues for everyone in the class, except for those people who choose to exclude themselves (opt out) from the class.

4. Why is there a Settlement?

The Court has not decided in favor of the Plaintiffs or the Defendants. Instead, both sides agreed to a Settlement to avoid the cost and risk of a trial. Settlement Class Members may submit a Claim Form for a cash payment. The Plaintiffs and Class Counsel believe the Settlement is best for the Class and represents a fair, reasonable, and adequate resolution of the lawsuit.

The Defendants deny the legal claims in the lawsuit; deny all allegations of wrongdoing, fault, liability or damage to the Plaintiffs and the Settlement Class; and deny they acted improperly or wrongfully in any way. The Defendants nevertheless recognize the expense and time that would be required to defend the lawsuit through trial and have taken this into account in agreeing to the Settlement.

WHO IS IN THE SETTLEMENT?

To see if you are eligible for a cash payment, you first have to determine if you are a Settlement Class Member.

5. Am I part of the Settlement?

You are a Settlement Class Member if you are a consumer who purchased the Product in any size in the United States from April 21, 2016, through August 14, 2024.

“Product(s)” means Breyers® Natural Vanilla ice cream, in any size. A complete list of the Products can be found at www.vanillaicecreamsettlement.com.

You are excluded from being a Settlement Class Member if you are (a) the Released Parties; (b) any government entities; (c) persons who made such purchase for the purpose of resale; (d) persons who made a valid, timely request for exclusion; (e) the presiding judges in the Actions; or (f) mediator Peter Woodin of JAMS.

Questions? Call 1-888-603-5137 or visit www.vanillaicecreamsettlement.com.

6. What if I am still not sure whether I am part of the Settlement?

If you are still not sure whether you are a Settlement Class Member, you may go to the Settlement Website at www.vanillaicecreamsettlement.com or call 1-888-603-5137.

THE SETTLEMENT BENEFITS – WHAT YOU CAN GET

7. What does the Settlement provide?

As a result of the Settlement, the Defendants have agreed to create a Settlement Fund of \$8,850,000. Cash payments from the Settlement Fund will be paid to each Settlement Class Member who submits a valid and timely Claim Form.

Monetary Benefits Available to Settlement Class Members: Settlement Class Members who submit a valid and timely Claim Form by the deadline are eligible for the following cash payments (“Monetary Benefits”):

1 – Valid Claim with Proof of Purchase: If you are a Settlement Class Member and submit a Valid Claim with proof of purchase, you will receive \$1.00 for each Product. There is no limit to the number of Products you can seek a cash payment for if proof of purchase is provided with your Claim Form.

2 – Valid Claim without Proof of Purchase: If you are a Settlement Class Member and submit a Valid Claim without proof of purchase, you will receive \$1.00 for each Product **up to a maximum of 8 Products**.

If you are a Settlement Class Member and submit a Valid Claim for Products with both Proof of Purchase *and* without Proof of Purchase, the cash payment benefits will be combined. For example, a Settlement Class Member may make a Valid Claim for 5 Products with Proof of Purchase (for \$5.00), and 6 Products without Proof of Purchase (for \$6.00) for a total of \$11.00.

Each Household is limited to and may only submit one single Claim Form. For purposes of the Settlement, Household is defined as any number of natural persons who currently or during the Class Period (from April 21, 2016, through August 14, 2024) occupied the same dwelling unit.

If the total amount of Valid Claims is more than what remains of the \$8,850,000 Settlement Amount after removing the Notice and Administration Costs, Attorneys’ Fees and Costs, and Service Awards, then the cash payment for each Settlement Class Member will be determined on a pro-rata (a legal term meaning equal) basis.

Injunctive (Non-Monetary) Benefit: Within 12 months of the Settlement becoming final, the Defendants will be required to develop a new Product formula that does not include vanilla derived from non-vanilla plant sources.

HOW TO GET BENEFITS FROM THE SETTLEMENT

8. How can I get a cash payment?

To be eligible for a cash payment, you must be a Settlement Class Member and you must submit a valid and timely Claim Form online at www.vanillaicecreamsettlement.com by **February 19, 2025**, or sign and return a valid and timely Claim Form by U.S. mail at the address below **postmarked by February 19, 2025**.

McKinley et al. v. Conopco, Inc. et al.
Claim Administrator
P.O. Box 2813
Portland, OR 97208-2813

A Claim Form may be obtained from the Settlement Website, or you may request a Claim Form by contacting the Claim Administrator at the address above or by calling 1-888-603-5137. You will not receive a cash payment from the Settlement if you file a request to be excluded as a Settlement Class Member, or if you do not submit a valid and timely Claim Form by the deadline.

Questions? Call 1-888-603-5137 or visit www.vanillaicecreamsettlement.com.

9. When will I receive my cash payment?

The Court will hold a hearing on **November 21, 2024** (which is subject to change), to decide whether to finally approve the Settlement. Even if the Court finally approves the Settlement, there may be appeals. The appeal process can take time, perhaps more than a year. If you file a valid and timely Claim Form, you will not receive a cash payment until any appeals are resolved. Please be patient.

10. What am I giving up to receive a cash payment from the Settlement?

Unless you exclude yourself (“opt-out”) from being a Settlement Class Member by timely submitting a request for exclusion, you will remain a Settlement Class Member. This means you cannot sue, continue to sue, or be part of any other lawsuit against the Released Parties about the legal issues in this lawsuit. It also means that all of the Court’s orders will apply to you and legally bind you and that you will release the legal claims detailed in the Settlement Agreement. The Release is provided in the Settlement Agreement in Section VII in necessary legal terminology. The Settlement Agreement is available at www.vanillaicecreamsettlement.com.

THE LAWYERS REPRESENTING YOU

11. Do I have lawyers in this case?

Yes, the Court has appointed lawyers from the law firms Reese LLP and Sheehan & Associates, P.C. to represent you and the other Settlement Class Members. The lawyers are called Class Counsel. They are experienced in handling class action cases. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense, but you do not need to.

Michael R. Reese Reese LLP 100 West 93 rd Street, 16 th Floor New York, New York 10025	Spencer Sheehan Sheehan & Associates, P.C. 60 Cutter Mill Rd #412 Great Neck, NY 11021
---	---

12. How will the lawyers be paid?

Class Counsel will request Attorneys’ Fees and Costs up to \$3,175,000. In addition, Class Counsel intends to request the Court approve Service Awards to each of the Class Representatives (Frederick McKinley and Lisa Vizcarra) in the amount of \$5,000 for their efforts in pursuing this lawsuit. If awarded by the Court, these Attorneys’ Fees and Costs and the Service Awards will be paid from the Settlement Fund. The Court may award less than these amounts for the Attorneys’ Fees and Costs and Service Awards.

YOUR RIGHTS – EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to keep the right to sue or continue to sue the Released Parties for the legal claims in this lawsuit, and you do not want to receive a cash payment from this Settlement, you must take steps to exclude yourself from the Settlement. This is called “**excluding yourself**”—or is sometimes referred to as “**opting out**” of the class.

13. How do I exclude myself from the Class?

To exclude yourself from the Settlement, you must fill out the Exclusion Form found on the Settlement Website at www.vanillaicecreamsettlement.com or you must mail a written request for exclusion, which includes the following:

- The case name *McKinley et al. v. Conopco, Inc. et al.*, Index No. 805260/2024E;
- Your name, address, telephone number, and email address (if available); and
- A clear statement that you want to be excluded from the Settlement Class, such as “I hereby request to be excluded from the Settlement Class in *McKinley et al. v. Conopco, Inc. et al.*, Index No. 805260/2024E.”

Questions? Call 1-888-603-5137 or visit www.vanillaicecreamsettlement.com.

Your request for exclusion must be emailed to info@vanillaicecreamsettlement.com and received by or mailed via U.S. Mail or express mail, postmarked by October 31, 2024, to:

McKinley et al. v. Conopco, Inc. et al.
Claim Administrator
P.O. Box 2813
Portland, OR 97208-2813

“Mass” or “class” requests for exclusion filed by third parties on behalf of a “mass” or “class” of Settlement Class Members or multiple Settlement Class Members where no Exclusion Form has been signed by every individual Settlement Class Member will not be allowed.

14. If I exclude myself, can I get anything from this Settlement?

If you choose to exclude yourself from the Settlement, you are telling the Court that you do not want to be a Settlement Class Member and you will not be bound by the Settlement or any judgment in this lawsuit.

You can only get a cash payment if you remain a Settlement Class Member and submit a valid and timely Claim Form as described above. If you remain a Settlement Class Member, you will be bound by the Settlement or any judgment in this lawsuit.

If you choose to exclude yourself from the Settlement, you are not giving up the right to sue the Released Parties for the legal claims this Settlement resolves and releases. You must exclude yourself as a Settlement Class Member to start or continue with your own lawsuit about the legal claims involved in this Settlement.

You cannot exclude yourself from the Non-Monetary Benefit.

YOUR RIGHTS – OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

15. How do I object to the Settlement?

Any Settlement Class Member who does not submit a request for exclusion from the Class may object to the proposed Settlement, or Class Counsel’s Attorneys’ Fees and Costs, or the Service Awards.

Your objection must contain the following:

- The case name and number: *McKinley et al. v. Conopco, Inc. et al.*, Index No. 805260/2024E;
- Your full name, current address, and telephone number;
- The name, address, and telephone number of any lawyer representing you, if any, including any former or current lawyer who may be entitled to compensation for any reason if the objection is successful and their legal and factual support for the right to such compensation;
- Documents or testimony sufficient to establish your membership in the Settlement Class;
- A detailed statement of any objection asserted, including the grounds for the objection;
- Whether you are requesting the opportunity to appear and be heard at the final approval hearing and the reasons for your request;
- The identity of your lawyer (if any) who will appear at the final approval hearing and a list of all persons who will be called to testify in support of the objection (if any);
- Copies of any papers, briefs, or other documents upon which the objection is based;
- A detailed list of any other objections by you, or your lawyer, to any class litigations submitted in any state or federal court in the United States in the previous five (5) years (or affirmatively stating that no such prior objection has been made); and
- Your signature, in addition to the signature of your lawyer (if any).

Settlement Class Members who fail to make objections in the manner specified in this Section will be deemed to have waived any objections and will be prevented from making any objection to the Settlement (whether by appeal or otherwise).

Questions? Call 1-888-603-5137 or visit www.vanillaicecreamsettlement.com.

Your written objection must be received by email to info@vanillaicecreamsettlement.com by **October 31, 2024**, or mailed via U.S. Mail or express mail, postmarked by **October 31, 2024**, to:

McKinley et al. v. Conopco, Inc. et al.
Claim Administrator
P.O. Box 2813
Portland, OR 97208-2813

Any objection to the Settlement must be in writing. If you submit a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own lawyer. If you appear through your own lawyer, you are responsible for hiring and paying your lawyer.

16. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you remain a Settlement Class Member (meaning you do not exclude yourself). Excluding yourself is telling the Court that you do not want to be a Settlement Class Member. If you exclude yourself, you cannot object because the Settlement no longer affects you.

YOUR RIGHTS – APPEARING AT THE FINAL APPROVAL HEARING

The Court will hold a “Final Approval Hearing” to decide whether to approve the Settlement. You may attend and you may ask to speak if you submit an objection by the deadline, but you do not have to.

17. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing to decide whether to approve the Settlement. You may attend this hearing and you or your lawyer may speak at the hearing if you submitted an objection, but you or your lawyer do not have to do so. The Court will hold the Final Approval Hearing at **9:30 am on November 21, 2024**, at the Supreme Court for the State of New York, Bronx County, located at 851 Grand Concourse, Bronx, New York, 10451.

Note: The date and time of the Final Approval Hearing are subject to change without further notice to the Settlement Class. The Court may also decide to hold the hearing via Zoom or telephonically. You should check the Settlement Website www.vanillaicecreamsettlement.com to confirm the date of the Final Approval Hearing has not changed.

At the hearing, the Court will consider whether the Settlement is final, fair, reasonable, and adequate. If there are objections that were postmarked by the deadline, the Court will consider them. If you submit a timely objection, and you would like to speak at the hearing, the Court will also listen to you or your lawyer speak at the hearing, if you so request.

If the Court approves the Settlement, the Settlement Benefits, including cash payments to Settlement Class Members who submit a timely, valid, and approved Claim Form, will be provided after any appeals are resolved and after the completion of all Claim Form processing. This could take time to complete fully. Please be patient. The Settlement Website, www.vanillaicecreamsettlement.com, will be updated regularly to provide Settlement Class Members with updated information.

If you are a Settlement Class Member, you are subject to the Settlement unless you take the steps described in this Notice to exclude yourself. You cannot exclude yourself from the Non-Monetary Benefit.

18. Am I required to attend the Final Approval Hearing?

You may attend the Final Approval Hearing, but you are not required to do so. If you submit an objection, you may, but are not required to attend the Court at the Final Approval Hearing. You may also pay your own lawyer to attend or discuss your objection, but that is not necessary.

19. May I speak at the Final Approval Hearing?

Yes, as long as you do not exclude yourself, and you submit an objection, you or your lawyer can (but do not have to) participate and speak in this litigation and Settlement. This is called making an appearance. You also may have your own lawyer speak for you at the hearing, but you will have to pay for the lawyer yourself.

Questions? Call 1-888-603-5137 or visit www.vanillaicecreamsettlement.com.

IF YOU DO NOTHING

20. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will not receive a cash payment. You will give up your rights as explained in the “Your Rights – Excluding Yourself from the Settlement” section of this Notice, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Released Parties about the legal claims that are released by the Settlement Agreement.

21. How do I get more information about the Settlement?

This Notice summarizes the Settlement. More details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at www.vanillaicecreamsettlement.com, by calling 1-888-603-5137, or by writing to:

McKinley et al. v. Conopco, Inc. et al.
Claim Administrator
P.O. Box 2813
Portland, OR 97208-2813

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE REGARDING THIS NOTICE, THE SETTLEMENT OR THE CLAIM PROCESS.

Questions? Call 1-888-603-5137 or visit www.vanillaicecreamsettlement.com.