

NOTICE OF AUTHORIZATION OF A NATIONAL CLASS ACTION AND SETTLEMENT
AUTHORIZED BY THE SUPERIOR COURT OF QUÉBEC

If you purchased an Aveeno product with “Active Naturals” on its label, you may be a member of a class action.

On April 5, 2018, Mr. Piccolo (the “**Representative**”) filed an *Application to Authorize the Bringing of a Class Action & to Appoint the Petitioner as Representative Plaintiff* (the “**Application for Authorization**”) against Johnson & Johnson Inc., Johnson & Johnson, and Johnson & Johnson Consumer Companies Inc. (collectively referred to hereinafter as the “**Defendants**”) regarding the marketing and sale of Aveeno Active Naturals Products. The Representative believes that the advertisements and representations made by the Defendants related to the Aveeno Active Naturals Products are false and/or misleading since they misrepresent to consumers that the ingredients inside the packaging are natural, when in fact, they are not natural and actually contain unnatural, synthetic, and potentially harmful ingredients (depending on the quantity). The Defendants deny these allegations and any wrongdoing, and no court has concluded that there was any misrepresentation or any wrongdoing by the Defendants.

The parties have reached a settlement before the class action was authorized and without any admission of liability on the part of the Defendants. This settlement is subject to the approval of the Superior Court.

The judgment authorizing this class action and the proposed settlement may affect your rights, whether you take action or not. Please read this notice carefully.

Your Rights Regarding This Class Action:	
OPT OUT	If you opt out, you will not receive any payment if the settlement is approved by the Court or if the Court grants a final decision in favour of the Representative. This option allows you to pursue your own lawsuit against the Defendants regarding the advertisements and representations related to the Aveeno Active Naturals Products identified in this notice.
OBJECT	If you disagree with the proposed settlement, you can object to it and your objection will be considered by the Court when deciding whether to approve the settlement.
DO NOTHING	If you are a class member and you agree with the purpose of this class action and the proposed settlement, you have nothing to do to participate in this class action. To receive a payment if the settlement is approved by the Court, you MUST send in a claim form as described below.

These rights – **and the deadline for exercising them** – are explained in this notice.

QUESTIONS?

Contact the Settlement Administrator or Class Counsel at:

Aveeno Settlement Administrator

5-112 Elizabeth Street
Suite #289
Toronto, ON
M5G 1P5
Telephone: +1-855- 680-0660
Fax: 215-525-0209
Website:www.aveenoactivenaturalssettlement.ca
Email:Info@aveenoactivenaturalssettlement.ca

Class Counsel

Mtre. Jeff Orenstein
Consumer Law Group Inc.
1030 Berri Street, Suite 102
Montreal, Quebec
Telephone: 514-266-7863
Fax: 514-868-9690
Website: www.clg.org
Email: jorenstein@clg.org

or visit www.aveenoactivenaturalssettlement.ca and <https://www.clg.org/Class-Action/List-of-Class-Actions/Aveeno-Active-Naturals-Canadian-Class-Action>

THE CLASS ACTION

1. Why are you receiving this notice?

On April 5, 2018, the Representative filed the Application for Authorization against the Defendants. Since then, the parties have reached a settlement before the class action was authorized.

On September 20, 2021, the Representative presented the Court with an application to authorize the proposed class action for settlement purposes only. On September 28, 2021, the Court authorized the Representative to institute a class action in the judicial District of Montreal on behalf of the class members against Johnson & Johnson Inc. only, for settlement purposes only.

The Court has not taken a position as to the truth or merits of the claims or defences asserted by either side. The allegations made by the Representative have not been proven in Court.

This notice explains how the class action works, who the class members are, and what their rights are.

2. What is a class action?

It is a legal procedure instituted by an individual called the “Representative Plaintiff” on behalf of everyone with similar claims, called the “class”. A class action allows the Court to rule on the dispute regarding all class members, except for those who choose to opt out. In this class action, Mr. Piccolo acts as the class Representative.

3. What is this class action about?

The Application for Authorization asserted claims for fraudulent, deceptive, false advertising, sales, and marketing practices regarding Defendants’ Aveeno Active Naturals Products advertised as “Active Naturals”.

Aveeno Active Naturals Products include any size of any Aveeno product bearing the phrase “Active Naturals” on its label, including without limitation the following (the “**Aveeno Active Naturals Products**”):

AVEENO Daily Moisturizing body yogurt vanilla and oats lotion	AVEENO Positively Ageless Rejuvenating Scrub
Aveeno Daily Moisturizing body yogurt apricot and honey lotion	AVEENO Positively Radiant Intensive Night Cream
AVEENO Positively Ageless Skin Strength Hand Cream	AVEENO Positively Radiant 60sec In-Shower Facial
AVEENO Positively Ageless Skin Strength Body Cream	AVEENO Positively Radiant Cleanser
AVEENO Creamy Moisturizing Oil	AVEENO Positively Radiant Sheer Daily Moisturizer SPF 30
AVEENO Daily Moisturizing Lotion Hand Cream/Tube/Pump	AVEENO Positively Radiant Daily Moisturizer SPF 15
AVEENO Positively Radiant Dark Spot Correction	AVEENO Positively Radiant make up removing Wipes
AVEENO Positively Radiant Lotion	AVEENO Positively Radiant Makeup Remover Cleanser
AVEENO Daily Moisturizing Lotion SPF15 Pump	AVEENO Positively Radiant Moisturizer with SPF 30
AVEENO Daily Moisturizing Lotion Sheer Hydration	AVEENO Positively Radiant Eye CC Cream Light
AVEENO Intense Relief Hand Cream	AVEENO Positively Radiant Toner
AVEENO Intense Relief Moisture Repair Cream	AVEENO Skin Brightening Daily Scrub
AVEENO Intense Relief Overnight Cream	AVEENO Positively Radiant overnight hydrating facial moisturizer
AVEENO Skin Relief Hand Cream	AVEENO Positively Radiant Skin Brightening Daily Scrub
AVEENO Skin Relief Fragrance Free Lotion	AVEENO Positively Radiant Eye CC Cream Medium
AVEENO Skin Relief Moisturizing Cream	AVEENO Positively Radiant CC Cream SPF30 Fair-Light
AVEENO Skin Relief Moisturizing Lotion	AVEENO Positively Radiant CC Cream SPF30 Medium
AVEENO Skin Relief Gentle Scent Coconut Moisturizing Lotion	AVEENO Positively Radiant Targeted Tone Correction
AVEENO Skin Relief Gentle Scent Chamomile Moisturizing Lotion	AVEENO Positively Radiant Intensive Night Cream
AVEENO Skin Relief Diabetes Dry Skin Moisture Lotion	AVEENO Ultra Calming Day SPF30
AVEENO Stress Relief Moisturizing Lotion	AVEENO Ultra Calming Night Cream

AVEENO Daily Moisturizing Yogurt Body Wash Vanilla and Oats	AVEENO Ultra-Calming Daily Moisturizer SPF15
AVEENO Daily Moisturizing Yogurt Body Wash Apricot and Honey	AVEENO Ultra-Calming Foaming Cleanser
AVEENO Daily Moisturizing Body Wash	AVEENO Ultra Calming hydra cleanser
AVEENO Active Naturals Purifying Body Wash Sea Kelp & Nourishing Oatmeal	AVEENO Ultra-Calming Gentle Makeup Removing Wipes
AVEENO Active Naturals Uplifting Body Wash Peach & Ginger	Aveeno Baby Sensitive Skin Wipes
AVEENO Calming Body Wash Lavender & Chamomile	AVEENO Baby Soothing Relief Diaper Rash Cream
<u>AVEENO Hydrating Body Wash Fig & Shea Butter</u>	AVEENO Baby Calming Comfort Bath
AVEENO Invigorating Body Wash Grapefruit	AVEENO Baby Calming Comfort Lotion
AVEENO Invigorating Body Wash	AVEENO Baby Daily Moisturizing Lotion
AVEENO Skin Relief Gentle Scent Coconut Body Wash	AVEENO Baby Eczema Care Moisture Cream
AVEENO Skin Relief Gentle Scent Chamomile Body Wash	AVEENO Baby Eczema Care Night Balm
AVEENO Skin Relief Body Wash	AVEENO Baby Eczema Care Wash
AVEENO Skin Relief Fragrance Free Body Wash	AVEENO Baby Gentle Conditioner & Shampoo
AVEENO Positively Radiant Exfoliating Body Wash	AVEENO Baby Soothing Baby Bath Treatment
AVEENO Smoothing Body Wash Pomegranate & Rice	AVEENO Baby Soothing Relief Creamy Wash
AVEENO Stress Relief Body Wash	AVEENO Baby Soothing Relief Moisture Cream
AVEENO Eczema Care Itch-Relief Balm	AVEENO Baby Soothing Relief Wash
AVEENO Anti-itch Lotion	AVEENO Baby Wash & Shampoo
AVEENO Daily Moisturizing Bath	AVEENO Calming Comfort Baby Bath
AVEENO Eczema Care Hand Cream	AVEENO Baby Calming Comfort Lotion
AVEENO Eczema Care Body Wash	AVEENO Mom & Baby Gift Set
AVEENO Eczema Care Moisturizing Cream	AVEENO Baby Gift Set
AVEENO Moisturizing Bar - Dry Skin	AVEENO Protect +Hydrate Sun Lotion for Face and Body SPF30
AVEENO Positively Smooth Shave Gel	AVEENO Protect +Hydrate Sun Lotion for Face and Body SPF45
AVEENO Shower & Bath Oil	AVEENO Protect +Hydrate Sun Lotion Face SPF60
AVEENO Skin Relief Shave Gel	AVEENO Baby Sensitive Skin SPF 50
AVEENO Soothing Bath Treatment	AVEENO Baby Sensitive Skin Face Sun Stick SPF50

AVEENO Stress Relief Foaming Bath	AVEENO Baby Sunscreen lotion with SPF 55
AVEENO Positively Radiant Wipes	AVEENO Baby Sunscreen lotion with SPF 50
AVEENO Absolutely Ageless Daily Moisturizer SPF 30	AVEENO Active Naturals Living Color Preserving Conditioner Med-Thick Hair
AVEENO Absolutely Ageless Night Cream	AVEENO Active Naturals Living Color Preserving Conditioner Fine Hair
AVEENO Absolutely Ageless Eye Cream	AVEENO Active Naturals Living Color Preserving Shampoo Med-Thick Hair
AVEENO Absolutely Ageless Intense Serum	AVEENO Active Naturals Living Color Preserving Shampoo Fine Hair
AVEENO Absolutely Ageless Nourishing Cleanser	AVEENO Positively Nourishing Condition Treatment
AVEENO Absolutely Ageless Leave-on Mask Lotion	AVEENO Positively Nourishing Moisturize Conditioner
AVEENO Clear Complexion Foaming Cleanser	AVEENO Positively Nourishing Moisturize Shampoo
AVEENO Clear Complexion Cream Cleanser	AVEENO Positively Nourishing Revitalize Conditioner
AVEENO Clear Complexion Daily Moisturizer	AVEENO Positively Nourishing Revitalize Shampoo
AVEENO Clear Complexion Foaming Cleanser	AVEENO Positively Nourishing Shine Conditioner
AVEENO Fresh Essentials Daily Moist SPF 30	AVEENO Positively Nourishing Shine Shampoo
AVEENO Fresh Essentials Night Cream	AVEENO Positively Nourishing Volumize Conditioner
AVEENO Fresh Essentials Scrub	AVEENO Positively Nourishing Volumize Shampoo
AVEENO Positively Ageless Daily Exfoliating Cleanser	AVEENO Positively Nourishing Dandruff Ctrl Shampoo
AVEENO Positively Ageless Daily Moisturizer (SPF30)	AVEENO Pure Renewal Conditioner
AVEENO Positively Ageless Eye Cream	AVEENO Pure Renewal Shampoo

The Defendants deny any wrongdoing, and no court has concluded there was any wrongdoing by the Defendants.

This class action is an action in damages, injunctive relief, and a declaratory judgment.

THE CLASS MEMBERS

4. Who is a class member?

You are a class member if you are a person who purchased Aveeno Active Naturals Products in Canada at any time on or before September 28, 2021, or you make a claim on behalf of such a person (i.e., if you are the executor, heir, successor, bankruptcy trustee, guardian, ward, agent, or assign of such a person).

However, (i) those who purchased Aveeno Active Naturals Products for purpose of resale; (ii) those with claims for bodily injuries arising from the use of Aveeno Active Naturals Products; (iii) those who are related to the Defendants (such as their current or former officers, directors and employees or members of their immediate families); and (v) the Judge to whom the class action is assigned and any members of his immediate family, **are excluded from the class**.

5. How do I participate in this class action?

If you are a class member and agree with this class action against the Defendants and the proposed settlement, you have nothing to do to participate in this class action. To receive a payment if the settlement is approved by the Court, you **MUST** send in a claim form as described in Section 13 below.

SETTLEMENT AGREEMENT APPROVAL HEARING

6. What is the proposed settlement?

The Defendants agreed to settle the class action in exchange for a full release of the claims against them relating to the labelling, marketing, advertising, packaging, promotion, manufacture, sale, and distribution of all Aveeno Active Naturals Products.

The Settlement Agreement provides for the following, subject to Court approval:

1. A settlement fund of US \$675,000.00 converted into Canadian dollars (the **“Settlement Fund”**) will be established by the Defendants.
2. The Settlement Fund will be used to pay all escrow charges and taxes related to the Settlement Fund, all notice and claim administration costs, Class Counsel’s legal fees and expenses and the claims of the class members.
3. Class Counsel’s legal fees and expenses to be paid from the Settlement Fund are of US \$202,500 converted into Canadian dollars (plus taxes) representing 30% of the Settlement Fund, subject to Court approval.
4. A class member is eligible to obtain CA\$ 3.15 for each purchase of an Aveeno Active Naturals Product for up to 20 Aveeno Active Naturals Products purchased at any time on or before September 28, 2021, without the need to present a proof of purchase. These awards may be subject to *pro rata* adjustment, upward (up to a maximum of double the initial claim amount, but never more than CA\$ 126.00 per household) or downward, depending on the number of claims approved.
5. If there is any money remaining in the Settlement Fund after all claims, notice and claim administration costs, Class Counsel’s fees and expenses are paid, the remaining funds shall be donated to the Montreal Children’s Hospital Foundation (subject to any amounts which must be paid by law to the Quebec *Fond d’aide aux actions collectives*).
6. The Defendants will also make changes to the labels for the Aveeno Active Naturals Products.

The Settlement Agreement and documents pertaining to this class action are available at www.aveenoactivenaturalssettlement.ca.

7. What is the next step regarding the proposed settlement?

The Superior Court of Québec must approve the Settlement Agreement before it can take effect. The Court will review the terms of the Settlement Agreement to ensure that they are fair, reasonable and in the best interests of the class members.

The Final Approval Hearing will take place on **February 2, 2022 at 9:30 A.M. in room 16.02 at the Montreal Courthouse located at 1 Notre-Dame St. East, Montreal, Quebec**. At this hearing, the Court will hear any objection filed by class members regarding the proposed Settlement Agreement, in accordance with the deadlines and procedure set forth below. Class members who do not oppose the proposed settlement are not required to attend this hearing or to take any action to indicate that they intend to be bound by it.

OPTING OUT: This is your only chance to opt out from the class action

8. What happens if I opt out?

If you decide to opt out of the class action, you retain your right to institute your own lawsuit against the Defendants regarding the Aveeno Active Naturals Products and you will not be bound by the judgments rendered by the Court in this class action. Also, you will **not** be entitled to receive a payment if the settlement is approved by the Court, or if the Court grants a final decision in favour of the Representative.

9. What happens if I do not opt out or if I do nothing?

If you do not opt out of the class action or if you do nothing, you will be entitled to receive a payment if the settlement is approved by the Court, or if the Court grants a final decision in favour of the Representative. As such, you give up your right to institute your own lawsuit against the Defendants regarding the Aveeno Active Naturals Products and will be bound by the judgments rendered by the Court in this class action.

10. How do I opt out?

If you do not wish to be part of this class action, you can opt out by sending to the clerk of the Superior Court a signed letter containing the following information:

- The class action file number and name: 500-06-000921-185 (*Piccolo v. Johnson & Johnson Inc. et al.*).
- Your name, current address, and telephone number.
- Your statement: "I am a class member and I wish to opt out of the class action".
- Your signature.

You must send your letter by registered mail, with a copy by email to the Settlement Administrator, by March 11, 2022 at the following addresses:

<p><u>TO:</u></p> <p>Clerk of the Superior Court of Québec File: 500-06-000921-185 Montreal Courthouse 1, Notre-Dame Street East, Suite 1.120 Montréal (Québec) H2Y 1B6</p>	<p><u>WITH COPY TO:</u></p> <p>Aveeno Settlement Administrator 5-112 Elizabeth Street Suite #289 Toronto, ON M5G 1P5</p>
--	---

OBJECTING TO THE PROPOSED SETTLEMENT

11. What should I do if I disagree with the proposed settlement?

If you disagree with the Settlement Agreement but you do not wish to opt out of the class action, you can object to the Settlement Agreement by delivering a written submission on or before January 3, 2022 filed with the Court, Class Counsel, and the Defendants' Counsel in accordance with Section VIII.A. of the proposed Settlement Agreement and containing the following information:

- A heading referring to this proceeding (*Piccolo v. Johnson & Johnson Inc. et al.* – 500-06-000921-185).
- Your name, current address, and telephone number and, if represented by counsel, the name of your counsel.
- A statement that you purchased an Aveeno Active Naturals Product during the period of time described in the settlement class definition.
- A statement whether you intend to appear at the Final Approval Hearing, either in person or through counsel.
- A statement of the objection and the grounds supporting the objection.
- Copies of any papers, briefs, or other documents upon which the objection is based.
- Your signature.

You must send your letter by registered mail, with a copy by email to Class Counsel and Defendants' Counsel, at the following addresses:

<p><u>TO:</u></p> <p>Clerk of the Superior Court of Québec File: 500-06-000921-185 Montreal Courthouse 1, Notre-Dame Street East, Suite 1.120 Montréal (Québec) H2Y 1B6</p>	<p><u>WITH COPIES TO:</u></p> <p><u>Class Counsel</u></p> <p>Mtre. Jeff Orenstein Consumer Law Group Inc. 1030 Berri Street, Suite 102 Montreal, Quebec, H2L 4C3 jorenstein@clg.org</p> <p><u>Defendants' Counsel</u></p> <p>Mtre. Robert J. Torralbo Blake, Cassels & Graydon LLP 1 Place Ville Marie, Suite 3000 Montreal, Quebec, H3B 4N8 robert.torralbo@blakes.com</p>
--	--

The Court cannot change the terms of the settlement. Any objections will be used by the Court to consider whether to approve the settlement.

CLAIM UNDER THE SETTLEMENT AGREEMENT

12. What happens if the Settlement Agreement is approved by the Court?

In the event the Settlement Agreement is approved by the Court, each class member will have the opportunity to make a claim to receive a payment from the Settlement Fund.

13. How do I make a claim?

To make a claim, you must, **no later than March 11, 2022**

- Complete a claim form online at www.aveenoactivenaturalssettlement.ca; or
- Obtain a claim form in electronic or paper format from the Settlement Administrator or Class Counsel, complete it and send it by email or by mail to the Settlement Administrator.

You will only be able to make one claim per household. This means that if more than one person living at the same address purchased Aveeno Active Naturals Products, only one person will be able to submit a claim.

If you do not submit a completed claim form in time, you will not receive any payment. The Settlement Administrator may request additional information if the claim form is insufficient to process your claim. Failure to provide any requested documentation may result in the denial of your claim.

The actual amount paid to the class members will depend upon the number of valid claims made.

CLASS COUNSEL

14. Who are the lawyers working on this class action?

The law firm Consumer Law Group Inc. represents the Representative, and therefore, the class members. You may contact Consumer Law Group Inc. using the contact information found at the end of this notice.

15. Are there fees for the class members?

You do not have to pay the lawyers working on this class action. Class Counsel have taken this case on a contingency agreement, and their legal fees and disbursements will be paid from the Settlement Fund, subject to Court approval.

If the settlement is approved by the Court or if the Court grants a final decision in favour of the Representative, the lawyers representing the Representative and the class members will be paid from the damages awarded through the class action or from the Settlement Fund, as the case may be. The Court will decide on the reasonableness of the fees and costs requested by Class Counsel.

FOR MORE INFORMATION

If you have questions, you can contact the Settlement Administrator or Class Counsel, the law firm Consumer Law Group Inc., by mail, email, or phone. Your name and any information provided will be kept confidential. **Please do not contact the Defendants, nor any of the judges of the Superior Court.**

Aveeno Settlement Administrator

5-112 Elizabeth Street
Suite #289
Toronto, ON
M5G 1P5
Telephone: +1-855-680-0660
Fax: 215-525-0209
Website: www.aveenoactivenaturalssettlement.ca
Email: info@aveenoactivenaturalssettlement.ca

Class Counsel

Mtre. Jeff Orenstein
Consumer Law Group
1030 Berri Street, Suite 102
Montreal, Quebec
Telephone: 514-266-7863
Fax: 514-868-9690
Website: www.clg.org
Email: jorenstein@clg.org

This notice has been approved by the Superior Court of Quebec