

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL IN THE MATTER OF METHIONINE CLASS ACTION LITIGATION

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

TO: All persons in Canada who purchased Methionine or Methionine Products in Canada between January 1, 1985 to December 31, 1998, except the Defendants and certain parties related to the Defendants.

"Methionine" means any and all forms of the synthetic amino acid methionine, including, but not limited to, DL-methionine, DL-methionine hydroxy analog free acid (HMTBA), sodium methioninate, 2-hydroxy-4-(methylthio) calcium salt, and synthetic methionine-derived products, any products containing these chemicals, and all methionine chemical intermediates, including, but not limited to, methyl mercaptan, acrolein, and methyl mercaptopropionaldehyde, and any products sold under the trade name ALIMET®.

"Methionine Products" means products that directly or indirectly contain or are derived from Methionine or from animals which had consumed Methionine.

I. COURT APPROVAL OF CLASS ACTION SETTLEMENTS

Class proceedings lawsuits have been initiated in Ontario (Court File No. 00-CV-201723CP, Toronto), British Columbia (Court Files No. L003124 and L032297, Vancouver Registry), and Quebec (File No. 500-06-000233-045, District of Montreal) alleging that the Defendants conspired to fix prices for Methionine and Methionine Products in Canada (collectively the "Proceedings").

Settlements have been reached with Novus International, Inc. and Novus International (Canada) Inc. (collectively "Novus"), and with Degussa-Huls AG (now known as Evonik Degussa GmbH), Degussa Corporation (now known as Evonik Degussa Corporation), and Degussa Canada Inc. (now known as Evonik Degussa Canada Inc.) (collectively "Degussa"). The settlements represent resolutions of disputed claims. Neither Novus nor Degussa admit any wrongdoing or liability. The settlements resolve the litigation.

Under the terms of the Novus Settlement Agreement, Novus has agreed to pay Cdn \$1,250,000 in exchange for a full release of claims against it, Nippon Soda Co., Ltd. and Mitsui & Co., Ltd. and related persons and entities as defined in the Novus Settlement Agreement. The settlement funds are being held in an interest bearing account for the benefit of Settlement Class Members.

Under the terms of the Degussa Settlement Agreement, Degussa has agreed to pay Cdn \$1,250,000 in exchange for a full release of claims against it and its related entities. The settlement funds are being held in an interest bearing account for the benefit of Settlement Class Members.

The Novus and Degussa settlements were approved as being fair, reasonable and in the best interests of Settlement Class Members by the Ontario Court on May 13, 2010, the British Columbia Court on June 28, 2010, and the Quebec Court on July 27, 2010.

A prior settlement for Methionine and Methionine Products was entered into with Aventis Animal Nutrition S.A., and Rhone-Poulenc Canada Inc, as part of the National Vitamins Class Action Settlement. The National Vitamins Class Action Settlement was approved by the Ontario, British Columbia and Quebec courts in 2005. Under the terms of that settlement, approximately \$6 million of Aventis/Rhone-Poulenc's settlement payment was allocated to compensate purchasers of Methionine. Those settlement monies have been held in an interest bearing account for the benefit of Settlement Class Members since approval. As of July 31, 2010, the settlement was worth approximately \$6.7 million including interest.

II. DISTRIBUTION OF THE SETTLEMENT FUNDS

The Ontario, British Columbia and Quebec Courts have approved a protocol for distributing the settlement funds in the three settlements, plus accrued interest.

Under the distribution protocol, Settlement Class Members who purchased Methionine are entitled to direct compensation. Settlement Class Members cannot claim compensation for any Methionine purchases for which they have received compensation and/or in respect of which they have released their claims, either as part of a private settlement or as part of the class action settlement reached in the related U.S. litigation.

Under the terms of the Distribution Protocol, 100% of the Aventis/Rhone-Poulenc settlement payment allocated to Methionine (\$6,000,000) and 82% of the Novus and Degussa settlement funds (\$2,050,000), plus accrued interest less (a) proportionate Class Counsel Fees, disbursements and taxes, (b) proportionate costs of notice, and (c) costs of administration (the "Upstream Purchasers Fund") will be paid out as direct compensation to Direct Purchasers, Second Level Purchasers and Distributors who satisfy the eligibility requirements. Compensation will be calculated by the Claims Administrator in the following manner:

- (a) A "Direct Purchaser" means a person or entity in Canada, other than a Distributor, who purchased Methionine in Canada during the Class Period directly from a Methionine manufacturer. A Direct Purchaser will be paid 12% of his, her or its eligible methionine purchases.
- (b) A "Second Level Purchaser" means a person or entity in Canada, who purchased Methionine in Canada during the Class Period directly from a Distributor. A Second Level Purchaser will be paid 10% of his, her or its eligible methionine purchases.
- (c) A "Distributor" means a person or entity in Canada who purchased Methionine directly from a Methionine manufacturer and resold the Methionine without further processing or including it in any other product. A Distributor will be paid 1% of his, her or its eligible methionine purchases.

If the total amount of valid claims on the Upstream Purchaser Fund exceeds the amount available for distribution for the Upstream Purchaser Fund, the payments to eligible Direct Purchasers, Second Level Purchasers and Distributors will be reduced pro-rata.

The remaining 18% of the Novus and Degussa settlement funds (\$450,000), plus accrued interest less (a) proportionate Class Counsel Fees, disbursements and taxes, (b) proportionate costs of notice, and (c) obligations by Quebec Settlement Class Members to the Fonds d'Aide (the "Downstream Purchasers Settlement Fund"), will be allocated equally to Intermediate Purchasers and Consumers. Intermediate Purchasers and Consumers will be compensated through a *cy pres* distribution made to national organizations whose purposes generally benefit these Settlement Class Members.

- (a) An "Intermediate Purchaser" means a person or entity in Canada, other than an Upstream Purchaser or Consumer, who purchased Methionine Products in Canada during the Class Period. The Intermediate Purchaser fund will be distributed to Chicken Farmers of Canada (60%) and Canadian Pork Council (40%).
- (b) A "Consumer" means any person or entity in Canada who purchased Methionine Products in Canada during the Class Period for their personal use and who did not resell the Methionine Products. The Consumer fund will be distributed equally to Food Banks Canada and Breakfast for Learning.

A copy of the distribution protocol is available online at www.vitaminsclassaction.com.

III. FILING A CLAIM

Settlement Class Members who wish to apply for direct compensation under the settlements must file a claim using the online process at www.vitaminsclassaction.com. If you do not have internet access, please contact the claims administrator toll-free at 1-866-669-6615 for instructions as to filing a claim.

All claims and other required information must be email, faxed, postmarked or uploaded no later than **November 30, 2010**. All completed claims must be sent to the following address:

Email: vitamins@deloitte.ca

Fax: 1-866-526-7955

Mail: Administrator, Methionine Class Action Settlements
Deloitte & Touche LLP
Suite 1400
181 Bay Street
Toronto, ON M5J 2V1

IV. OPTING OUT OF THE SETTLEMENTS

The deadline for opting out of the National Vitamins Class Action Settlement has already passed. This means that there is no ability to opt-out of Aventis/Rhone-Poulenc's settlement relating to Methionine and Methionine Products. The deadline for opting out of the Novus and Degussa settlements is **October 31, 2010**. If you filed a claim under the National Vitamins Class Action Settlement, you may not opt out of the Novus or Degussa settlements.

If you did not submit a claim under the National Vitamins Class Action Settlement and would like to opt out (i.e., exclude yourself) of the Novus and/or Degussa settlements, you must submit a written request to opt out. Your request should include the following information:

- your full name, current address, and telephone number;
- a statement that you wish to opt out of the Novus and/or Degussa settlements;
- confirmation that you did not submit a claim under the National Vitamins Class Action Settlement;
- your reasons for opting out;
- the name(s) of each entity from whom you purchased Methionine during the Class Period; and
- for each such entity, the information in your possession concerning the dollar value of your Methionine purchases during the Class Period.

The request to opt out of the Novus and/or Degussa settlements must be email, faxed or postmarked on or before **October 31, 2010** to:

Administrator, Methionine Class Action Settlements
Deloitte & Touche LLP
Suite 1400
181 Bay Street
Toronto, ON M5J 2V1

Residents of Quebec must also mail the request to opt out of the Novus and/or Degussa settlements postmarked on or before **October 31, 2010** to:

Cour supérieure du Québec
Greffes civil (500-06-000233-045)
Palais de justice de Montréal
1, rue Notre-Dame Est
Montréal (Québec) H2Y 1B6

If a Settlement Class Member does not timely and properly opt out of the Novus and/or Degussa settlements or does not timely and properly file a claim with the Claims Administrator, he or she will be forever barred from receiving any benefits under the Novus and/or Degussa settlements, and from instituting or continuing any action against the Novus and/or Degussa related to the price-fixing of Methionine and Methionine Products.

V. CLASS COUNSEL

The law firms of Siskinds ^{LLP} and Sutts, Strosberg ^{LLP} represent Settlement Class Members in Ontario, and in provinces other than British Columbia or Quebec, as well as corporations of more than 50 employees in Quebec. Siskinds ^{LLP} can be reached toll free at:

Telephone (toll-free): 1-800-461-6166 ext. 2455

Email: charles.wright@siskinds.com

Mail: 680 Waterloo Street, London, Ontario N6A 3V8, Attention: Charles Wright.

Sutts, Strosberg ^{LLP} can be reached at:

Telephone (toll-free): 1-800-229-5323 ext. 8296

Email: hpeterson@strosbergco.com

Mail: 600-251 Goyeau Street, Windsor, ON N9A 6V4, Attention: Harvey Strosberg.

The law firm of Camp Fiorante Matthews represents Settlement Class Members in British Columbia. Camp Fiorante Matthews can be reached at:

Telephone: 604-689-7555

Email: jjcamp@cfmlawyers.ca

Mail: 400 - 856 Homer Street, Vancouver, BC V6B 2W5, Attention: J.J. Camp.

The law firm of Siskinds Desmeules s.e.n.c.r.l. represents individuals and corporations of 50 or less employees who are Settlement Class Members in Quebec. Siskind Desmeules s.e.n.c.r.l. can be reached at:

Telephone: 418-694-2009

Email: simon.hebert@siskindsdesmeules.com

Mail: Les promenades du Vieux-Quebec, 43 rue De Buade, bureau 320, Quebec City, QC G1R 4A2, Attention: Me Simon Hébert.

Class Counsel legal fees and disbursements must be approved by the Courts. Class Counsel will collectively be requesting legal fees of up to 15% of the Novus and Degussa settlement funds, plus disbursements and applicable taxes be approved by the Courts and paid out of the Novus and Degussa settlement funds. Class Counsel fees have already been approved and paid in respect of the Aventis settlement.

VI. QUESTIONS ABOUT THE SETTLEMENT

This notice contains only a summary of the settlements and Settlement Class Members are encouraged to review the complete Settlement Agreements. Copies of the Settlement Agreements can be obtained free of charge at www.vitaminsclassaction.com. Copies of the Settlement Agreements can also be mailed to you at a cost of \$10, which represents the cost of photocopying and mailing. If you would like copies of the Settlement Agreements or have questions that are not answered online at www.vitaminsclassaction.com, please contact the Claims Administrator toll-free at 1-866-669-6615 or by email at vitamins@deloitte.ca. INQUIRIES SHOULD NOT BE DIRECTED TO THE COURT.

VII. INTERPRETATION

This notice contains a summary of some of the terms of the Settlement Agreements. If there is a conflict between the provisions of this notice and the Settlement Agreements, including the schedules to the Settlement Agreements, the terms of the Settlement Agreements shall prevail.

This notice has been authorized by the Ontario Superior Court of Justice, the British Columbia Supreme Court and the Superior Court of Quebec.