

STATE OF VERMONT
SUPERIOR COURT
WASHINGTON UNIT

2014 JAN -9 P 4:15

STATE OF VERMONT,)
Plaintiff)
)
v.)
)
VERMINTS, INC., and)
GARY J. RINKUS,)
Defendants)

FILED
CIVIL DIVISION
Docket No. 658-9-12 Wncv

STIPULATION AND CONSENT ORDER

WHEREAS, as evidenced by their signatures below, Plaintiff State of Vermont (“the State”), through its Attorney General, and Defendants VerMints, Inc., and Gary Rinkus (“Defendants”) have agreed to the entry of this Stipulation and Consent Order;

WHEREAS the parties have waived any requirement that the Court make findings of fact or conclusions of law;

WHEREAS all parties have consulted with legal counsel in connection with this Stipulation and Consent Order;

WHEREAS all parties agree that the terms of this Stipulation and Consent Order are just; and

WHEREAS the Court approves the terms of the parties’ agreement and adopts them as its own determination of their respective rights and obligations;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

Injunctive relief

1. Defendants shall comply strictly with the Vermont Attorney General's Consumer Protection Rule (CP) 120, currently accessible online at <http://www.atg.state.vt.us/assets/files/CP%20120.pdf>.

2. Effective January 15, 2014, Defendants shall not sell in or into any states in the northeast United States any of their products that are produced outside of Vermont, *unless* there appears on the front panel of the product packaging a sticker or graphic in the same form, size, and prominence as the "Produced in Canada" disclosure shown in Exhibit 1 hereto.

3. For the purpose of paragraph 2, above:

a. "States in the northeast United States" means (i) the states of Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, and New Jersey, and (ii) the states of New York and Pennsylvania, *except* for those parts of western New York and western Pennsylvania serviced by VerMints' UNFI distributor in York, Pennsylvania.

b. "Product packaging" means, in the case of mints sold in metal tins, the metal tin itself.

4. As long as the disclosure obligation set out in paragraph 2 is fully complied with, that obligation shall expire on July 15, 2015. If the disclosure obligation is not fully complied with, then that obligation shall continue in force until either the parties jointly submit to the Court an amendment to this Stipulation and Consent Order or the Court orders a new expiration date, whichever occurs first.



Monetary relief

5. *Cy pres.* No later than January 15, 2014, Defendants shall pay the sum of \$35,000.00 (thirty-five thousand dollars) to the Vermont Food Bank for the purpose of addressing the food needs of Vermonters. Within 5 (five) days of making this payment, Defendants shall send to the Vermont Attorney General's Office, c/o Assistant Attorney General Elliot Burg, 109 State Street, Montpelier, Vermont 05609, documentation of said payment to the Vermont Food Bank.

6. *Payment to the State.* No later than January 15, 2014, Defendants shall pay the sum of \$30,000.00 (thirty thousand dollars) to the State of Vermont, by sending said payment to the Vermont Attorney General's Office, c/o Assistant Attorney General Elliot Burg, 109 State Street, Montpelier, Vermont 05609.

7. *Joint and several liability.* Defendants VerMints, Inc., and Gary Rinkus shall be jointly and severally liable for the payments described in paragraphs 5 and 6, above.

Other Provisions

8. *Final resolution.* This Stipulation and Consent Order resolves all existing claims the State of Vermont may have against Defendants stemming from the facts and claims described in the Consumer Protection Complaint in this matter.

9. *Binding effect.* This Stipulation and Consent Order shall be binding on Defendants and their respective successors and assigns.

10. *Continuing jurisdiction.* This Court retains continuing jurisdiction for the purpose of enabling any of the parties to this Stipulation and Consent Order to apply to the Court for such further orders or relief as may be necessary or appropriate for the

modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations herewith.

11. *Execution in counterparts.* This Stipulation and Consent Order may be executed in counterparts, and a facsimile or .pdf signature shall be deemed to be, and shall have the same force and effect, as an original signature.

Dated this 9th day of January, 2014.

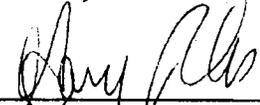


Superior Judge
Helen M. Toor

STIPULATION

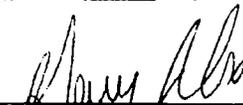
The undersigned parties stipulate and agree to the foregoing Consent Order.

Dated at December, this 23 day of December, 2013.

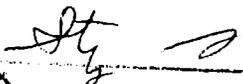
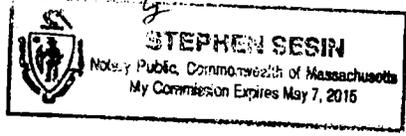
 President

Authorized Agent of VerMints, Inc.

Dated at December, this 23 day of December, 2013.



Gary Rinkus

Dated at Montpelier, Vermont this 3rd day of ~~December~~, ^{JANUARY, 2014} 2013.

STATE OF VERMONT

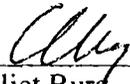
WILLIAM H. SORRELL
ATTORNEY GENERAL

By: Elliot Burg
Elliot Burg
Assistant Attorney General

APPROVED AS TO FORM:

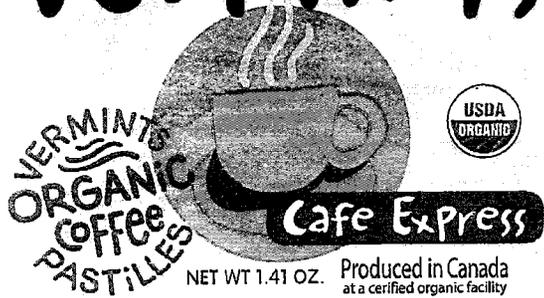


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For Defendants



Elliot Burg
Assistant Attorney General
Office of the Attorney General
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Montpelier, Vermont 05609
For the State of Vermont

VerMints[®]



Produced
in Canada
at a certified organic facility

at a certified organic facility

VerMints[®]

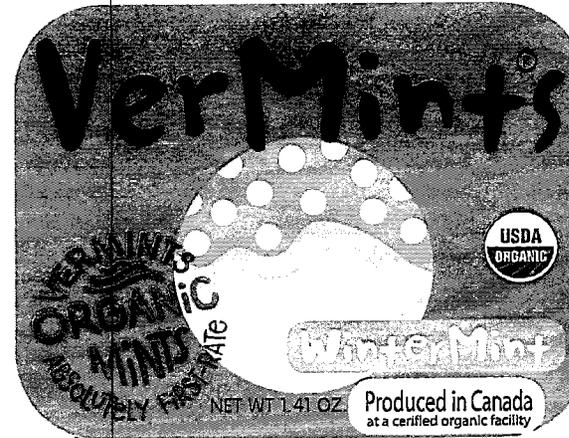


Exhibit 1