

**Notice of Hearing for Certification and Approval  
of Class Action Settlement Agreements**

**IN THE MATTER OF MSG/NUCLEOTIDES  
CLASS ACTION LITIGATION IN ONTARIO AND  
BRITISH COLUMBIA**

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

**TO:** All persons or entities who purchased MSG and/or Nucleotides in any form and for any use, including products containing or derived from MSG and/or Nucleotides in, into, or from Canada, between January 1, 1984 and December 31, 1999.

**1 Purpose of this  
Notice**

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Class Proceeding lawsuits have been initiated in Ontario, British Columbia and Quebec in which it is alleged that the Defendants, Archer Daniels Midland Company, Ajinomoto Co., Inc., Ajinomoto U.S.A., Inc., Takeda Chemical Industries Ltd., Takeda Vitamin & Food USA, Inc., Takeda Canada Vitamin & Food Inc., CJ Corp. f/k/a Cheil Jedang Corporation, CJ America Inc., Daesang America, Inc., f/k/a Miwon America, Inc., Kyowa Hakko Kogyo Co., Ltd., and Tung Hai Fermentation Industrial Corp. conspired to fix prices and allocate markets for MSG and/or Nucleotides in Canada.

Settlement Agreements have been reached between the Plaintiffs (the parties who brought the lawsuit) and some of the Defendants, Archer Daniels Midland Company, Ajinomoto Company, Inc., Ajinomoto U.S.A., Inc., Takeda Chemical Industries Ltd., CJ Corp. f/k/a Cheil Jedang Corporation, CJ America Inc., Daesang America, Inc., f/k/a Miwon America, Inc., and Kyowa Hakko Kogyo Co., Ltd., (collectively the "Settling Defendants"). The total value of all Settlement Benefits is approximately \$6,400,000.00. If you would like a copy of the Settlement Agreements or have questions, you can call Class Counsel. A copy of the Settlement Agreements can be sent to you at a cost of \$20, which amount represents the cost of photocopying and mailing the Settlement Agreements. The Settlement Agreements are also available on Class Counsel's website at [www.classaction.ca](http://www.classaction.ca).

Class Counsel will seek court approval of legal fees not to exceed 25% of the total Settlement Benefits plus disbursements and applicable taxes. These legal fees and expenses will be deducted from the total amount of the settlement fund. Class Counsel will not seek additional payment for their future time spent or expenses incurred in the proceedings against the Settling Defendants.

Settlement approval hearings have been scheduled for November 24, 2003, at 2:00 p.m. at 361 University Avenue, Toronto, Ontario, M5G 1T3 and for December 1, 2003 at 9:00 a.m. at 800 Smithe Street, Vancouver, British Columbia, V6Z 2E1. At these hearings the courts will determine whether the Settlement Agreements are fair, reasonable, and in the best interests of Class Members. All timely filed written submissions from Class Members will be considered at this time. If the settlements are approved, the Court will certify the action against the Settling Defendants and the fee requests of Class Counsel will be determined by the respective Courts.

If you wish to comment on or make an objection to the Settlement Agreements, a written submission should be delivered to Class Counsel at the addresses listed below, no later than November 21, 2003. Class Counsel will forward all such submissions to the Court. If you do not timely file a written submission you will not be entitled to participate in the hearing and you will have no standing to later file an appeal should the Settlement Agreements be approved. Should the Settlement Agreements receive final approval, further Notices will be published at [www.classaction.ca](http://www.classaction.ca), and will be disseminated pursuant to the terms of the Settlement Agreements.

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- 2 Distribution Protocol** If the Settlement Agreements receive court approval, the Settlement Benefits will be paid out to distributors, producers, intermediaries, and consumers in accordance with a distribution protocol to be approved by the courts. Under the protocol, producers and distributors will receive the majority of the monies, taking into consideration the value of the product purchased during the Class Period. Monies for intermediaries and consumers will be paid to organizations whose purposes will generally benefit these class members. The Settlement Agreements, including the distribution protocol, may be viewed at [www.classaction.ca](http://www.classaction.ca).
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- 3 Release of claims and the effect on other proceedings** If the Settlement Agreements receive court approval, you will be bound by the terms of the Settlement Agreements, unless you “opt out”.
- This means that you will not be able to bring or maintain any other claim or legal proceeding against any of the Settling Defendants in connection with MSG and/or Nucleotides or products containing or derived from MSG and/or Nucleotides unless you “opt out”. If you opt out of the proceeding with respect to the Settling Defendants, you may no longer be part of the class with respect to the non-settling defendant.
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- 4 Class Counsel** The law firm of *Siskind, Cromarty, Ivey & Dowler* <sup>LLP</sup>, represents the Class in Ontario, along with all Class Members in provinces other than British Columbia and Quebec, and Quebec corporations. Ontario Class Counsel can be reached toll-free at **1-800-461-6166 ext. 455**.
- The law firm of *Camp Fiorante Matthews* represents the Class in British Columbia. British Columbia Class Counsel can be reached at 604-689-7555 in Vancouver or toll-free at 1-800-689-2322 outside Vancouver.
- The law firm of *Desmeules, Eizenga, Strickland, Wright S.E.N.C.* represents the Quebec consumers. Quebec Class Counsel can be reached at 418-694-2009.
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- 5 Interpretation** If there is a conflict between the provisions of this Notice and the Settlement Agreements and any of their appendices, the terms of the Settlement Agreements shall prevail.
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PUBLICATION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE AND THE SUPREME COURT OF BRITISH COLUMBIA.