

# Herbalife Privacy Policy

Last Revised: February 10, 2017

This Privacy Policy applies to Herbalife International of America, Inc. and its U.S. affiliate entities (“Herbalife”). It applies to all Personal Information (defined below) that is collected by Herbalife through its online properties and mobile applications (the “Sites”) where this Privacy Policy is posted. It also applies to Personal Information that Herbalife collects through offline methods, such as when a Distributor submits a Distributorship Application to us, or when a customer calls our service center. Unless otherwise indicated, this Policy does not apply to a Distributor’s collection or use of information obtained by the Distributor directly from a customer.

The purpose of this Privacy Policy is to inform you of the kinds of information we may collect, how such information may be used, with whom such information may be shared, your choices regarding the collection, use and sharing of such information, your ability to access and correct such information and the security procedures we use to protect this information.

## 1. What kind of information does Herbalife collect?

### Personal Information You Provide Us Directly

At different occasions, you may provide Herbalife directly with certain types of “Personal Information” (e.g., your first and last name, mailing address, city, state, zip code, telephone number, email address, credit card, and banking information). For example, you may provide us such information when using the Sites or when becoming an Herbalife Independent Distributor (“Herbalife Distributor” or “Distributor”) or an Herbalife Preferred Member (“Preferred Member”). If you do not provide us with the requested information, in some cases we will not be able to provide you the service you have requested.

If you disclose to us any Personal Information of another individual, you are required to have secured the consent of that individual for disclosing such information to us.

### Information About Your Device and Your Use of the Sites

We may also gather certain information automatically, such as Internet protocol (IP) addresses, browser type, Internet service provider (ISP), referring/exit pages, operating system, date/time stamps, and/or clickstream data to analyze trends in the aggregate, administer the Sites and improve the function and content of the Sites. We use standard internet technologies, such as cookies and web beacons, to collect this information, as explained below in the section on cookies.

We may also collect location information, such as your mobile device’s GPS signal or information about nearby WiFi access points and cell towers that may be transmitted to us when you use certain Sites. We will only collect this information with your affirmative express

consent. You may opt out of the collection of this location information from your mobile device by adjusting the settings on your device.

#### **Information from third party sources**

We may receive additional information about you from public and commercially-available sources and other third parties. In some circumstances, Distributors may also share information about their customers with Herbalife. We may combine all of the information we receive about you and use or disclose it in the manner described in this Privacy Policy.

## **2. How does Herbalife use my Information?**

We use the information that is collected about you for a variety of purposes, including: providing you with the products, services and support you request; processing your transactions and shipping your orders; communicating with you about your account or transactions, changes to our policies and other administrative matters, or your questions and comments; to better understand your interests in order to provide you with promotional information, relevant content, surveys, questionnaires, and other materials, consistent with applicable law and choices and controls you may have; improving our products, services and operations; and ensuring compliance with our company policies and rules and the law, or as we believe is necessary to protect, enforce or defend the legal rights, privacy, safety or property of ourselves and others. We also use this information to validate sales made by Herbalife Distributors and for Herbalife's compliance purposes. Herbalife or its authorized third parties may contact you directly for these purposes.

Information about Preferred Members may also be used to support, calculate and track your product discount and to provide you with information on special promotions. Information about Herbalife Distributors may also be used to support, calculate and track discounts, earnings and bonuses, to issue payment to you and report income to taxing authorities, to provide training, to maintain the proper functioning of the Sales & Marketing Plan, and to ensure compliance with applicable law and company policies, plans and agreements, including the Distributorship Application and Agreement.

## **3. With Whom does Herbalife Share my Information?**

#### **Affiliates and Partners**

We may share your information with our affiliates (companies that control, are controlled by, or are under common control with, Herbalife) as well as select partners. These entities may use your information to make predictions about your interests and may provide you with special offers, promotions, advertisements, and other materials.

### **Vendors & Service Providers**

We may share your information with vendors that perform functions on our behalf. Examples of such functions include fulfilling orders, delivering packages, email administrative functions, processing credit card payments, and providing customer service.

### **Herbalife Independent Distributors**

If you are an Herbalife Distributor or Preferred Member, we may share your information with other Herbalife Distributors, including as part of a Lineage Report which contains information on other Distributors and Preferred Members in an Herbalife Distributor's downline. (The downline organization consists of all Distributors and Preferred Members that were personally sponsored by a particular Distributor, and in turn, all other persons sponsored by the subsequent Distributors.) To the extent the Lineage Report contains data from residents outside of the United States, including residents of the European Union, we have taken appropriate measures to protect the data in accordance with applicable law. Lineage Reports are provided to Distributors in strict confidence and for the sole purpose of supporting the Distributors in further developing their Herbalife businesses.

If you are a customer, we may share your information with Distributors to provide you with products and services you have requested. For example, if you use some of our Sites, such as **GoHerbalife.com** and our **Weight Loss Challenge** Site ([herbalifewlc.com](http://herbalifewlc.com)), your information may be shared with one or more Distributors, such as a Distributor who serves as a Coach for a Weight Loss Challenge. Similarly, if you participate in a **Nutrition Club**, we may share your information with any of the Distributors operating the Nutrition Club. Herbalife Distributors who receive your information are bound by the terms of their Distributorship Agreement and the privacy and data protection covenants contained therein. Some of these Distributors may be based in countries that do not offer the same or a similar level of privacy protection as is available in your own country. However, Herbalife will take reasonable measures to ensure that the information is kept in confidence.

### **Legal & Compliance Disclosures**

We may also disclose your Personal Information:

- as required by law, such as to comply with a subpoena, legal proceedings, or similar legal process, including disclosure to authorized third party auditors; or
- when we believe in good faith that disclosure is necessary to protect our rights, protect your safety or the safety of others, investigate or prevent fraud, or respond to a government request, whether or not legally required.

### **Business Transitions**

We may share your Personal Information if Herbalife is involved in a merger, acquisition, or sale of or transfer of assets, or in the unlikely event of bankruptcy.

### **Other Parties in Aggregated Form**

We may share your information with third parties in aggregated or de-identified form.

### **Other Parties with Your Consent**

In addition to the sharing described in this Privacy Policy, we may also share information about you with other third parties in other ways when you consent to such sharing.

## **4. How will Herbalife Communicate with me?**

If you are an Herbalife Distributor, a Preferred Member or a customer of an Herbalife Distributor, Herbalife may communicate with you via email, postal mail, telephone or other means on a regular basis to provide requested products and services and/or in regards to issues relating to your Herbalife business (if you are a Distributor).

Additionally, if you subscribe to our newsletter(s), you may receive periodic information on Herbalife's business, products, services, special deals, and the Herbalife Family Foundation. Herbalife Distributors and Preferred Members may manage their electronic newsletter communications within the subscription center of their MyHerbalife account. In addition, anyone may stop receiving these kinds of communications by following the instructions provided in the communication.

## **5. Is my Personal Information Secure?**

We take reasonable steps to ensure that the Personal Information we collect about you remains accurate, timely and secure. Unfortunately, no data transmission over the Internet can be guaranteed to be 100% secure and while we strive to protect your personal information, we cannot guarantee or warrant its complete security.

## **6. How can I Access or Correct my Personal Information?**

If you would like to change or verify Personal Information that you have submitted through our Sites, you may go online to one of the Sites and update your own information in some instances. Herbalife Distributors and Preferred Members may access and update certain Personal Information via their MyHerbalife account. If you are not able to update your information online, please contact us so that we may update your information. Our contact information is set forth below. We will use commercially reasonable efforts to accommodate all such requests. In instances where a customer purchases products offline, directly from an Herbalife Distributor, we may not have access to the customer's Personal Information and you may need to contact your Distributor directly.

## **7. International Transfers.**

The Sites are headquartered in the United States. Please be aware that information you provide to us or that we obtain as a result of your use of the Sites may be collected in your country and

subsequently transferred to another country in accordance with applicable law. Using the Sites demonstrates your consent to the processing of information as described in this Policy.

## **8. Children's Information.**

The Sites are general audience web sites that are not directed to children younger than 13. We do not knowingly collect, use or disseminate any Personal Information from children under the age of 13, unless permitted by law. If you believe we may have collected information from your child on the Sites, please contact us at [privacy@herbalife.com](mailto:privacy@herbalife.com) and we will make reasonable efforts to delete it from our records, when required by law.

## **9. Cookies and Tracking.**

Herbalife, as well as certain third parties that provide content and other functionality on our Sites, use cookies, web beacons and other similar technologies for various purposes, including to analyze trends, administer the website, track users' movements around the website and to gather demographic information about our user base as a whole.

Cookies are small pieces of information that are stored on computer hard drives. A cookie enables the entity that put the cookie on your device to recognize it across different websites, services, devices, and browsing sessions. For example, we may use cookies to recognize you when you return to the Sites in order to provide you with a better user experience. We may allow third parties to use cookies on the Sites but we do not control the use or contents of third party cookies. Web browsers often allow you to configure the browser to accept all cookies, reject all cookies, or notify you when a cookie is sent. If you elect to reject cookies, please note that you may not be able to take full advantage of the features and functions of the Sites. To learn more about cookies and how to manage them, please click here: <http://www.allaboutcookies.org> . Web beacons and similar technologies are small bits of code, which are embedded in web pages, advertisements, and e-mail, that communicate with third parties. We use web beacons, for example, to count the number of users who have visited a particular web page, to deliver or communicate with cookies, and to understand usage patterns. We also may include web beacons in e-mails to understand whether messages have been opened, acted on, or forwarded.

There are other local storage and internet technologies, such as Local Shared Objects (also referred to as "Flash cookies") and HTML5 local storage that operate similarly to the cookies discussed above. Please note that these technologies are distinct from cookies, and you may not be able to control them using standard browser tools and settings. For information about managing Flash cookies, please click here: [http://www.macromedia.com/support/documentation/en/flashplayer/help/settings\\_manager07.html](http://www.macromedia.com/support/documentation/en/flashplayer/help/settings_manager07.html) .

## **10. Do Not Track**

Web browsers may allow you send “Do Not Track” requests. We do not currently take actions to respond to Do Not Track signals because there is no current industry standard concerning what, if anything, websites should do when they receive such signals. We continue to review new technologies and may adopt a standard if and when one is created.

## **11. Online Advertising.**

We may display advertising on our website for our products and services. Cookies or other similar technologies may be used to provide you with advertising based upon your browsing activities and interests. A number of companies engaging in online advertising participate in industry-developed programs designed to provide consumers with choices about whether to receive targeted advertising. Please visit the websites operated by the Network Advertising Initiative (<http://www.networkadvertising.org/choices/>) and the Digital Advertising Alliance (<http://www.aboutads.info/choices/>) to learn more. Further information in local languages may be available at <http://www.youronlinechoices.com/>. If you are located in the European Union, more information is available here: <http://www.youronlinechoices.eu/>. Please note that even if you use an industry-based opt-out for interest-based advertising, you will continue to receive generic advertisements.

## **12. Online Forums.**

The Sites may offer publicly-accessible community forums. You should be aware that any information you provide in these areas is public and may be read, collected, and used by others who access them. To request removal of your Personal Information from these forums, email us at [privacy@herbalife.com](mailto:privacy@herbalife.com). In some cases, we may not be able to remove your Personal Information.

## **13. Third-Party Links.**

The Sites may contain links to websites operated and maintained by third parties over which we have no control. Any information you provide to third party websites will be governed under the terms of each websites' privacy policy and we encourage you to investigate such policies before disclosing any information to the operators of third party websites. We have no responsibility or liability for the content, actions or policies of third party websites. The inclusion of links to third party websites on our Sites in no way constitutes an endorsement of such websites' content, actions or policies.

## **14. Third-Party Functionality.**

Some of the functionality on the Sites may be provided by third parties that are not affiliated with Herbalife. These entities may collect or receive certain information about your use of the

Sites, including through the use of cookies, Web beacons, and similar technologies. Herbalife is not responsible for the privacy practices of these entities.

## **15. California Privacy Rights.**

Residents of the State of California, under the California Civil Code, have the right to request from companies conducting business in California a list of all third parties, if any, to which the company has disclosed Personal Information during the preceding year for direct marketing purposes (e.g., requests made in 2016 will receive information about 2015 sharing activities). We comply with this law by offering California residents the ability to tell us not to share your Personal Information with third parties for their direct marketing purposes. To make such a request, please email us at [privacy@herbalife.com](mailto:privacy@herbalife.com).

You must include the name of this Site and “California Resident” as the subject line, and your full name, e-mail address, and postal address in your message. Please note that any request under this Paragraph will be limited to Herbalife's use and disclosure of your Personal Information. You will need to make the same request of your Herbalife Independent Distributor if you would like to obtain information about any disclosure that he or she has made of your personal information.

## **16. Modifications to this Policy**

This Privacy Policy was last updated on the date listed at the beginning of this Policy. Herbalife reserves the right to change this Privacy Policy at any time. Any changes to this Policy will be effective immediately upon notice, which may be provided to you by posting the latest version on the Sites. Your subsequent use of the Sites will be deemed acceptance of such changes. Be sure to review this Privacy Policy periodically to ensure familiarity with its most current version. By using the Sites following the posting of changes to this Privacy Policy, you agree to all such changes.

## **17. What if I have Questions?**

Herbalife takes privacy concerns seriously. If you have questions or comments or, you may contact us at: 800 West Olympic Blvd., Suite 406, Los Angeles, CA 90015 (Attn: Privacy Dept.), [privacy@herbalife.com](mailto:privacy@herbalife.com), 866-866-4744.