

# If You Purchased Certain Cosmetics or Fragrance Products at a Department Store from May 29, 1994 through July 16, 2003, Your Rights Could Be Affected by a Proposed Class Action Settlement.

## What is this Notice About?

A settlement has been proposed in a class action lawsuit that alleges that certain manufacturers of cosmetics and fragrance products and certain department stores that sell those products ("Defendants") violated the antitrust laws in connection with the pricing of these products.

Defendants deny any wrongdoing or illegal conduct but have agreed to settle the litigation.

## What Cosmetics and Fragrance Products Are Included?

This lawsuit involves products ("Department Store Cosmetics"), which are the full range of high-end, "prestige" or specialty beauty and cosmetic products and product lines, including color products (such as foundation, eye shadow and lipsticks), treatments (such as skin creams and moisturizers) and fragrances. These products are manufactured, distributed and/or sold by the Defendants under various brand names. The settlement does not include cosmetics and fragrance products sold through mass distribution channels, such as drug stores and warehouse outlets.

## Am I a Member of the Class?

You are a member of the Class if you are currently a resident of the United States who purchased Department Store Cosmetics in the United States, which products were made, distributed and/or sold by the Defendants during the period May 29, 1994 through July 16, 2003. Employees of any Defendant, as well as any judge or lawyer involved in this case, and each such person's immediate family members, are excluded from the class. You do not have to do anything to remain a member of the class.

## What Benefits Does the Settlement Provide to Class Members?

Without admitting any wrongdoing or liability, Defendants have agreed to:

- Give to Class Members, free of charge, cosmetics and fragrance products having a total retail value of \$175 million;
- Enter into a court order that prohibits them from engaging in certain marketing practices, including agreements to fix, establish, control or maintain the retail price at which any department store defendant may

offer for sale or sell any cosmetics or fragrance products; and

- Pay, on behalf of the Class, Plaintiffs' attorneys' fees and expenses in an amount to be determined by the Court, up to a maximum of \$24 million. Any fees and costs that may be awarded by the court shall not reduce the value of the cosmetics and fragrance products to be distributed to Class Members.

## What Are My Options?

If you are a member of the Class and you do not want to be legally bound by the settlement, you must exclude yourself from the Class by sending a signed letter requesting exclusion to the Settlement Administrator, whose address is at the bottom of this Notice, postmarked by March 26, 2004, or you will not be able to sue the Defendants for the same claims involved in this case.

If you do not exclude yourself from the class, you may object to the settlement or to the award of expenses and attorneys' fees by filing a written objection with the Settlement Administrator, postmarked by March 26, 2004. You also have the right to hire a lawyer at your own expense to advise you about your rights under this proposed settlement.

## Important Hearing Date

The Court will hold a hearing in this case on June 8, 2004, to consider whether to approve the settlement and a request by the lawyers representing the Class for fees and expenses. You may but are not required to appear at this hearing.

## If I Stay in the Class, How Do I Claim My Free Product?

While a Supplemental Notice of the distribution of free cosmetic products will be published in newspapers in major metropolitan areas, to assure that you will receive notice of when the free product will be available, you should register on the website below leaving your email address, or call the toll-free number and leave your name and address. Following approval of the Settlement, you will be notified by email or postcard as to when you may claim your free product. The availability of free product under the Settlement will also be announced on the website below and on the toll-free number. Class Members may then go to their Defendant department store to claim their free product.

**For additional information, including covered brands and stores,  
visit: [www.cosmeticssettlement.com](http://www.cosmeticssettlement.com); or call: 1-877-604-5776;**

**or write: Cosmetics Antitrust Litigation Settlement Administrator  
P.O. Box 1693, Faribault, MN 55021-1693**