

# Privacy and Cookie Policy

Last Revised: June 30, 2020

This Herbalife Nutrition Privacy Policy ("Policy") applies to Herbalife International of America, Inc. and its subsidiary and affiliate entities worldwide that link to and rely upon this Policy. It applies to all information collected by Herbalife through its online properties and mobile applications (the "Sites") where this Privacy Policy is posted. Some Herbalife Nutrition websites also link to their own territory-specific online privacy notices, which may contain additional information and disclosures to address local requirements. It also applies to information that Herbalife Nutrition collects through offline methods. Unless otherwise indicated, this Policy does not apply to an Herbalife Nutrition Independent Distributor's ("Distributor" or "Herbalife Distributor") collection or use of information obtained by the Distributor directly from you or from sources other than Herbalife Nutrition, unless it then is shared with and retained by Herbalife Nutrition.

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 information does Herbalife Nutrition collect?**

Herbalife Nutrition limits the collection of personal information to what is relevant to the purposes of collection whether directly or through third parties acting our behalf, and we always collect personal information using lawful and fair means, consistent with the jurisdiction governing the collection of personal information.

### Information You Provide Us Directly

At different occasions, you may provide information directly to Herbalife Nutrition, such as your first and last name, mailing address, telephone number, email address, credit card information, banking information, and biographical information (including, but not limited to, date of birth, and marital status). For example, you may provide us with information when using the Sites or when becoming a Herbalife Distributor or a 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 information of another individual, you are required to have secured the appropriate consent of that individual for disclosing such information to us.

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

We may gather certain information automatically, such as Internet protocol (IP) addresses, browser type, Internet service provider (ISP), referring/exit pages, operating system, date/time stamps, your Site activity (including the Site content you view, mouse movements, mouse clicks, taps, swipes, and information you view), and/or clickstream data for purposes such as analyzing trends, administering the Sites, improving the function and content of the Sites, and enforcing our Terms.

We use standard Internet technologies, such as cookies, web beacons, session replay/screen capture, and similar technologies to collect this information, as explained below in the section on cookies.

We may also collect precise information about your location, such as your mobile device's GPS coordinates, cell tower information and/or WIFI signals. Herbalife Nutrition may use this information to personalize your experience in connection with your use of the Sites, Nutrition Clubs, or other Herbalife Nutrition products and services. If you do not want Herbalife Nutrition to collect and use your specific geolocation information, you can disable the location features on your device. Check your device manufacturer settings for how to do so.

#### Information from Third Party Sources

We may receive additional information about you from public and commercially available sources and other third parties. Distributors may also share information about you with Herbalife Nutrition. If you access third-party services, such as Facebook, Google, or Twitter through the Sites, to login to the Sites or to share information about your experience on the Sites with others, we may collect information from these third-party services. We may combine all of the information we collect and receive about you, both online and offline, and use or disclose it in the manner described in this Privacy Policy.

We may also receive the following types of personal information about you from our Distributors, depending on what you choose to provide to them: name, contact information, payment information, and wellness information (including but not limited to height, weight, BMI).

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

We use the information we collect 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; 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, to help Herbalife Distributors search for, communicate with and validate customers in our systems, and for Herbalife Nutrition's compliance purposes. Herbalife Nutrition or its authorized third parties may contact you directly for these purposes using various contact methods described below.

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

We may retain your information for as long as needed to: provide you services; fulfill other legitimate business needs, such as maintaining the proper function of the Sales & Marketing Plan;

fulfill our compliance and legal obligations; and resolve disputes and enforce our agreements, including the Distributorship Agreements.

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

#### Affiliates and Partners

We may share any of the personal information described above in Section 1 with our affiliates (companies that control, are controlled by, or are under common control with, Herbalife Nutrition) as well as select partners. Examples of how these entities may use your information include making predictions about your interests and providing you with special offers, promotions, advertisements, and other materials.

#### Vendors & Service Providers

We may share any of the personal information described above in Section 1 with vendors and service providers that perform functions on our behalf. Examples of such functions include fulfilling orders, delivering packages, email administrative functions, processing credit card payments, providing customer service, and for market research. Vendors and service providers must handle your personal information in accordance with Herbalife Nutrition's instructions and are prohibited from using or disclosing your personal information for any other purpose.

#### Herbalife Independent Distributors

If you are an Herbalife Distributor, Preferred Member, or Customer, we may share your information with other Herbalife Distributors, including without limitation as part of a Lineage Report which contains information (such as name, contact information, level or rank, and volume and sales statistics) 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 Distributor, and in turn, all other persons sponsored by the subsequent Distributors.) To the extent the Lineage Report contains data from persons outside of the United States, 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 Nutrition businesses, including for use in marketing tools and platforms.

We may share your information with Distributors to offer and provide you with products and services, and these Distributors may further share your information as described in their privacy policies. For example, if you use some of our Sites, such as GoHerbalife.com and our Weight Loss Challenge Site (herbalifewlc.com), your information may be shared with one or more Distributors servicing those sites. Similarly, if you participate in a Nutrition Club, we may share your information with any of the Distributors operating the Nutrition Club. We may also share your information with Distributors so that they can provide you with a more personalized experience, such as recommending products and services that are most relevant to you. 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.

If you operate a Nutrition Club, we may share the location of that Club with Preferred Members, Customers, and other Herbalife Distributors.

## Legal & Compliance Disclosures

We may also disclose your 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.

## Business Transitions

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

## Other Parties with Your Consent

In addition to the sharing described in this Privacy Policy, we may also share information about you with third parties for any other purpose disclosed to you at the time we collect the information or pursuant to your consent or direction.

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

Herbalife Nutrition may communicate with you via email, postal mail, telephone, text message, or other means on a regular basis to provide requested products and services and/or in regard to issues relating to your Herbalife business (if you are a Distributor). In order to validate customer sales, Herbalife Nutrition may communicate with you via email, postal mail, telephone, text message, or other means on a regular basis (if you are a Customer).

Additionally, you may receive periodic information on Herbalife Nutrition's business, products, services, special deals, and the Herbalife Family Foundation through various communication means as described above. Herbalife Distributors and Preferred Members may manage certain communications within their MyHerbalife subscription center. In addition, you may manage these kinds of communications by following the instructions provided in the communication or by contacting us at 866-866-4744.

## **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 Information?**

Herbalife Nutrition respects your control over your information. In some instances, you may visit one or more of our Sites to verify and update certain information (for example, certain Distributor and Preferred Member account information on MyHerbalife). Upon request, we will confirm whether we hold or are processing information that we have collected from you. You have the right to amend or update inaccurate or incomplete personal information, request deletion of your personal information, or request that we no longer use it. Under certain circumstances we will not be able to fulfill your request, such as if it interferes with our regulatory obligations, affects legal matters, we cannot verify your identity, or it involves disproportionate cost or effort, but in any event we will respond to your request within a reasonable timeframe and provide you an explanation. Our typical response

time for requests is 30 days. In order to make personal information requests, please contact us online or offline, using the information provided below.

Submit your request here: <https://privacyportal.onetrust.com/webform/46601746-6006-4c21-88ec-15dfa5b7dcdc/349bb89d-7008-46f7-b765-717966e11235>

## **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 personal 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.**

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 visit <http://www.allaboutcookies.org/>.

Web beacons and similar technologies are small bits of code, which are embedded in web pages, advertisements, and e-mails, 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"), HTML5 local storage and embed scripts, which can 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 [www.adobe.com/privacy.html](http://www.adobe.com/privacy.html). To learn more about Adobe analytics and to opt out, click [www.adobe.com/privacy.html](http://www.adobe.com/privacy.html).

We may use Bluetooth beacon technology to improve the Nutrition Club experience. Mobile devices that have enabled Bluetooth can receive a signal when in range of a beacon. The signals will not be received unless the user has turned on Bluetooth, installed a Herbalife Nutrition mobile application and enabled push notifications. The beacon functionality may allow for notifications, customer check-ins, and payments. You can disable the beacon functionality in the app's settings.

## **10. Do Not Track.**

Web browsers may allow you to 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 and partner with third parties to manage advertising on other websites for our products and services. We may also partner with third parties, including business partners, advertising networks, and other advertising service providers, who gather information about you on our Sites and other sites to provide you with advertisements on the Sites and elsewhere online based on your browsing history and tailored to your interests, preferences, and characteristics. Cookies or other similar technologies may be used to provide you with advertising based upon your browsing activities and interests. We are not responsible for the privacy practices of these third parties, and the information practices of these third parties are not covered by this Policy.

Some third parties collect information about users of our Sites to provide interest-based advertising on our Sites and elsewhere, including across browsers and devices. These third parties may use the information they collect on our Sites to make predictions about your interests in order to provide you ads (from us and other companies) across the Internet. Some of these third parties may participate in industry-developed programs designed to provide consumers with choices about whether to receive targeted advertising. Due to differences between using apps and websites on mobile devices, you may need to take additional steps to disable targeted ad technologies in mobile apps. Many mobile devices allow you to opt out of targeted advertising for mobile apps using the settings within the mobile app or your mobile device. For more information, please check your mobile settings. You also may uninstall our apps using the standard uninstall process available on your mobile device or app marketplace.

To opt out of interest-based advertising across browsers and devices from companies that participate in the Digital Advertising Alliance or Network Advertising Initiative opt-out programs, please visit the websites operated by the Network Advertising Initiative ([//www.networkadvertising.org/choices/](http://www.networkadvertising.org/choices/)) and the Digital Advertising Alliance ([//www.aboutads.info/choices/](http://www.aboutads.info/choices/)). You may also be able to opt out of interest-based advertising through the settings within the mobile app or your mobile device, but your opt-out choice may apply only to the browser or device you are using when you opt out, so you should opt out on each of your browsers and devices if you want to disable all cross-device linking for interest-based advertising. Further information in local languages may be available at [www.youronlinechoices.com/](http://www.youronlinechoices.com/). Please note that even if you use an industry-based opt-out for interest-based advertising, you will continue to receive generic advertisements and your experience on our Sites may be degraded.

## **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.

If you access third-party services, such as Facebook, Google, or Twitter, through the Sites, to login to the Sites or to share information about your experience on the Sites with others, these third-party services may be able to collect information about you, including information about your activity on the Site, and they may notify your connections on the third-party services about your use of the Site, in accordance with their own privacy policies.

#### **15. Modifications to this Policy.**

This Privacy Policy was last updated on the date listed at the beginning of this Policy. Herbalife Nutrition reserves the right to change this Privacy Policy at any time. If we propose to make any material changes, we will notify you by means of a notice on this page prior to the change becoming effective. 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.

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

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