

If you are a California resident who purchased Elations[®] Healthier Joints Daily Joint Supplement Drink packaged and/or labeled as “clinically-proven”, you may be affected by a class action lawsuit.

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

- A California consumer has sued The Elations Company, LLC (“Elations”) about whether it falsely advertised Elations[®] Healthier Joints Daily Joint Supplement Drink as “clinically-proven” to improve joint comfort.
- You may be part of this class action if you are a California resident who, at any time since May 28, 2009 through September 30, 2013, purchased an Elations[®] Healthier Joints Daily Joint Supplement Drink, from a California retail location, that was packaged and/or labeled with “clinically-proven combination” or “clinically-proven formula” statements.
- This case is currently scheduled to go to trial. There is no money available now and no guarantee there will be. However, your rights are affected and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:	
STAY IN THE CLASS	Stay in this lawsuit. Await the outcome. Share in possible money. Give up certain rights. You do not need to do anything at this time if you are choosing to stay in the lawsuit. You will keep your right to share in possible money that may come from the trial or possible settlement. But, you are giving up the right to sue Elations on your own about the legal claims that are or could have been included in this lawsuit.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no money. Keep rights. If you ask to be excluded and money is later awarded or obtained, you will not be able to share in those. But, you will keep the right to sue Elations on your own about the legal claims that are or could have been included in this lawsuit.

- Lawyers must prove the claims against Elations at a trial set to begin on November 18, 2014. If money is obtained from Elations, you will be able to ask for a share.
- Your rights and options are explained in this Notice. To ask to be excluded, you must act by **October 31, 2014**.

BASIC INFORMATION

1. Why was this Notice issued?

This Notice was issued because a Court has “certified” this case to proceed to trial as a class action lawsuit and your rights may be affected. If you are a California resident who purchased Elations[®] Healthier Joints Daily Joint Supplement Drink advertised as “clinically proven” on the on the product package and/or label you may have legal rights and options in this case before the Court decides whether the claims being made against Elations on your behalf are correct. This Notice explains all of these things.

Honorable Jesus G. Bernal of the United States District Court for the Central District of California is overseeing this class action. The case is known as *McCrary v. The Elations Company, LLC*, Case No. 5:13-cv-00242. The person who sued, Robert McCrary, is called the Plaintiff. The company he is suing, The Elations Company, LLC, is called the Defendant.

2. What is a class action?

In a class action, one or more people, called Class Representatives (in this case Robert McCrary), sues on behalf of all people who have similar claims. Together, these people are called a Class or Class members. One court resolves the issues for all Class members, except for those who exclude themselves from the Class.

3. Why is this lawsuit a class action?

The Court decided that this lawsuit could move toward trial as a class action because it meets the numerosity, commonality, typicality, and adequacy requirements of Federal Rule of Civil Procedure 23. For example, the Court ruled that the Class is so large or “numerous” that getting all Class members together is impracticable; there are questions of law and fact that are “common” to the Class; the claims of the Class Representative and the defenses to those claims by Elations are “typical” to the claims of the Class and the defenses to those claims by Elations; and the lawyers for the Class will fairly and “adequately” protect the interests of all Class members. More information about why this is a class action can be found in the Court’s Class Certification Order, which is available at www.elationsclassaction.com.

THE CLAIMS IN THE LAWSUIT

4. What is the lawsuit about?

The Plaintiff claims Elations falsely advertised that its Healthier Joints Daily Joint Supplement Drink, containing glucosamine hydrochloride, chondroitin sulfate, boron, and calcium is a “clinically-proven formula” and “clinically-proven combination” of ingredients for joint comfort. Plaintiff claims that Elations’ own studies (and other studies regarding glucosamine hydrochloride and chondroitin sulfate) show that these “clinically-proven” statements are false, but Elations used them anyway to mislead consumers and drive sales.

More specifically, Plaintiff claims that through its manufacturing, marketing, distributing and sale of its Healthier Joints Daily Joint Supplement Drink, Elations: (1) violated the Unfair Competition Law of California Business and Professions Code § 17200; (2) violated the False Advertising Act of California Business and Professional Code § 17500; and (3) violated the Consumer Legal Remedies Act of California Civil Code § 1770. More information can be found in the Fourth Amended Complaint, available at www.elationsclassaction.com.

5. How does Elations answer?

Elations denies all of the claims and allegations made in the lawsuit and maintains that its advertising was not false or misleading. Specifically, Elations asserts that (1) its packaging contained truthful statements because Elations tested the Healthier Joints Daily Joint Supplement Drink on hundreds of people, (2) the Healthier Joints Daily Joint Supplement Drink is effective for many consumers, (3) the Healthier Joints Daily Joint Supplement provides an alternative source of glucosamine, chondroitin, and calcium that is not in pill form and is shellfish-free, (4) that the words “clinically proven” were not important to consumers when making their purchasing decisions since the words were on the top and back of the packaging (and are no longer being used), and (5) that consumers purchased the Healthier Joints Daily Joint Supplement Drink for reasons other than the “clinically-proven” packaging. More information on Elations’ answer can be found in The Elations Company LLC, Answer to Fourth Amended Complaint, available at www.elationsclassaction.com.

6. Has the Court decided who is right?

No decision about whether the Plaintiff or Elations is right has been made. The lawyers for the Plaintiff will present their claims and the lawyers for Elations will present their defenses at a trial that is set to begin on November 18, 2014.

7. What are the Plaintiffs asking for on behalf of the Class?

The Plaintiff is asking that money be paid to Class members to reimburse them for the Elations[®] Healthier Joints Daily Joint Supplement Drinks they purchased. They are also asking for a Court order requiring Elations not to use the claims “clinically-proven” on its packaging and labeling ever again, as well as attorneys’ fees and costs.

8. Is there any money available now?

No, there is no money available now because the Court has not decided whether Elations did anything wrong. There is no guarantee that money will ever be awarded or obtained.

MEMBERS OF THE CLASS

9. How do I know if I am part of the Class?

Generally, you are part of this lawsuit if you are a California resident who at any time since May 28, 2009 through September 30, 2013, purchased an Elations[®] Healthier Joints Daily Joint Supplement Drink, from a California retail location, that was packaged and/or labeled with “clinically-proven combination” or “clinically-proven formula” statements. Elations[®] Healthier Joints Daily Joint Supplement Drink was sold as a liquid supplement available for purchase as a 6-pack in the following flavors: cranberry apple, raspberry white grape and black cherry. Elations[®] Healthier Joints Daily Joint Supplement was sold at the following California retail locations: Walmart, Big Lots, 99 Cent Store, CVS, Kroger Grocery Stores, Safeway Stores, Target, Sam’s Club, Walgreens, Save Mart, C&S Grocery Stores, Cardinal Health, Coastal Pacific, Navy Exchange, Raleys, Unified Western, Stater Brothers, Ralphs, and Supervalu. Please note that the Elations[®] Healthier Joints Daily Joint Supplement Drink has been sold with other labels and/or packaging that did not include the phrases “clinically-proven combination” or “clinically-proven formula.”

Specifically, the Court has certified a Class consisting of: *all persons residing in the state of California who purchased Elations, from May 28, 2009 through September 30, 2013, for personal use and not for resale, when the following claims were on the packaging and/or labeling of Elations: “clinically-proven combination” and/or “clinically-proven formula.”*

You are not included in the lawsuit if you purchased an Elations[®] Healthier Joints Daily Joint Supplement Drink online.

YOUR RIGHTS AND OPTIONS

10. What happens if I do not take action at this time?

If you do nothing right now, you are choosing to stay in the Class. If the Plaintiff wins or loses at trial, you will be legally bound by all orders and judgments of the Court, and you will not be able to sue or continue to sue Elations, in a different case, over the legal claims that are or could have been included in this lawsuit. If the Plaintiff obtains money from Elations at trial or benefits as the result of a settlement, you will be able to ask for a share.

11. What happens if I exclude myself?

If you exclude yourself from the Class you: (1) will not be legally bound by the Court’s judgments; (2) will keep any rights you may have to sue Elations for the legal claims that are or could have been included in this

lawsuit; and (3) will not be able to get any money from this lawsuit if any are awarded or obtained as a result of the trial or any settlement.

12. How do I ask to be excluded?

To exclude yourself, send a letter that says you want to be excluded from *McCrary v. The Elations Company, LLC*, No. 5:13-cv-00242. Include your name, address, telephone number, and signature. You must mail your exclusion request letter so that it is postmarked by **October 31, 2014** to: Elations Joint Supplement Class Action Administrator, P.O. Box 43034, Providence, RI 02940-3034.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

Yes. The Court appointed Milstein Adelman, LLP to represent you and other Class members as Class Counsel. These lawyers have experience handling similar cases. More information about this law firm and these lawyers is available at www.milsteinadelman.com.

14. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is representing you and all the other members of the Class. You can hire your own lawyer, who may ask to appear in Court for you in this case, if you want someone other than Class Counsel to speak for you, but you will have to pay that lawyer.

15. How will the lawyers be paid?

If Class Counsel obtains money for the Class, they will ask the Court for fees and expenses. If the Court grants their request, the fees and expenses will either be deducted from any money obtained for the Class or paid separately by Elations. You will not personally have to pay any of these fees and expenses.

THE TRIAL

16. How and when will the Court decide the case?

The case will be decided at a trial that is set to begin on **November 18, 2014**. The trial will take place at the United States District Court for the Central District of California, located at 3420 Twelfth Street, Riverside, California, 92501-3819. The trial may be moved to a different date or time without additional notice. Check www.elationsclassaction.com for updates.

17. Do I have to come to Court?

You do not have to come to Court unless you choose to do so. Class Counsel will present the case for the Plaintiff and the lawyers for Elations will present their defenses. You and/or your own lawyer may appear in Court for this case at your own expense.

18. Will I get money after the trial?

If Class Counsel obtains a monetary recovery for the class as a result of the trial or a settlement, a new notice will be issued about how to ask for a share. Updated information about the case may be posted on www.elationsclassaction.com.

GETTING MORE INFORMATION

19. Is more information about the lawsuit available?

More information about the lawsuit is available by visiting www.elationsclassaction.com, calling toll-free 1-866-985-7590, or writing to Elations Joint Supplement Class Action Administrator, P.O. Box 43034, Providence, RI 02940-3034.

DATE: June 1, 2014