

**NEW YORKERS GET THE REAL SKINNY:
CONSUMER AFFAIRS ANNOUNCES AGREEMENT WITH CREMALITA**

*Agreement Provides Consumers with New Product Information &
Ensures Product Claims Meet Government Standards; DCA to Monitor*

May 26, 2004

New York City Department of Consumer Affairs (DCA) Commissioner Gretchen Dykstra, joined by CremaLita Management, LLC president Allison Britz, today announced an agreement with the frozen dessert retailer to settle agency charges of misleading calorie and fat content claims. The announcement, which ensures that the company's advertising claims match government standards for "low calorie," "fat free," "low fat," "cholesterol free," and "ice cream," was made at CremaLita's store on 1369 Third Avenue in Manhattan.

"All New Yorkers who love CremaLita can now have it and know what they're eating too," said DCA Commissioner Gretchen Dykstra. "Weight-conscious loyalists can now feel confident that they know the full fat and calorie content of what they're eating. As always dieters should be careful when choosing a portion size that can add to your waistline. We're pleased CremaLita has worked cooperatively with us and we hope to have a sweet relationship moving forward."

"We are pleased to reach this agreement with the Department of Consumer Affairs, and believe that the end result will be a win for all consumers," said Allison Britz, President of CremaLita Management. "We also hope that our new voluntary level of disclosure and independent testing will become the industry standard."

"As an industry leader, our goal is to give our customers the highest quality, fat- and cholesterol-free ice cream, accompanied by the kind of information needed to make an informed and satisfying choice," Britz added.

CremaLita Management, LLC, which owns 50% or more of each of Manhattan's nine stores - and has franchised a tenth - that dispenses CremaLita's frozen dessert product in New York City, was cited by the DCA in December 2003 for violating the City's Consumer Protection Law. DCA is also investigating Tasti D-Lite and Smoochies, other retailers selling frozen dessert products in New York City.

CremaLita has agreed to the following for its New York City stores:

Will not use the term "low calorie" to describe any of its current products.

Will conduct independent testing - by a mutually agreed-upon laboratory - of any new products claiming to be "low calorie," "low fat," or "fat free."

When advertising a fat free product, CremaLita will display signage informing customers of all flavors of the product that are not fat free.

When advertising a product as "cholesterol free," CremaLita will clearly disclose that cream in its product adds a trivial amount of cholesterol, as well as comply with all relevant federal standards.

When advertising amounts of sodium, carbohydrates, fat, and/or the calorie amounts, CremaLita will clearly disclose the range of amounts to customers, as well as the highest

amount.

Monitoring by the DCA of CremaLita's 'overrun' - the amount of air in the product that could alter the amount of each ingredient per serving. CremaLita stores will maintain weekly overrun measurements to ensure compliance with what is advertised, and will make those records available to the DCA at any time.

The agreement states that certain charges in the initial Notice of Violation were based, in good faith, on erroneous FDA analysis of the product, and that CremaLita admits no wrongdoing.

CremaLita has stores at the following Manhattan locations:

2174 Broadway
220 8th Avenue
1592 Third Avenue
1275 Lexington Avenue
989 Third Avenue
42 Third Avenue
2873 Broadway
489 Third Avenue
176 W. 72nd Street
1369 Third Avenue

DCA enforces the City's Consumer Protection Law and other related laws at thousands of businesses throughout New York City. Fostering a marketplace where consumers are protected and businesses can thrive, DCA licenses more than 60,000 businesses in 55 different categories citywide. Through free community seminars, licensing forums, and other informational materials, DCA educates consumers and businesses alike about their rights and responsibilities. For more information or to file a complaint, call 311 within New York City, 212-NEW-YORK outside, or go to the DCA web site at www.nyc.gov/consumers.