

## **LEGAL NOTICE**

### **If You Purchased A Celsius Beverage or Powdered Drink Between January 1, 2015 And November 23, 2022, Then You Could Be Entitled To Money From A Class Action Settlement**

*Hezi v. Celsius Holdings, Inc.*, No. 1:21-cv-9892-VM  
U.S. District Court for the Southern District of New York

#### **What Is This Notice About?**

A lawsuit pending in the U.S. District Court for the Southern District of New York (“Litigation”) may affect your rights. The Litigation claims Celsius Holdings, Inc. (“Defendant”) deceptively labeled its products as containing “No Preservatives,” when they contain citric acid, which Defendant contends it added to its products only to add flavor and not as a preservative. The Court did not rule in favor of Plaintiff or Defendant. The parties instead agreed to settle.

#### **Am I A Member Of The Class?**

You are a Class Member if you are a resident of the United States who purchased any Celsius beverage, for personal or household consumption and not for resale or distribution, including the original Celsius beverages (at times labeled “Celsius Live Fit”), Celsius Heat, Celsius BCAA+Energy, and Celsius with Stevia), as well as Celsius On-The-Go and Flo Fusion powdered drinks (“Products”), between January 1, 2015 and November 23, 2022.

#### **What Does The Settlement Provide?**

With Court approval, the Settlement provides a Cash Award to Class Members that submit a valid and timely Claim Form. Class Members who previously purchased a can of Product during the Class Period may submit a claim to receive One Dollar (\$1.00) for each can of Product. Class Members who previously purchased Celsius On-The-Go or Flo Fusion powdered drinks, which typically are sold in packages of 14, may submit a claim to receive \$5.00 per package of 14. Class Members who submit approved claims with receipts will be capped at a Cash Award of Two Hundred Fifty Dollars (\$250.00) per household. Class Members who previously purchased a Product but who cannot produce a receipt may submit a claim to receive up to Twenty Dollars (\$20.00) per household.

If the total value of all approved Claims either exceeds or falls short of the funds available for distribution to Class Members, then the amounts of the cash payments will be reduced or increased pro rata, as necessary, to use all of the funds available for distribution to Class Members. Any such pro rata adjustment will be calculated prior to distribution of funds (i.e., will be made in a single distribution). Any pro rata upward adjustment shall be capped at two times the claimed amount. Any funds that remain unclaimed or are unused after the distribution of the Settlement Fund will be distributed to charities approved by the Court. The Settlement also provides for modification of Defendant’s Product advertising and labeling, including removal of the “No Preservatives” label claim.

#### **What Are My Rights And Options?**

You have three options:

**You Can Make A Claim.** Class Members who wish to receive a Cash Award **must** submit a Claim Form by visiting the Settlement Website, [www.CelsiusClassActionSettlement.com](http://www.CelsiusClassActionSettlement.com), and submitting (or printing and mailing) a Claim Form. The deadline to **postmark or submit your claim online is February 13, 2023.**

**You Can Object to the Settlement.** You may also object to any part of this Settlement. Objections must be mailed to the Class Administrator and **postmarked no later than February 13, 2023.**

**You Can “Opt Out” of the Settlement.** You can exclude yourself (“opt out”) of the Settlement by submitting an exclusion request to the Class Administrator that is **postmarked no later than February 13, 2023.** This is the only option that allows you to be part of any other lawsuit against Defendant about the legal claims in this case.

Details about how to opt-out, object, and submit your Claim Form are available on the Settlement Website.

#### **The Fairness Hearing**

On **March 31, 2023 at 11:00 am**, the Court will hold a hearing at the U.S. District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007 to approve: (1) the Settlement as fair, reasonable, and adequate; and (2) the application for Plaintiffs’ attorneys’ fees of \$2,600,000 and reimbursement of litigation expenses up to \$300,000, and payment of up to \$20,000 in total to the Class Representatives. 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?**

This is only a summary of the settlement. If you have questions or want to view the detailed notice or other documents about the Litigation, including the Settlement Agreement visit [www.CelsiusClassActionSettlement.com](http://www.CelsiusClassActionSettlement.com), contact Class Counsel at [info@clarksonlawfirm.com](mailto:info@clarksonlawfirm.com), or call the Class Administrator at **1-855-737-1258**.