

NOTICE OF VIVA AMERICA SETTLEMENT AGREEMENT

A class action lawsuit entitled Thompson, et al. v. Viva America Marketing, Inc. et al., has been settled, and the settlement has received the preliminary approval of the Court. The purpose of this Notice is to give prospective class members information concerning the settlement and an opportunity to be excluded from its terms, if they wish.

The lawsuit bears Case No. BC177798 and is pending in the Superior Court for the State of California, Los Angeles County. The defendants are Viva America Marketing Corp., Viva America Marketing Inc., Westar Nutrition Inc., David Fan and Lucy Fan (referred to collectively in this Notice as "Viva"). The complaint alleges that certain information contained in promotional materials used by Viva in connection with its nutritional and food supplement products was inaccurate.

While not admitting any wrongdoing, Viva has agreed with representatives of the plaintiffs to settle the lawsuit. This settlement applies to purchasers of Viva's nutritional and food supplement products between December 1, 1989 and September 29, 2000. Under the terms of the settlement, Viva will provide product with a total retail value of \$2,400,000 to be distributed among the settlement class in three installments over a three year period. Claim forms that class members may fill out and mail to a claims administrator to redeem their share of the product distribution will be mailed to class members and/or available in the Los Angeles Times after the Court grants final approval of the settlement. Any claim forms not redeemed by at least eight months prior to the expiration of the first product distribution period ("Termination Date") shall be null and void, and claim forms postmarked after the Termination Date will not be honored. Viva America Marketing Corp. has also agreed to provide \$5,000 to each of the named plaintiff representatives and to be solely responsible for the first \$70,000 of the cost of administration of the Settlement Compensation Program under circumstances detailed in the settlement agreement. In addition, Viva has agreed to the entry of a conditional injunction requiring it to comply with food labeling and manufacturing laws, and to submit to random, periodic testing, and has agreed to provide the plaintiff representatives' reasonable attorneys' fees, costs and expenses as approved by the Court.

If you purchased any nutritional or food supplement products manufactured, advertised and/or distributed by Viva during the period from December 1, 1989 to September 29, 2000, and you wish to be *excluded* from the terms of the settlement agreement, you must notify the Court and the Settlement Administrator in writing on or before October 30, 2000 at the following addresses:

SETTLEMENT ADMINISTRATOR:

Viva America Settlement
2801 Ocean Park Blvd., PMB #353
Santa Monica, California 90405
Email: vivaclaims@mail.com

COURT:

Los Angeles Superior Court, Department 310
Re: Case #BC177798
600 South Commonwealth Avenue
Los Angeles, CA 90005

Your letter should give your name and address and should state, "I wish to be excluded from the Settlement Class in Thompson, et al. v. Viva America Marketing, Inc., et al., Case No. BC177798."

If you do not request exclusion from the Settlement Class, you will automatically be *included* in the class and will be bound by the terms of this Settlement. You will not be able to file a separate claim against any of the Viva parties, or their subsidiaries, affiliates, parents, divisions, predecessors, distributors, present or former officers, directors, employees, agents, heirs, executors, attorneys, administrators, successors, reorganized successors, or assignees, based on the events and circumstances that were, or could have been, alleged in the complaint. If you request exclusion by the deadline, you will not remain a class member and will not be bound by the results of this settlement. If you wish to be a member of the class, you do not need to do anything now.

If you want to remain a member of this class, but wish to appear personally or to object to the terms of the settlement agreement, you must do so by entering an appearance, either personally or through counsel. You may do this by mailing your signed written objections or notice of appearance to the Court and to the Settlement Administrator at the addresses above on or before October 30, 2000. The Court has scheduled the final approval hearing of this settlement for November 13, 2000 at 9:30 a.m. in Department 310 at the address for the Court listed below.

DO NOT CALL THE COURT. ALL CONTACT WITH THE COURT MUST BE IN WRITING. Please write or email the Settlement Administrator at the address above if you have any questions about this Notice.

This Notice does not fully describe the litigation or the proposed settlement. The full text of the settlement agreement, as well as all court documents relating to this action, are on file at the Los Angeles County Superior Court, located at 600 South Commonwealth Avenue, Los Angeles, CA 90005-4001. The files in this action are available for inspection at the Court between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding Court holidays.