

Exhibit D

From:

To:

Subject: Email Notice of Proposed Class Action Settlement

Class Member ID: <<RefNum>>

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

***A Court authorized this notice. This is not a solicitation from a lawyer.
You are not being sued.***

A Settlement has been reached in a class action lawsuit filed against ZOA Energy, LLC (“Defendant”) alleging that the statement “0 Preservatives” on the labels of ZOA Energy drinks (“Products”) is misleading because it contains chemical preservatives citric and ascorbic acids. Defendant denies these allegations and maintains that its labeling and marketing are truthful, accurate, and compliant with applicable law. The Court did not rule in favor of either side. The Parties agreed to settle this case to avoid the expense and risk associated with the lawsuit. The Court has granted preliminary approval of the Settlement.

You are a member of the Settlement Class (“Settlement Class Member”) if you are a resident of the United States who purchased any ZOA Energy drink with a label stating “0 Preservatives” in the United States for personal use and not for resale or distribution between March 1, 2021 and [DATE OF PRELIMINARY APPROVAL].

If you are a Settlement Class Member who purchased any ZOA Energy drink with a label stating “0 Preservatives” between March 1, 2021 and _____, did not purchase the Products for purposes of resale, and do not have a valid Proof of Purchase, you will receive a payment of \$1 per unit purchased up to a maximum of \$10. Only one claim per household will be honored.

If you are a Settlement Class Member who purchased any ZOA Energy drink with a label stating “0 Preservatives” between March 1, 2021 and _____, did not purchase the Products for purposes of resale, and have a valid Proof of Purchase for all purchases, you will receive a minimum of \$1 per unit up to a total of \$150 maximum per household.

If you purchased ZOA Products at issue in the class action Settlement, your legal rights are affected whether you act or do not act.

Please read this entire notice carefully.

WHO IS INCLUDED? You are a Settlement Class Member if you are a resident of the United States who purchased any ZOA Energy drink with a label stating “0 Preservatives” in the United States for personal use and not for resale or distribution between March 1, 2021 and [DATE OF PRELIMINARY APPROVAL]. You are included in this Settlement as a Settlement Class Member unless you opt out of the Settlement.

SETTLEMENT BENEFITS. If the proposed Settlement is finally approved by the Court, and after any appeals are resolved (if any appeals are filed) in favor of the Settlement, Defendant has agreed to refund you as follows based upon whether or not you have proof of purchase:

- Without Receipts: You will get \$1.00 per unit purchased, up to a maximum of \$10.00 per Household; or
- With Receipts: You will get reimbursed \$1.00 per unit purchased up to a maximum of \$150.00 per Household.

The only way to receive a benefit is to file a Claim. To get a Claim Form, visit the Settlement Website, www.zoasettlement.com or call toll-free _____. The Claim Deadline is XXXX, 2025.

OPT-OUT. If you do not want to be legally bound by the Settlement, you must exclude yourself. A more detailed notice explaining how to exclude yourself is available at www.zoasettlement.com. You must mail your letter requesting exclusion, postmarked no later than _____, to the Settlement Administrator. ***You cannot exclude yourself by phone or email.*** If you exclude yourself from the Settlement, you will receive no benefits under the Settlement and will not be legally bound by the Court's judgments related to the Settlement Class and the Defendant in this class action.

OBJECT. If you stay in the Settlement, you may object to it by **XXX 2025**, if you do not agree with any part of it. A more detailed notice explaining how to object is available at www.zoasettlement.com. You must mail your written objection to the Court, postmarked no later than **XXXX, 2025**. You can object only if you stay in the Settlement Class.

OTHER OPTIONS. If you do nothing, you will remain in the Settlement Class, you will not be eligible for benefits, and you will be bound by the decisions of the Court and give up your rights to sue the Defendant for the claims resolved by this Settlement.

FOR MORE INFORMATION. Please visit the Settlement Website at www.zoasettlement.com or call the Settlement Administrator toll-free at _____ for a copy of the more detailed notice and the Class Action Settlement Agreement. On **XXXXX**, the Court will hold a Final Approval Hearing in Courtroom 11 at __:__ of the United States District Court for the Northern District of California Located at 450 Golden Gate Avenue, San Francisco, CA 94102 to determine whether to approve the Settlement and Class Counsel's request for a Plaintiff Service Award and Attorneys' Fees and Expenses.

For more information visit the Settlement Website at www.zoasettlement.com or contact the Claims Administrator at 1-800 XXX-XXXX.