

NOTICE OF CERTIFICATION AND SETTLEMENT AGREEMENT APPROVAL IN THE MATTER OF SORBATES CLASS ACTION LITIGATION

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

TO:

All persons or entities who were in Canada, when they purchased Sorbates, which are defined in the Settlement Agreement and referred to in this Notice, meaning all sorbate products, including all types of sorbates (dry and liquid), potassium sorbate and sorbic acid, and products containing or derived from sorbates, between January 1, 1979 and December 31, 1996, excluding physical persons in Quebec.

1. PURPOSE OF THIS NOTICE

Class Proceeding lawsuits have been initiated in Ontario and Quebec against Chisso Corporation, in which it is alleged that the Defendants conspired to fix, raise, maintain or stabilize the prices of and allocate markets or customers for Sorbates in Canada.

An Agreement has been reached between the Plaintiffs (the individuals who brought the lawsuit) and the Defendant, Chisso Corporation (hereafter the "Settling Defendant"). The Settlement Agreement has been approved by the Courts.

This Notice is to advise you of the Agreement and inform you of your rights as a Class Member under the Agreement. You will be bound by the terms of the Agreement unless you decide to exclude yourself by opting out of the Agreement. Opting out is explained in Section 6 of this Notice.

The proceeding was certified and the Settlement Agreement approved by the Courts in Ontario and Quebec, on November 4, 2003, and February 12, 2004 respectively. The Ontario Court certified and approved the settlement on behalf of all persons who directly or indirectly purchased Sorbates in Canada, excluding Quebec Class Members, between January 1, 1979 and December 31, 1996.

A separate Notice concerning Quebec consumers was published on January 17, 2004.

2. CLASS MEMBER CATEGORIES

Class Members fall into four categories:

1. Distributors - Class Members who purchased Sorbates and who resold the Sorbates to a further purchaser. Distributors should review Section 3 of this Notice which outlines the Claim Program.
2. Manufacturers - Class Members who purchased Sorbates and manufactured a product of which the Sorbates was a component part. Manufacturers should review Section 3 of this Notice, which outlines the Claim Program.
3. Intermediaries - Class Members who purchased products which contain Sorbates as a component part, and resold the same or virtually the same product to a further purchaser. Intermediaries should review Section 4 of this Notice which outlines the Compensation Plan.
4. Consumers - Class Members (except Quebec consumers) who purchased products which contain Sorbates as a component part, and consumed that product. Consumers should review Section 4 of which outlines the Compensation Plan.

3. CLAIM PROGRAM - DISTRIBUTORS AND MANUFACTURERS

Distributors and Manufacturers will be eligible to receive direct compensation from the Claim Program. The total amount of compensation available to all Distributors and Manufacturers is \$199,500 plus accrued interest less (a) applicable class counsel fees and disbursements, (b) proportionate costs of Notice, (c) administration, and (d) applicable refunds. Compensation will be paid out based on the dollar value of purchases made and will depend on the total number of claims made.

A Distributor or Manufacturer must complete a claim form, along with certain required supporting documentation outlined in the claim form. To be eligible for compensation, the claim form together with the required supporting documentation must be submitted to the Claims Administrator no later than June 11, 2004. Claim forms are available by telephoning the

Claims Administrator at 1-877-507-7706 or at www.classaction.ca.

A Distributor or Manufacturer who previously submitted a Claim Form to a class action settlement entered into in Canada in 2001 with other defendants is not required to file a new claim in order to have previously established purchases considered by the Claims Administrator. Such purchases will be considered and settlements paid pursuant to the terms of this Settlement Agreement.

4. COMPENSATION PLAN - INTERMEDIARIES AND CONSUMERS

A Settlement Fund of \$85,500.00 plus accrued interest less (a) applicable class counsel fees and disbursements, and (b) proportionate costs of Notice shall be available to compensate intermediaries and consumers.

Recognizing the difficulty of determining the damage suffered by any given intermediary or consumer, and recognizing the related difficulties in directly compensating intermediaries and consumers it has been determined that compensation will be paid to the following organizations, in the following percentages, for the general benefit of intermediaries and consumers:

- a. Canadian Association of Food Banks - 77.7%
- b. Quebec Fonds d'Aide - 3.6%
- c. L'ACEF du Nord - 2.8%
- d. Extra Judicial Fees & Costs to be paid to Quebec Counsel - 4.5%
- e. Regroupement des Magasins Partage de l'île de Montreal - 11.4%

5. RELEASE OF CLAIMS AND THE EFFECT ON OTHER PROCEEDINGS

You will be bound by the terms of the Agreement, unless you "opt out", a process that is described in the next section.

This means that you will not be able to bring or maintain any other claim or legal proceeding against the Settling Defendant in connection with Sorbates, unless you "opt out".

6. OPTING OUT OF THE AGREEMENT

If you would like to exclude yourself from the Agreement, you can opt out by obtaining an opt out form (available from the Claims Administrator), and filing it with the Claims Administrator no later than April 27, 2004.

If you opt out you will not be eligible for any of the benefits of the Agreement.

7. CLASS COUNSEL

The law firm of Siskind, Cromarty, Ivey & Dowler LLP, represents the Class Members other than consumers in Quebec. Ontario Class Counsel can be reached toll-free at 1-800-461-6166 ext. 455.

The law firms of Unterberg, Labelle, Lebeau and Sylvestre, Charbonneau, Fafard represent the Class in Quebec. Quebec Class Counsel can be reached at 514-934-0841.

The entitlement of plaintiffs' counsel to legal fees and costs of class counsel will be determined by the Court and will be deducted from the Settlement Benefits.

8. QUESTIONS ABOUT THE SETTLEMENT AGREEMENT

If you would like a copy of the Settlement Agreement or have questions, you can call the Claims Administrator's Information Line at 1-877-507-7706. A copy of the Settlement Agreement can be sent to you at a cost of \$20.00 per copy, which amount represents the cost of photocopying and mailing the Agreement.

9. INTERPRETATION

If there is a conflict between the provisions of this Notice and the Settlement Agreement and any of its appendices, the terms of the Settlement Agreement shall prevail.

**MAILING OF THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR COURT
OF JUSTICE AND THE QUEBEC (COUR SUPERIEURE) SUPERIOR COURT.**