FRONTIER DUTY FREE ASSOCIATION
ASSOCIATION FRONTIERE HORS TAXES

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Memo

To: FDFA Land Border and Airport Operators

From: Laurie Karson

Date: September 26, 2013

Re: Confectionary Lawsuit

Please note that the FDFA Government Relations Committee and Board of Directors would like to advise our FDFA Operator members of a recent confectionary lawsuit that may impact some of our stores, who may want to consider applying for a claim.

Overview of Chocolate Lawsuit in Canada:

A number of class action lawsuits were started across Canada against Cadbury, Hershey, Nestlé and Mars entities, and ITWAL Limited (a distributor). The lawsuits claim that the defendants conspired to fix or maintain prices for chocolate products in Canada, causing chocolate buyers to pay artificially high prices for chocolate products.

The class action lawsuits have now been settled, and the settlements were approved by the courts in Ontario, British Columbia and Quebec for all of Canada. Together, the defendants, Cadbury Adams Canada Inc., Hershey Canada Inc., Nestlé Canada Inc., and Mars Canada Inc., **paid $23.2 million** for the benefit of persons who bought Cadbury, Hershey, Nestlé and/or Mars chocolate products in Canada during the relevant period. The Settlements represent a resolution of claims. The defendants do not admit to any wrong-doing.

http://globalnews.ca/news/844386/chocolate-companies-reach-class-action-settlement-in-price-fixing-case/
Global News Article regarding lawsuit– September 2013

FDFA notation regarding store claims:

It is our understanding that eligible claims are based on products purchased directly with a confectionary company in Canada i.e. Mars. Confectionary purchased via a distributor from Europe is not eligible. Applicants have until December 2013 to file a claim.

Should you wish to file a claim:

Please refer to the following website to file all relevant claims - http://www.chocolateclassaction.com/

Again, any store who wishes to file a claim will be requested to do so on your own accord.