

Fruit2O Privacy Policy

Last Updated: May 8th, 2020

Welcome to the Privacy Policy for the fruit2o.com website and mobile application (collectively, “the Site”), operated by Sunny Delight Beverage Co.

This Privacy Policy applies to U.S. residents and informs you about how we collect, use and share personal information when you visit the Site, as well as information that we collect through other means about people who contact us and prospective employees. The Privacy Policy also tells you about your rights and choices with respect to your personal information.

This Privacy Policy is subject to the [Terms Of Use](#), which govern your use of the Site. If you do not agree to the Terms of Use and Privacy Policy, you should not use the Site.

You may click through the Privacy Policy to the specific areas set out below.

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- 1. Personal Information that We Collect.** We may collect, use, store, and, in some cases, share (and may have done so in the preceding 12 months), different kinds of information that identifies you as an individual, and other information we associate with it, including:
 - **Identity Information.** This includes data relating specifically to your identity and contact details, such as your name or user ID, mailing address, email address, date of birth, and telephone number.
 - **Profile Information.** This includes our communications with you, such as if you sign up for our newsletter or other marketing materials. This also includes the data that we receive if and when you participate in contests or promotions, engage with us on social media, as well as your interests, preferences, feedback, and survey responses.
 - **Commercial Information.** This includes information about your transactions with us, such as your purchasing history and tendencies.
 - **Geolocation Data.** Depending on your mobile device settings, we may collect geo-

location information when you access the Site from a mobile device.

- **Technical Information.** This includes passively collected technical data, such as your internet protocol (IP) address, login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the device(s) you use to access the Site.
- **Usage Information.** This includes information about how you use the Site and our services, such as the amount of time you spend on particular page.
- **Applicant Information.** In the case of prospective employees, we may also receive professional or education-related information in connection with your application for employment.

2. How We Collect Personal Information. We use different methods to collect information from and about you, including:

- **Direct Interactions.** We collect Identity, Profile, and Commercial Information when you fill out forms or correspond with us through the Site, by mail, phone, email, social media, or otherwise.
- **Third Parties.** We may receive personal information about you from various third parties, such as Identity Information you submit to the co-sponsors of a contest we jointly promote, or Applicant Information in resumes received from recruiting partners.

We may also receive Technical and Usage Information about you from third party analytics and advertising providers such as Google or Facebook, and Identity and Profile Information from social media platforms when you engage with our brands.

- **Automated Technologies or Interactions.** Depending on your mobile device settings, we may receive geolocation information when you access the Site from a mobile device. As you interact with the Site, we also automatically collect Technical and Usage Information about your equipment, browsing actions, and patterns. As described further below, we use third-party analytics providers and technologies, including cookies and similar technologies, to assist in collecting this information.
 - **Cookies and Similar Technologies.** We collect information about your use of the Site through the use of Internet server logs, cookies and/or tracking pixels. A web server log is a file where website activity is stored. A cookie is a small text file that is placed on your computer when you visit a website, that enables us to: (a) recognize your computer; (b) store your preferences and settings; (c) understand the web pages of the Site you have visited; (d) enhance your user experience by delivering content and advertisements specific to your inferred interests; (e) perform searches and analytics; and (f) assist with security administrative functions. We also may include tracking pixels and web beacons in email messages, newsletters, and other electronic communications to determine whether the message has been opened and for other analytics, personalization, and promotional purpose. You can set your browser to block all

or some cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of the Site may become inaccessible or not function properly.

- **Analytics.** We use Google Analytics to collect and analyze the information discussed above, and to engage in auditing, research and development, or reporting. The information (including your IP address) collected by various analytics technologies described in the “Cookies and Similar Technologies” section will be disclosed to or collected directly by these service providers, who use the information to evaluate your use of the Site, including by noting the third-party website from which you arrive, analyzing usage trends, assisting with fraud prevention, and providing certain features to you. To prevent Google Analytics from using your information for analytics, you may install the Google Analytics Opt-out Browser Add-on by clicking [here](#).

3. How We Use Personal Information. We use your personal information as permitted by law and for the following business purposes:

- For the purpose for which you provide the information to us or a vendor;
- To respond to your requests or to send you other communications about Fruit₂O, our brands, and current or future campaigns, programs, contests and/or sweepstakes;
- To provide features and services available through the Site, and to improve the Site and our services;
- To conduct surveys and analyze market trends and interests;
- For internal research and reporting;
- For recruiting purposes;
- To comply with legal or regulatory obligations;
- To enforce the legal terms that govern your use of the Site and to protect the integrity and security of the Site; and
- To administer and troubleshoot the Site.

4. When and How We Disclose Personal Information. We may share your personal information with the parties set out below, for the purposes set out at Section 3, above.

- **Service Providers.** As reasonably necessary, we may share all of your personal information with our third-party services providers, such as professional advisers including lawyers, bankers, accountants, auditors, and insurers; information technology services providers; marketing agencies and research firms; and recruiting / HR vendors.
- **Affiliates.** We may share all your personal information with other Sunny Delight brands and our affiliates for purposes described in this Privacy Policy.

- **Third Parties.** As described above, we may share certain Technical and Usage Information with third party advertising and data analytics providers. When you elect to participate in certain promotions, such as contests or sweepstakes, we may also share Identity and Profile Information with the promotion co-sponsor(s). To the extent that the promotion's rules concerning the treatment of your personal information are stricter than this Privacy Policy, the promotion's rules apply.
- **Legal.** We may disclose all of your personal information if, in our opinion, such disclosure is required (i) by law, (ii) to protect and/or defend our rights, and/or (iii) to protect the personal safety of you or any other individual.
- **In Cases of Mergers and Acquisitions.** We may share all of your personal information with third parties (and their advisors) in the event of any reorganization, merger, sale, joint venture, assignment, transfer or other disposition of all or any portion of our business, assets or stock (including in connection with any bankruptcy or similar proceedings).

5. Your Choices and Access Rights.

Opting Out of Marketing Communications. You can ask us to stop sending you our newsletter or other marketing messages at any time, by following the unsubscribe link in any such email message or replying STOP to any text message you receive. If you opt out, you may still receive non-marketing communications from us as a result of your ongoing relationship with us, and we may also send you important communications about us or the Site.

Update Your Information. Please contact us [here](#) if you would like to update your contact information, for instance if your email address has changed.

Delete Your Information. If you would like us to remove your personal information from our database, please contact us [here](#). If you ask us to delete the personal information we have about you, we will take all reasonable efforts to do so within a reasonable time frame. Please be advised that we may retain some residual information about you in our backup and archival copies of our database (e.g. our records of deletion). We may use these backups to send you important service-related communications (e.g. materials related to your registration, your purchases and/or your account) that are not promotional in nature.

California Privacy Rights. California residents have certain additional rights under the California Consumer Privacy Act and other state laws.

- **Access Your Personal Information.** California residents may request the following information from us: (1) the categories of personal information we have collected about you; (2) the categories of sources from which the personal information was collected; (3) the business or commercial purpose for collecting or selling (if applicable) your personal information; (4) the categories of third parties with whom we shared personal information; and (5) the specific pieces of personal information we have collected about you.
- **Delete Your Personal Information.** California residents may request that we delete

your personal information. Note that deletion requests are subject to certain limitations, for example, we may retain personal information as permitted by law, such as for tax or other record keeping purposes, and to process transactions or facilitate customer requests.

- **Right to Non-Discrimination.** We will not discriminate against you in service or price for exercising the rights described above.
- **Do Not Sell.** In the past 12 months, we have not sold personal information, as those terms are defined in in the California Consumer Privacy Act.
- **Exercising Your Rights.** To exercise your access or deletion rights, please contact us [here](#). You will need to specify the type of request you are making, and provide your first and last name, state of residence, and email address so that we may verify your request. Upon submission of your request, we will send an email to the address provided and you must promptly acknowledge receipt of that email in order for us to move forward in processing your request. We will substantively respond to your request within the time required under the law.
- **Authorized Agent.** You may designate an authorized agent to submit a request on your behalf. So that we know your agent is authorized to act for you, please submit [here](#) your signed permission confirming that you have authorized the individual to make a request on your behalf. For any agent-submitted request, we will also verify your identity directly with you.

California Shine the Light. California residents have the right to request and receive information about the disclosure of certain of your personal information to third parties for their own marketing use, and your options with respect to such disclosures. Because we do not share your personal information with third parties for their direct marketing use, these requirements are not applicable. If you still have questions about our compliance with this requirement, please “Contact Us” as indicated below.

6. **Do Not Track.** We do not monitor or follow “Do Not Track” signals because there is no standard interpretation or practice for such signals. Therefore, we handle all user information consistent with this Privacy Policy.
7. **Children.** This Site is intended for use by persons who are residents of the United States and who are 16 years of age or over. We do not knowingly collect personal information on the Site from children under age 16, and if we become aware that we have collected such information, we will take reasonable steps to delete it as soon as practicable.
8. **Third Party Sites.** The Site may link to other websites, e-commerce and online services, or social media platforms, and such links are provided for your convenience only. If you decide to access any of the third-party websites linked from our Site, you do so subject to the terms and conditions of use and privacy policies of those sites, services or platforms.
9. **Information Security.** We have put in place reasonable security measures to prevent your personal information from being accidentally lost, used, or accessed in an unauthorized way, altered, or disclosed. While we make reasonable efforts to help ensure the integrity and

security of our Site and systems, we cannot guarantee those measures as no method of electronic storage is 100% secure. Therefore, we cannot guarantee its absolute security. Also, while we take reasonable efforts to ensure the security of information you send to us in our possession, please be aware that no transmission over the Internet can be completely secure. You assume the risk of sending any information to us, our affiliates, our partners, or other third parties over the Internet. PLEASE NOTE: We do not currently encrypt transmission of data/information to and from the Site.

- 10. Retention.** We will retain your personal information for the period necessary to fulfill the purposes outlined in this Privacy Policy, unless a longer retention period is required or permitted for legal, auditing, or compliance purposes.
- 11. Updates To This Privacy Policy.** We may periodically update this Privacy Policy. Any changes to this Privacy Policy will become effective when we post the revised Privacy Policy on our Site. To the extent permitted by law, your use of this Site following these changes means that you accept the revised Privacy Policy.
- 12. Contacting Us.** If you have any questions about this Privacy Policy or our data practices, please contact us [here](#). Please do not include any sensitive information in your correspondence.