

**If you purchased Activia and DanActive branded products,
you may be entitled to a cash refund
from a class action settlement.**

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

This Notice advises you of a proposed class action settlement. The settlement resolves a lawsuit over whether The Dannon Company, Inc. falsely advertised the health benefits of its Activia and DanActive branded products (collectively, the “Products”). You should read the entire Notice carefully because your legal rights are affected whether you act or not.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT THE YELLOW CLAIM FORM	The only way to get a cash refund.
EXCLUDE YOURSELF	Get out of the lawsuit and the settlement. Get no cash refund.
OBJECT OR COMMENT	Write the Court about why you do, or do not, like the settlement.
DO NOTHING	You will get no cash refund and you give up your rights.

Your rights and options - **and the deadlines to exercise them** - are explained in this Notice. Para una notificación en Español, llamar o visitar www.DannonSettlement.com.

What is this Notice and why is it important?

The Court sent you this Notice because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your options, before the Court decides whether to approve the settlement. If the Court approves it and after objections and appeals are resolved, an administrator appointed by the Court will make the payments that the settlement allows.

This Notice explains the Lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

A class action is a lawsuit in which one or more individuals sue an individual(s), company or other entity on behalf of all other people who are in a similar position. Collectively, these people are referred to as a “Class” or “Class Members.” In a class action, the court resolves certain legal issues, legal claims and defenses for all class members in one lawsuit, except for those who ask to be excluded from the class. (See below for more information about excluding yourself from the Class.)

What is this Lawsuit about?

The Lawsuit claimed that Dannon falsely advertised the health benefits of its Activia® and DanActive® branded products. Activia was sold nationwide beginning in February 2006. DanActive was sold nationwide beginning in January 2007. Dannon stands by its advertising and denies it did anything wrong.

QUESTIONS? CALL TOLL-FREE 1 (888) 418-6122 OR VISIT WWW.DANNONSETTLEMENT.COM

DO NOT CALL DANNON OR THE COURT.

DO NOT FORGET TO RETURN THE YELLOW CLAIM FORM

Why is there a settlement?

The Court did not decide who was right. Instead, both sides agreed to a settlement. By agreeing to a settlement, the parties avoid the costs and risk of a trial, and the Class will get compensation. The Class Representative and his attorneys believe that the settlement is in the best interests of the Class Members.

How do I know if I am in the Settlement Class?

To receive money from this settlement, you first have to determine if you are a Class Member. Class Members are those persons who purchased the Products in the United States up until April 23, 2010.

Excluded from the Class are Dannon's officers, directors and employees, those who purchased the Products for the purpose of resale, and those with claims for personal injury.

What cash payments does the settlement provide?

Class Members may seek reimbursement of up to \$100.00 of the cost of buying the Products. To receive payment, Claim Forms MUST be completed and either be submitted online, www.DannonSettlement.com, or postmarked by October 1, 2010.

Claims for up to \$15.00: To receive reimbursement for purchases of up to \$15.00, simply complete and return the Claim Form. If you cannot remember all of the information requested, fill in what you remember, and make your best estimate about the rest. For your convenience, the Products' average retail prices are listed at www.DannonSettlement.com.

Claims for more than \$15.00 and up to \$30.00: To receive reimbursement for purchases of more than \$15.00 and up to \$30.00, complete, sign and return the Claim Form. To receive more than \$15.00, you MUST sign the Claim Form. If you cannot remember all of the information requested, fill in what you remember, and make your best estimate about the rest. For your convenience, the Products' average retail prices are listed at www.DannonSettlement.com.

Claims for more than \$30.00 and up to \$100.00: To receive reimbursement for purchases of more than \$30.00 and up to \$100.00, complete and sign the Claim Form, and then return it with proof of the purchases you claim. To receive more than \$30.00, you MUST sign and include with your Claim Form proof of purchase, such as receipts.

The actual amount a Class Member receives will depend on the amount of money available from the Settlement Fund described below and the number of claims made. If the total of valid claims is less than the amount of money available to pay them, then Class Members submitting valid claims will receive the full amount of the purchase price they paid. If money is left over, Dannon will give Activia and DanActive products to charities in an amount equal to the leftover money. If the total of valid claims exceeds the amount of money available to pay them, then each award will be reduced pro rata.

You may request a Claim Form online or by calling 1 (888) 418-6122.

The Settlement Fund

Dannon has agreed to create a \$35,000,000.00 fund for the settlement. This fund will be used to pay valid claims submitted by Class Members, the costs to notify the Class about this Lawsuit and the settlement, the costs to administer the settlement, class representative incentive awards, and payment of the attorneys representing the Class and related litigation expenses. If the total amount of valid claims submitted exceeds \$35 million less the costs, awards and fees set forth above, Dannon has agreed to supplement the fund by an amount necessary to pay all eligible claims, up to an additional \$10 million.

When will I get my cash payment?

Cash payments will be made if the Court gives its final approval to the proposed settlement and after the final approval is no longer subject to appeal.

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A Settlement Hearing is scheduled for June 23, 2010. If the Court approves the settlement and there are no appeals, the cash will be distributed approximately 130 days after the Settlement Hearing. If the Court does not approve the settlement, or if the settlement is overturned on appeal, no cash payments will be made.

How will Dannon revise the Products' marketing and labeling?

Under the settlement, Dannon agreed to make certain changes to the Products' marketing and labeling. Details on the labeling revisions are described in the Settlement Agreement, which is available at www.DannonSettlement.com.

Who represents my interests in the settlement?

The Court has appointed the plaintiff who brought the Lawsuit as the class representative. Class Counsel are the lawyers for the Class. The class representative and Class Counsel will act as your representatives for this settlement if you do not exclude yourself from the Class.

The Court has appointed several law firms to represent you, including:

Timothy G. Blood
Blood Hurst & O'Reardon LLP
600 B Street, Suite 1550
San Diego, CA 92101
Telephone: 619/338-1100

Jayne A. Goldstein
Shepherd Finkelman Miller & Shah, LLP
1640 Town Center Circle, Suite 216
Weston, FL 33326
Telephone: 954/515-0123

John R. Climaco
The Climaco Law Firm
55 Public Square, Suite 1950
Cleveland, OH 44113
Telephone: 216/621-8484

Jonathan M. Stein
Coughlin Stoia Geller Rudman & Robbins LLP
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: 561/750-3000

Frank Piscitelli
Frank Piscitelli Co., LPA
55 Public Square, Suite 1950
Cleveland, OH 44113
Telephone: 216/931-7000

Do I have to pay money to participate in the Class?

No. You will not be responsible for any cost or attorneys' fees incurred in this Lawsuit. If the Court approves the proposed settlement, Class Counsel will request that the Court award attorneys' fees in an amount not to exceed \$10,000,000, plus reasonable expenses.

The plaintiffs will also ask the Court to award them Incentive Awards of between \$1,000 and \$7,500 for their costs, time and effort acting as the plaintiffs and for their willingness to bring this litigation and act on behalf of other consumers of the Products.

Can I exclude myself from the settlement?

You have the right not to be part of the Lawsuit by excluding yourself or "opting out" of the Class. If you wish to exclude yourself, you must send a letter or postcard, postmarked no later than May 24, 2010 to Dannon Class Action Settlement Administrator, P.O. Box 9320, Dublin, OH 43017-4220. Your letter must request exclusion from the Class and must be signed by you. You must include your full name, address, and telephone number. If you do not include the required information or submit your request for exclusion on time, you will remain a Class Member and be bound by the settlement and Final Judgment and Order. If you exclude yourself from the Class, you give up your right to receive any money from the settlement, and you will not be bound by the settlement or Final Judgment and Order, and you will not be barred from pursuing any individual claim you may otherwise have relating to the subject matter of the Lawsuit.

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I wish to object to the settlement. What do I do?

If there is something about the settlement that you do not like, you may file an objection with the Court. You will still be in the settlement, remain a Class Member, and will receive benefits if the settlement is approved and you timely submit your Claim Form. ***Even if you object, you should return the yellow Claim Form to receive settlement benefits.***

If you want to object, you must submit your objection in writing to the Court. Your objection must include:

- (1) Your name, address, and telephone number;
- (2) Your signature;
- (3) The reasons why you object;
- (4) The case name and number of this lawsuit, which is *Gemelas v. Dannon*, Case No. 08-cv-00236; and
- (5) If you are represented by a lawyer, the name, address and telephone number of that lawyer.

You must file your written objection with the Court no later than May 24, 2010, at Clerk of the Court, United States District Court Northern District of Ohio – Eastern Division, 801 West Superior Ave., Cleveland, Ohio 44113. You **must** also send a copy of your objection to Lead Counsel and Dannon’s Counsel at:

Timothy G. Blood
Blood, Hurst & O’Reardon LLP
600 B Street, Suite 1550
San Diego, CA 92101
Telephone: 619/338-1100

Angel Garganta
Beth H. Parker
Arnold & Porter
275 Battery Street, Suite 2700
San Francisco, CA 94111
Telephone: 415/356-3000

All objections must be received by the attorneys for the parties and by the Court by May 24, 2010, or your objection will not be considered.

When and where will the Court decide whether to approve the settlement?

The Court has scheduled a Settlement Hearing at 12:00 p.m. on June 23, 2010, in the United States District Courthouse for the Northern District of Ohio – Eastern Division, 801 West Superior Ave., Cleveland, Ohio 44113 in the Hon. Judge Dan Aaron Polster’s Courtroom. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may also decide how much to pay the attorneys for the Class. After the hearing, the Court will decide whether to grant final approval of the settlement. We do not know how long these decisions will take.

Where do I get more information?

Complete copies of the pleadings and other documents filed in this litigation may be examined and copied during regular office hours at the Clerk of the Court, United States District Court for the Northern District of Ohio – Eastern Division, 801 West Superior Ave., Cleveland, Ohio 44113.

The Settlement Agreement, Claim Form and other information are also available at www.DannonSettlement.com.

If you have any questions concerning any matter raised in this Notice, please visit www.DannonSettlement.com.

**PLEASE DO NOT CALL OR WRITE DANNON OR THE COURT FOR
ADDITIONAL INFORMATION OR ADVICE.**

DATED: January 27, 2010

By Order of the United States District Court
for the Northern District of Ohio

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