

Class Action Notice (CA)

Corbett and Dobbs v. Pharmicare U.S., Inc.,

Case No. 21cv137-JES (AHG)

United States District Court for the Southern District of California

A U.S. District Court authorized this Notice. This is not a Solicitation from a lawyer.

If you were in California and purchased certain Sambucol Black Elderberry Dietary Supplements, a class action lawsuit may affect your rights.

California consumers who, while in California, purchased certain Sambucol Black Elderberry Dietary Supplements sued Pharmicare U.S., Inc. (“Defendant”) alleging that Defendant violates California consumer protection statutes and breaches express and implied warranties by selling certain Sambucol Dietary Supplements without disclosing on the product label or packaging that they contain a new dietary ingredient that has not been approved by the Federal Food and Drug Administration (“FDA”) (the “NDI claim”). Additionally, California consumers allege that Defendant violates California consumer protection laws and breaches express and implied warranties through the use of false and misleading labels or packaging claims that imply that its Sambucol Dietary Supplements can mitigate or prevent a disease, when they cannot (the “Implied Disease claim”). Defendant denies all of the claims and allegations made in the lawsuit. The lawsuit seeks restitution or damages (*i.e.*, money) for all qualifying California consumers who purchased the Sambucol Dietary Supplements. Defendant denies all of the claims and allegations made in the lawsuit. The Court has not decided whether Defendant has in fact violated the law. The sole purpose of this Notice is to inform you of the lawsuit so that you can make an informed decision as to whether you should participate in or opt out of this Class Action. There is no money available now and no guarantee that there will be.

Who is included? The lawsuit includes a “Class” comprised of the following California consumers:

- **California NDI Claim Class:** All persons who, from January 21, 2017 to March 29, 2024, while in California, purchased Defendant’s Sambucol Black Elderberry Original Syrup, Sambucol Black Elderberry Advanced Immune Syrup, Sambucol Black Elderberry Sugar Free Syrup, Sambucol Black Elderberry Syrup for Kids, Sambucol Black Elderberry Gummies, Sambucol Black Elderberry Gummies for Kids, Sambucol Black Elderberry Advanced Immune Capsules, Sambucol Black Elderberry Effervescent Tablets, Sambucol Black Elderberry Chewable Tablets, Sambucol Black Elderberry Pastilles (Throat Lozenges), Sambucol Black Elderberry Daily Immune Drink Powder, and Sambucol Black Elderberry Infant Drops for personal or household use and not for resale.
- **California Implied Disease Claim Class:** All persons who, from January 21, 2017 to March 29, 2024, while in California, purchased Defendant’s Sambucol Black Elderberry Original Syrup (only 4 oz and 7.8 oz sizes), Sambucol Black Elderberry Sugar Free, Sambucol Black

Elderberry Syrup for Kids, Sambucol Black Elderberry Effervescent Tablets, Sambucol Black Elderberry Chewable, Sambucol Black Elderberry Pastilles, Sambucol Black Elderberry Daily Immune Drink Powder, and Sambucol Black Elderberry Advanced Immune Syrup for personal or household use and not for resale.

What are my options? You may have a choice of whether to stay in this Class Action or not. If you do nothing, you are choosing to remain a member of the Class. If you participate in this Class Action, you will retain the possibility of receiving money or other benefits that result from trial or settlement, but you will give up your individual right to sue Defendant for the same legal claims that were made, or could have been made, in this lawsuit. If you meet the criteria for class membership, but do not want to stay in the Class(es), you can submit a request for exclusion. If you request exclusion, and money or other benefits are ultimately awarded, you will not get a share of such award, but you will be able to sue Defendant on your own behalf for the same legal claims made in this lawsuit. Any separate litigation you choose to bring may be subject to a statute of limitations, or other time-sensitive requirements. To request to be excluded, you must send a letter postmarked by **October 6, 2024**, to: Elderberry Class Action Notice Processor, P.O. Box 2700, Portland, OR 97208-2700 or you can email your letter to info@ElderberryClassAction.com. Your letter must include your name, address, telephone number, email address, and signature. Instructions on how to exclude yourself and a sample exclusion letter is posted at www.ElderberryClassAction.com/Home/Documents.

Do I have a lawyer in this case? The Court appointed Rachel Soffin, Nick Suci III, and Trenton R. Kashima of Milberg Coleman Bryson Phillips Grossman PLLC as “Class Counsel” to represent the Class in this case. You do not have to pay Class Counsel or anyone else to participate. If Class Counsel obtains money or other benefits for the Class, they may ask the Court for attorneys’ fees and costs, which would be paid out of any money recovered for the Class or paid separately by Defendant. You may hire and pay for counsel of your choice to enter an appearance in the lawsuit or to intervene as an individual plaintiff, but it is not necessary. Montiqueno Corbett and Rob Dobbs are Class members like you, and the Court has appointed them to serve as the “Class Representatives.”

What happens next? The Court has not expressed any opinion as to whether the allegations are accurate. Class Counsel will have to prove the allegations at a trial that has not yet been scheduled. There is no money or other benefits available at this time, and no guarantee exists that there will be in the future. A Detailed Notice further explaining the case and how to request exclusion is available at www.ElderberryClassAction.com/Home/Documents. If you want additional information regarding this case, periodic updates may be found at [www.\[INSERT\].com](http://www.[INSERT].com). Additionally, you can access the court records regarding this case from the Court’s Case Management/Electronic Case Filing System (CM/ECF) at <https://www.casd.uscourts.gov/cmecf.aspx>.

Questions? Call 888-871-4823 or visit www.ElderberryClassAction.com.