

**THIS IS AN IMPORTANT LEGAL NOTICE WHICH MAY AFFECT YOUR LEGAL RIGHTS.
READ THIS ENTIRE NOTICE CAREFULLY.**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

_____ X	
IN RE: MICROCRYSTALLINE CELLULOSE ANTITRUST LITIGATION	:
_____	:
This Document Relates To:	:
ALL ACTIONS	:
_____ X	:

Master File No. 01-CV-111
(O'Neill, J.)
MDL No. 1402

NOTICE OF PENDENCY OF CLASS ACTION

- TO: All persons and entities in the United States who purchased microcrystalline cellulose directly from defendant FMC Corporation in the United States for use in connection with the manufacture or preparation of prescription and/or over-the-counter pharmaceutical products at any time during the period January 1, 1984 through December 31, 1997. The Class excludes governmental entities, defendants, defendants' parents, subsidiaries and affiliates;**
- TO: All persons and entities in the United States who purchased microcrystalline cellulose directly from defendant FMC Corporation in the United States for use in connection with the manufacture or preparation of vitamin products at any time during the period January 1, 1984 through December 31, 1997. The Class excludes governmental entities, defendants, defendants' parents, subsidiaries and affiliates; and**
- TO: All persons and entities in the United States who purchased microcrystalline cellulose directly from defendant FMC Corporation in the United States for use as a food additive at any time during the period January 1, 1984 through December 31, 1997. The Class excludes governmental entities, defendants, defendants' parents, subsidiaries and affiliates.**

I. PURPOSE OF NOTICE

Your rights may be affected by a lawsuit referred to as In re Microcrystalline Cellulose Antitrust Litigation, Master File No. 01-CV-111, MDL No. 1402 (the "Class Action"), now pending before Judge Thomas N. O'Neill, Jr., in the Eastern District of Pennsylvania, brought by IVAX Corporation; Par Pharmaceutical, Inc.; West-Ward Pharmaceutical Corp.; Highland Laboratories, Inc.; USANA Health Sciences, Inc.; International Nutrition; Blue Bell Creameries, L.P.; and Walden Farms, Inc. (collectively "Plaintiffs") on behalf of themselves and all others similarly situated against FMC Corporation, Asahi Kasei Corporation (formerly known as Asahi Chemical Industry Co., Ltd.) and Asahi Kasei America, Inc. (formerly known as Asahi Chemical Industry America, Inc.) (collectively "Defendants").

On August 13, 2003, the Court determined that this lawsuit may proceed as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure and certified three classes of direct purchasers of microcrystalline cellulose.

You may be a member of one or more of these Classes. The purpose of this Notice is to advise you of your rights as a potential member of one or more of the Classes.

A. The Classes

The Court certified three classes of direct purchasers of microcrystalline cellulose ("MCC") defined as follows:

(1) The Pharmaceutical Class:

All persons and entities in the United States who purchased microcrystalline cellulose directly from defendant FMC Corporation in the United States for use in connection with the manufacture or preparation of prescription and/or over-the-counter pharmaceutical products at any time during the period January 1, 1984 through December 31, 1997. The Class excludes governmental entities, defendants, defendants' parents, subsidiaries and affiliates.

(2) The Vitamin Class:

All persons and entities in the United States who purchased microcrystalline cellulose directly from defendant FMC Corporation in the United States for use in connection with the manufacture or preparation of vitamin products at any time during the period January 1, 1984 through December 31, 1997. The Class excludes governmental entities, defendants, defendants' parents, subsidiaries and affiliates.

(3) The Food Purchasers Class:

All persons and entities in the United States who purchased microcrystalline cellulose directly from defendant FMC Corporation in the United States for use as a food additive at any time during the period January 1, 1984 through December 31, 1997. The Class excludes governmental entities, defendants, defendants' parents, subsidiaries and affiliates.

The three classes are collectively referred to throughout this Notice as "the Classes." Members of one or more of the Classes are referred to as "Class member" or "Class members."

The Court has not passed on the merits of any of the claims or defenses asserted by the parties. This Notice is not to be understood as an expression of any opinion by this Court as to the merits of any of the claims or defenses asserted by either side.

II. DESCRIPTION OF THE ACTION

A. Plaintiffs' Claims

This action asserts antitrust claims against Defendants on behalf of the Classes of persons and entities in the United States who purchased MCC directly from FMC Corporation ("FMC") between January 1, 1984 and December 31, 1997. MCC is a substance derived from purified wood cellulose that is used as a binder in the production of certain pharmaceuticals and vitamins, and is used to emulsify, stabilize and thicken certain food products. MCC also acts as a fat replacer in certain food products.

Plaintiffs allege that in 1984 FMC entered into an unlawful agreement with Asahi Kasei Corporation ("Asahi") to divide the international market for unbranded MCC products. The alleged agreement barred Asahi from selling any MCC products in North America or Europe without FMC's consent and barred FMC from selling MCC products in Asia.

Plaintiffs claim that this alleged allocation of the market, which continued for over a decade, was a course of conduct designed to neutralize or eliminate a significant potential competitor from the United States market for MCC.

All three classes claim that this alleged agreement to allocate markets of MCC was an unreasonable restraint of trade in violation of Section 1 of the Sherman Act. In addition, the Pharmaceutical Class claims that the alleged allocation agreement allowed FMC to monopolize the pharmaceutical MCC market in the United States in violation of Section 2 of the Sherman Act.

As a result of the alleged conduct, Plaintiffs assert that the members of the Classes paid higher prices for MCC than they would have paid absent the alleged antitrust violations.

B. Defendants' Denial of Liability

Defendants deny any liability or wrongdoing for the claims alleged. Defendants have denied, and continue to deny, that they have committed any violation of law or any wrongdoing, and further deny that they have any liability with respect to any and all claims asserted by Plaintiffs on behalf of themselves or on behalf of the Classes.

C. Status of the Litigation

Several private plaintiffs filed class action lawsuits in different federal district courts throughout the country, making claims similar to those outlined in Section II.A above. These separate lawsuits have been consolidated for pre-trial purposes by the Judicial Panel on Multidistrict Litigation in the United States District Court for the Eastern District of Pennsylvania before the Honorable Thomas N. O'Neill, Jr. On July 23, 2001, the direct purchaser plaintiffs filed a Consolidated Amended Class Action Complaint in this Court setting forth the antitrust claims in this litigation. At this time, the remainder of the discovery schedule and trial date have not been set by the Court.

D. Class Representatives and Class Counsel

Each Class is represented by separate Class representatives. The Class representatives for the Pharmaceutical Class are IVAX Corporation, Par Pharmaceutical, Inc. and West-Ward Pharmaceutical Corp. The Class representatives for the Vitamin Class are Highland Laboratories, Inc., USANA Health Sciences, Inc. and International Nutrition. The Class representatives for the Food Purchasers Class are Blue Bell Creameries, L.P. and Walden Farms, Inc.

The following have been appointed by the Court to serve as Co-Lead Counsel on behalf of Plaintiffs and the Classes:

H. Laddie Montague, Jr.
Ruthanne Gordon
Berger & Montague, P.C.
1622 Locust Street
Philadelphia, PA 19103
(215) 875-3000

Linda P. Nussbaum
Susan R. Schwaiger
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.
150 East 52nd Street, Thirtieth Floor
New York, NY 10022
(212) 838-7797

In addition, each Class is represented by separate Class Counsel. Class Counsel for the Pharmaceutical Class are H. Laddie Montague and Ruthanne Gordon of Berger & Montague, P.C., and Linda P. Nussbaum and Susan R. Schwaiger of Cohen, Milstein, Hausfeld & Toll, P.L.L.C., whose contact information is listed above.

Class Counsel for the Vitamin Class is:

W. Joseph Bruckner
Lockridge Grindal Nauen P.L.L.P.
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401
(612) 339-6900

Class Counsel for the Food Purchasers Class is:

Frederick P. Furth
Kathleen Styles Rogers
The Furth Firm
225 Bush Street, 15th Floor
San Francisco, CA 94101
(415) 433-2070

III. ELECTION BY CLASS MEMBERS

As to each Class of which you are a member, you have a choice as to whether or not to remain a Class member. This choice will have consequences which you should understand before making your decision.

1. If you want to remain a Class member, you are not required to do anything at this time. By remaining a Class member, you will also be bound by any judgment entered in this lawsuit, whether favorable or adverse.

2. If you want to be excluded from one or more of the Classes, you must send a written request for exclusion to In re Microcrystalline Cellulose Antitrust Litigation, c/o Heffler, Radetich & Saitta L.L.P., P.O. Box 900, Philadelphia, PA 19105-0900, by first-class mail, postmarked no later than April 14, 2004. To be effective, your written request for exclusion must:

- Indicate the name and address of the Class member requesting exclusion;
- Identify the Class or Classes from which you request exclusion; and
- Provide the name, telephone number and email address of a person who may be contacted with any questions regarding the request for exclusion.

By making a request for exclusion, with respect to the Class or Classes from which you request exclusion:

- (a) you will not share in any recovery that might be paid as a result of trial or settlement of this lawsuit;
- (b) you will not be bound by any decision in this lawsuit favorable to the Defendants; and
- (c) you may present any claim you may have against the Defendants by filing your own lawsuit, or you may seek to intervene in this lawsuit.

IV. RIGHTS AND OBLIGATIONS OF CLASS MEMBERS

If you remain a Class member:

- The Plaintiffs and their attorneys will act as your representatives and counsel for the presentation of the case against the Defendants. Plaintiffs' counsel will advance all costs of litigation. If the Class or Classes of which you are a member does not obtain any recovery, you will not be required to pay any court costs or attorneys' fees. If any monies are recovered for the Class or Classes of which you are a member, then all fees and expenses of counsel for the respective Class or Classes will be paid only out of any recovery by the respective Class or Classes as determined by the Court.
- Any Class member who does not request exclusion may, if the Class member desires, also enter an appearance through its own counsel at its own expense.
- Your participation in any recovery which may be obtained from the Defendants through trial or settlement will depend on the result of this lawsuit. If no recovery is obtained for the Class or Classes of which you are a member, you will be bound by that result as well.
- You may be required as a condition to participating in any recovery through settlement or trial to present evidence respecting your purchases of MCC, including, among other data, the amounts in units and dollars and the net price paid, during the relevant time period. You should, therefore, preserve invoices and other records reflecting this information.
- You will be entitled to receive notice of, and an opportunity to be heard respecting, any proposed settlement or dismissal of the claims of the Class or Classes of which you are a member. For this reason, as well as to participate in any recovery, you must notify In re Microcrystalline Cellulose Antitrust Litigation, c/o Heffler, Radetich & Saitta L.L.P., P.O. Box 900, Philadelphia, PA 19105-0900, of any correction or changes in your name or address.

V. EXAMINATION OF PAPERS AND INQUIRIES

This Notice contains only a summary of the litigation and your rights as a potential Class member. For more detailed information regarding the matters involved in this litigation, please refer to the papers on file in this litigation, which may be inspected at the Office of the Clerk, United States District Court for the Eastern District of Pennsylvania, 2609 U.S. Courthouse, Independence Mall West, 601 Market St., Philadelphia, PA 19106-1797, during regular office hours of each business day. In addition, inquiries regarding this litigation may be addressed to any of the Co-Lead or Class Counsel listed above in Section II.D above.

VI. REMINDER AS TO CERTAIN TIME LIMITS

Remember, if you wish to remain a Class member, there is nothing more that you need to do at this time. If you wish to exclude yourself from one or more of the Classes of which you are a member, you must mail a written notice requesting exclusion by first-class mail postmarked on or before April 14, 2004 to In re Microcrystalline Cellulose Antitrust Litigation, c/o Heffler, Radetich & Saitta L.L.P., P.O. Box 900, Philadelphia, PA 19105-0900. If you do not timely mail a notice of exclusion, you will continue to be a member of the Class(es).

**PLEASE DO NOT
CALL THE COURT OR THE COURT CLERK'S OFFICE
REGARDING THIS NOTICE**

Dated: February 19, 2004

BY ORDER OF THE COURT:
Michael E. Kunz
Clerk, United States District Court
for the Eastern District of Pennsylvania
2609 United States Courthouse
Independence Mall West
601 Market Street
Philadelphia, PA 19106-1797

In re Microcrystalline Cellulose Antitrust Litigation
c/o Heffler, Radetich & Saitta L.L.P.
P.O. Box 900
Philadelphia, PA 19105-0900

FIRST-CLASS MAIL

PLEASE FORWARD—IMPORTANT LEGAL NOTICE