

ProductName: Cherry Berry Medley Type, Natural Flavor Blend

Item Number: 1040

In accordance with the regulations promulgated under the Federal Food, Drug, and Cosmetic Act, Apex Flavors, Inc. hereby provides continuing guarantee for the item listed above.

The article(s) comprising each shipment or other delivery hereafter made by Apex Flavors, Inc. is hereby guaranteed, as of the date of shipment or delivery, to be, on such date, not adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act, and not an article which may not, under the provisions of section 404, 505, or 512 of the act, be introduced into interstate commerce.

The guarantee herein given shall be a continuing guarantee and shall remain in full force and effect until revoked in writing by the undersigned. This guarantee shall not limit or preclude the operation and effect of any and all provisions of any agreement(s) under which the articles covered by this guarantee are sold, and the provisions of such agreement(s) shall govern in the event of any conflict or inconsistency herewith. Supplier's liability for breach of this guarantee shall in no event exceed the value of such of the articles of the supplier shipped to or on the order of Purchaser hereunder as may fail to comply with this guarantee.

This guarantee shall be void and of no effect in any instance where the particular use by Purchaser of any article to which this guarantee would otherwise apply is a use which is not in accordance with the requirements of the Federal Food, Drug and Cosmetic Act. Any and all prior guarantees and/or indemnity agreements heretofore given by supplier, are hereby revoked.

Sincerely,

Christopher W. Pisano
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