

**Effective: August 3, 2012**

**ATTENTION: PLEASE READ THIS PRIVACY POLICY CAREFULLY BEFORE USING THIS WEBSITE. YOUR USE OF THIS WEBSITE INDICATES THAT YOU ACCEPT THIS PRIVACY POLICY.**

## **PRIVACY POLICY**

### **1. Our Commitment to Privacy**

Sugar Foods Corporation (“*Sugar Foods*”) recognizes the need for the appropriate protection and management of personally identifiable information that you provide us. We respect the importance of individual privacy and value the confidence of our customers, employees, job applicants and other visitors to the website located at [www.sugarfoods.com](http://www.sugarfoods.com) (“*Website*”) who may choose to provide personally identifiable information to us through the Website. The globalization of business in this increasingly electronic economy makes the collection of personally identifiable information of individuals a necessity. It is our goal to balance the benefits of e-commerce with the preservation of individual privacy rights. This Privacy Policy will assist you to understand what types of information we may collect through the Website, how that information may be used, and with whom the information may be shared. This Privacy Policy does not govern the personally identifiable information collection, handling, or use of any other site other than this Website.

### **2. Collecting Your Information**

For the purposes of this Privacy Policy, “personally identifiable information” means information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify such natural person, but only to the extent such information is (1) collected by Sugar Foods through this Website directly from the natural person in question; and (2) is maintained by Sugar Foods in an accessible form. Personally identifiable information includes (i) a first and last name, (ii) a home or other physical address, including street name and name of a city or town, (iii) an e-mail address, (iv) a telephone number, and (v) employment related information consisting of resumes and applications.

In the course of your use of this Website, Sugar Foods may collect personally identifiable information from you that includes (1) your first and last name, (2) a home or business mailing address, (3) an e-mail address, (4) a telephone number, and (5) employment information.

Generally, you may browse this Website without being required to provide us any of your personally identifiable information. However, in some circumstances, we may request that you provide personally identifiable information. Although your response to such a request is completely voluntary, there are times when you may be required to provide personally identifiable information to us, such as when you contact us through the Website contact form or

when you respond to job opportunities available with Sugar Foods. These functions may not be available to individuals who elect not to provide the information requested.

### **3. Use of Your Information**

Sugar Foods may use the personally identifiable information it collects from you during the course of your use of the Website for a variety of business and marketing purposes including, without limitation, (1) responding to requests for product(s) or product information, (2) processing orders, (3) conducting transactions, (4) record-keeping and archival purposes pursuant to applicable law, (5) promoting Website development, (6) customer service purposes, (7) employment inquiries made by users of the Website, (8) promotional programs, and (9) to contact and correspond with you for legal, marketing, and other business purposes.

Additionally, pursuant to your acceptance of this Privacy Policy and by providing Sugar Foods with your contact information, you hereby acknowledge, agree, and consent to receiving communications from Sugar Foods via email, regular mail, telephone number, or other means, for purposes of, among other things, (1) receiving marketing material, promotional offers, events, and news related to Sugar Foods, (2) legal notices regarding changes to this Privacy Policy as well as notices for any security breaches involving your personally identifiable information as required by applicable law (NOTE: To opt-out of receiving legal notices for security breaches by electronic mail, please press the “OPT-OUT” button at the end of this paragraph), and (3) to correspond with you regarding any transactions you may have completed or attempted to complete on the Website or otherwise with Sugar Foods. Please note that your access or use of the Website or right to purchase products from Sugar Foods is not conditioned upon your consenting to receive e-mail communications from Sugar Foods, and that you may opt-out of receiving future e-mail communication from Sugar Foods (i) by contacting the Privacy Officer as described in section 11, or by (ii) clicking the “unsubscribe” link in any Sugar Foods e-mail communication e-mailed to you.

**OPT-OUT**

Press this “OPT-OUT” button to opt-out of receiving legal notices for security breaches by electronic mail.

Sugar Foods may also collect non-personally identifiable information such as domain information, internet protocol address, browser, operating system, date and time, and specific pages you visit as a part of our analysis of the use of the Website. This data enables us to become more familiar with which customers visit our Website and web pages, how often they visit, and what parts of the Website they visit most often. Sugar Foods uses this information to improve our web-based offerings and does not combine it with your personally identifiable information. This information is collected automatically and requires no action on your part.

### **4. Disclosure of Your Information**

You expressly consent to Sugar Foods sharing the information that you have provided, as described herein, across borders and from your country of residence or jurisdiction to other countries around the world, with its (1) business partners, (2) affiliates, (3) subsidiaries, (4) legal representatives, (5) sales agents, (6) independent contractors, and (7) third-party vendors and

suppliers for Sugar Foods' business purposes described in section 3. If you do not want personally identifiable information disclosed you may "opt out" of future contacts at any time by unsubscribing from our database by contacting the Privacy Officer, as described below in section 11. Notwithstanding anything stated to the contrary herein, Sugar Foods will not share your personally identifiable information with third parties for third parties' direct marketing purposes that are unrelated to Sugar Foods products.

Sugar Foods may share personally identifiable information with companies that provide support services to Sugar Foods, and these companies are not authorized to use personally identifiable information for any purpose other than pursuant to the services provided to Sugar Foods, but Sugar Foods does not control these companies. Sugar Foods also reserves the right to share your personally identifiable information to respond to duly authorized information request of governmental authorities or where required by law.

## **5. Collecting Your Information Through Cookies**

Some pages on the Website use "cookies," which are small files that are placed on your hard drive by the Website for identification purposes. These files are used for user login and customization for when you visit the Website. Cookies identify you to the Website and are used to load your preferences and track the pages you visit. Cookies allow the Website to remember important information what will make your visit to the Website more useful and help improve your future visits. If your browser is set up to automatically accept cookies then your browser will add this small file to your hard drive. Most web browsers allow you to modify the way cookies are handled. You may be able to configure your web browser to warn you when it receives a cookie in order to be given a choice to accept or reject a cookie, or your browser may be configured to automatically refuse cookies. Each browser is different. Refer to the "Help" menu of your browser to learn how to change your cookie preferences. By not accepting cookies, you may have to manually input user IDs and passwords to access certain information on this Website, and some pages may not fully function.

## **6. Links to Third Party Sites**

This Website may contain links to other third party websites ("**Third Party Sites**"). You acknowledge that Sugar Foods has not reviewed these Third Party Sites, has no control over such Third Party Sites or the content thereof, and is not responsible for any of these sites or their content. Accordingly, you acknowledge and agree that access to any Third Party Site is at your own risk and Sugar Foods shall have no liability therefor. Sugar Foods is not responsible for the accuracy, reliability or completeness of any information, data, opinions, advice or statements made on these Third Party Sites. Neither Sugar Foods nor its affiliates shall be liable for any damages or injury arising out of or relating to the content of any Third Party Site or your use thereof, and same are hereby waived. Sugar Foods provides these links merely as a convenience and the inclusion of such links does not imply an endorsement, sponsorship or recommendation by Sugar Foods of anything contained on Third Party Sites, or its products or services. Sugar Foods reserves the right to terminate any link at any time.

Each Third Party Site has separate privacy and data collection practices independent of this Sugar Foods Privacy Policy. Accordingly, please carefully review the data collection policies on each Third Party Site that you visit.

Moreover, a Third Party Site may provide a link to this Website (“*Links*”). This does not indicate an endorsement, authorization, sponsorship, affiliation, joint venture or partnership by or with Sugar Foods. In most cases, Sugar Foods is not aware that a third party has linked to this Website.

Sugar Foods cannot guarantee that any of the Third Party Sites or Links will be free from any viruses, time bombs, trojan horses, worms or any other damaging computer programming routines or harmful components. Moreover, Sugar Foods does not make, and you hereby expressly waive, any and all representations and warranties with respect to the Third Party Sites and Links, and the availability, use, content, accuracy, reliability, or the results of the use of, the Third Party Sites and the Links, and same are hereby waived, and , Sugar Foods hereby disclaims all warranties, express or implied, arising by operation of law or otherwise in connection therewith, including, but not limited to, the warranties of merchantability, fitness for a particular purpose and warranties concerning infringement or the like, all of which are hereby waived.

## **7. Children Under Age 13**

The Website is not directed to children. Accordingly, Sugar Foods has no actual knowledge that it collects personally identifiable information from anyone under the age of 13. In the event that we learn that information has been collected from a child under age 13 without verification of parental or guardian consent, that information will be deleted promptly. If you believe that we might have any information from or about a child under 13, please contact the Privacy Officer as described in section 11.

## **8. Storing Your Information**

If you choose to provide us with personally identifiable information, you consent to the transfer and storage of that information on our servers located in the United States. Sugar Foods will retain your personally identifiable information for as long as necessary to fulfill the purpose(s) for which it was collected and to comply with applicable laws. In that regard, your consent to such retention of your personally identifiable information by Sugar Foods remains valid after termination of our relationship with you.

## **9. Securing Your Information**

Sugar Foods uses commercially reasonable efforts to make the collection and security of the personally identifiable information collected from you during your use of this Website consistent with this Privacy Policy. Although “guaranteed security” does not exist either on or off the Internet, Sugar Foods makes reasonable efforts to endeavor to maintain physical, electronic, and procedural security measures to safeguard your personally identifiable information.

Other than the personally identifiable information you provide to us during the course of using the Website, any material, information or other communication you transmit or post to our Website will be considered non-confidential and non-proprietary (“*Communications*”). Except as otherwise provided by applicable law that cannot be waived, Sugar Foods will have no obligations with respect to the Communications. Accordingly, you hereby acknowledge and agree that Communications will not be entitled to any security or privacy protection by Sugar Foods and that Sugar Foods has no obligation to protect the security or privacy of Communications. Sugar Foods and its designees will be free to copy, disclose, distribute, incorporate and otherwise use the Communications and all data, images, sounds, text and other things embodied therein for any and all commercial or non-commercial purposes.

## **10. Changing Our Privacy Policy**

This Sugar Foods Privacy Policy became effective as of the date set forth above. Sugar Foods reserves the right to make changes to this Privacy Policy from time to time. We will update the effective date posted at the top of this webpage and post an updated Privacy Policy for any changes we make. Any changes to this Privacy Policy are effective immediately after being posted by Sugar Foods. We recommend that all visitors and users of this Website re-visit this Privacy Policy page occasionally to learn of any new privacy practices or changes to our policy. Your continued use of this Website constitutes an act of acceptance of any changes to this Privacy Policy.

## **11. Contacting Us**

If you have any questions, comments, or complaints regarding this Privacy Policy, or if you would like to correct, amend, update, or delete your personally identifiable information in our possession, please contact our Privacy Officer. Our Privacy Officer's contact information is as follows:

Sugar Foods Corporation  
Attn: Privacy Officer  
950 3rd Avenue, #21  
New York, NY 10022  
mstein@sugarfoods.com  
212-753-6900  
212-753-6988

## **12. Acceptance & Terms of Use**

Sugar Foods will deem that your independent decision to access and use the Website constitutes an act of acceptance to the terms and conditions of this Privacy Policy and that you have given your permission to us to collect, use, and disclose your information in accordance herewith.

The Terms of Use accessible by hyperlink at the bottom of this Website’s home page governs your use of this Website (the “*Terms*”). The Terms contain important provisions disclaiming and excluding the liability of Sugar Foods regarding your use of this Website and provisions

determining the applicable law and exclusive jurisdiction for the resolution of any disputes regarding your use of this Website. Each of these provisions applies to any disputes that may arise in relation to this Privacy Policy and the collection, use and disclosure of your personally identifiable information, and are of the same force and effect as if they had been reproduced directly in this Privacy Policy.