

**LEGAL NOTICE**

**IF YOU ARE A RETAIL CONSUMER WHO PURCHASED ONE OR MORE COPPERTONE SUNSCREEN PRODUCTS PRIOR TO SEPTEMBER 17, 2021 THAT INCLUDED “MINERAL-BASED” ON THE LABEL IN VARIOUS SIZES AND FORMS: COPPERTONE WATER BABIES PURE & SIMPLE, COPPERTONE KIDS TEAR FREE, AND COPPERTONE SPORT FACE (COLLECTIVELY, “PRODUCTS” OR “QUALIFYING PRODUCTS”).**

**YOU MAY BE ENTITLED TO A CASH REFUND FROM A CLASS ACTION SETTLEMENT**

**WHAT IS THIS NOTICE ABOUT?**

A class action lawsuit pending in the U.S. District Court for the Northern District of California called *Prescott v. Bayer HealthCare LLC*, Case No. 5:20-cv-00102 (“**Litigation**”) may affect your rights. It is alleged in the Litigation that Bayer HealthCare LLC and Beiersdorf, Inc. (“**Defendants**”) deceptively labeled Coppertone sunscreen products as “Mineral-Based,” despite the products containing chemical active ingredients. The Court did not rule in favor of the Plaintiffs who filed the Litigation or the Defendants. Instead, the parties agreed to settle.

**AM I A MEMBER OF THE CLASS?**

You are a Settlement Class Member whose rights are affected by this proposed settlement if you are a retail consumer who purchased in the United States one or more Coppertone sunscreen products prior to September 17, 2021 that included “mineral-based” on the label in various sizes and forms: Coppertone Water Babies Pure & Simple, Coppertone Kids Tear Free, and Coppertone Sport Face (collectively, “**Products**” or “**Qualifying Products**”). The Settlement Class does not include wholesale, resale, and distribution buyers, and the other Excluded Persons. “**Excluded Persons**” are (i) Defendants, their assigns, successors, and legal representatives; (ii) any entities in which Defendants have controlling interests; (iii) federal, state, and/or local governments, including, but not limited to, their departments, agencies, divisions, bureaus, boards, sections, groups, counsels, and/or subdivisions; (iv) any judicial officer presiding over this matter and person within the third degree of consanguinity to such judicial officer; and (v) any persons who timely exclude themselves from the Settlement Class.

**WHAT DOES THE SETTLEMENT PROVIDE?**

With Court approval, the settlement provides for the creation of a Settlement Fund of \$2,250,000. Settlement Class Members with proof of purchase may submit a claim for \$2.50 per Qualifying Product purchased, without limitation of the number of products. Settlement Class members without proof of purchase may submit a claim for \$2.50 per Qualifying Product purchased, for up to four (4) products, for up to a total of \$10.00 per household. These amounts will be increased proportionally (pro rata increase) if the total number of claims does not exhaust all settlement funds, for a maximum multiplier of nine (9) times per Qualifying Product purchased. These amounts will be reduced proportionally (pro rata reduction) if the total number of claims exceeds the settlement funds. The settlement also provides for a modification of the use of the term “mineral-based” on Coppertone sunscreen products that contain other sunscreen active ingredients. The settlement also provides for an award of attorneys’ fees of up to 30% of Settlement Fund and costs related to obtaining the settlement. In exchange for these settlement benefits, Settlement Class Members will release the Defendants and various related parties that were involved in the development, manufacturing, distribution, marketing, advertising, labeling and/or sale of the Qualifying Products for claims related to Defendants’ use of the term “mineral-based.” You can find more information about the releases in the Long Form Notice and in Sections 2.35, 2.36, and 8 of the Settlement Agreement. Both documents are available at [www.MineralBasedSunscreenSettlement.com](http://www.MineralBasedSunscreenSettlement.com).

**WHAT ARE MY RIGHTS?** You have three options:

**1. You Can Make a Claim.** Settlement Class Members who wish to receive a cash payment **must** submit a Claim Form on or before **November 17, 2021**, either online at [www.MineralBasedSunscreenSettlement.com](http://www.MineralBasedSunscreenSettlement.com) or by mailing it to **Digital Settlement Group, LLC, P.O. Box 166, Valparaiso, IN 46384**. If you do not submit a timely Claim Form and you do not exclude yourself from

the settlement, you will not receive a cash payment and you will be bound by the settlement. If you stay in the class, you will be bound by all orders and judgments of the Court, and you will not be able to sue or continue to sue Defendants as part of any other lawsuit involving the same claims regarding the Qualifying Products.

**2. You Can Object to the Settlement.** You can ask the Court to deny approval of the settlement by filing an objection with the Court. You cannot ask the Court to order a larger settlement; the Court can only approve or deny the settlement. If the Court denies approval, no settlement payments will be sent out and the Litigation will continue. If that is what you want to happen, you must object. You may hire your own lawyer to appear in Court for you if you wish; however, you will be responsible for paying your lawyer. Objections will be considered by the Court only if filed electronically (*see* <https://www.cand.uscourts.gov/cases-e-filing/cm-ecf>) or filed manually, along with any supporting materials, by sending a copy of your objection to the Court at: Office of the Clerk of Court, United States District Court for the Northern District of California, 280 South 1st Street, San Jose, CA 95113., as well as mailed to counsel for all parties in the Litigation. You must mail your objection so that it is *received* (not just postmarked) on or before **November 17, 2021**. Objections must be in a signed writing that states: your name, address, telephone number; the name of this Litigation and case number; the factual and legal grounds for your objection and membership in the settlement class; a statement regarding whether your objection applies to the entire class or only a subset; and a statement regarding whether you or any attorney representing you has objected to a class action within the past five years and the result of the objection. *The Court will only require substantial compliance with these requirements for submitting an objection. The requirement to submit a written objection may be waived upon a showing of good cause.*

**3. You Can “Opt Out” of the Settlement.** If you wish to exclude yourself from the settlement (“Opt Out”), then you will not receive a payment from the settlement, but you will not be barred from asserting claims against Defendants in a separate lawsuit. Such notice must include your name, address, telephone number, email address, and signature, along with a statement that you want to be excluded from the settlement in *Prescott v. Bayer HealthCare LLC*, United States District Court for the Northern District of California, Case No. 5:20-cv-00102. Send the signed written notice to **Digital Settlement Group, LLC, P.O. Box 166, Valparaiso, IN 46384**. It must be postmarked by **November 17, 2021**.

**THE FAIRNESS HEARING:** On **December 15, 2021**, at 2:00 PM, the Court will hold a hearing at the United States District Court for the Northern District of California, 280 South 1st Street, San Jose, CA 95113, to decide whether to approve: (1) the proposed settlement as fair, reasonable, and adequate; and (2) the application for Plaintiffs’ attorneys’ fees up to thirty percent (30%) of the total settlement fund, plus costs and expenses; and (3) the application for an incentive or service award to the Plaintiffs who filed this Litigation in an amount up to \$5,000 each (total of \$10,000). Settlement Class Members who support the proposed settlement do not need to appear at the hearing or take any other action to indicate their approval.

**HOW CAN I GET MORE INFORMATION?** Please visit [www.MineralBasedSunscreenSettlement.com](http://www.MineralBasedSunscreenSettlement.com), or contact Plaintiffs’ counsel at [info@clarksonlawfirm.com](mailto:info@clarksonlawfirm.com), or call the Claim Administrator at 1-877-452-8477, or access the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or visit the Clerk’s office for the United States District Court for the Northern District of California, 280 South 1st Street, San Jose, CA 96113.

QUESTIONS? CALL 1 (877) 452-8477 OR VISIT [www.MineralBasedSunscreenSettlement.com](http://www.MineralBasedSunscreenSettlement.com)  
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