

Tropical Smoothie Café Inc. (hereinafter referred to as either, “Company”, “We”, “Us” or “Our”) is committed to protecting the privacy of personal information you may provide Us on this website (the “Site”). We believe it is important for you to know how We treat your personal information. We updated this Privacy Policy effective as of July 19, 2007. The terms of this Privacy Policy apply to all users of this Site. If you do not agree with the terms of this Privacy Policy, you should immediately cease the use of this Site. Below you will find answers to several questions regarding Our revised Privacy Policy.

## 1. What information does Company collect about me on this Site?

Company collects personally identifiable information that you may voluntarily provide on online forms, which may include: user registration, sweepstakes registration, contact requests, guest comments, online surveys and other online activities. The personally identifiable information (“Personal Information”) collected on this Site can include some or all of the following: your name, address, telephone number, e-mail addresses, credit card information, demographic information, and any other information you may voluntarily provide. You will have the choice whether or not to disclose such Personal Information in the above activities; however, some parts of the Site and some services may be more difficult or impossible to use if you choose not to disclose Personal Information.

At the time of registration, you will have the option to receive future offers and updates from the Company by checking the appropriate opt-in box. If you choose to opt-in, your Personal Information will be kept in a secured database and We will alert you via e-mail to new features, special offers, updated information and new services.

In addition to the Personal Information identified above, Our web servers automatically identify computers by their IP addresses. Company may use IP addresses to analyze trends, administer the Site, track users’ movement and gather broad demographic information for aggregate use. To emphasize, IP addresses are not linked to Personal Information.

Further, Our Site may use technologies such as “cookies” to provide visitors with tailored information upon each visit. Cookies are a common part of many commercial websites that allow small text files to be sent by a website, accepted by a web browser and then placed on your hard drive as recognition for repeat visits to the Site. Every time you visit Our Site, Our servers, through cookies, pixels and/or GIF files, collect basic technical information such as your domain name, the address of the last URL visited prior to clicking through to the Site and your browser and operating system. You do not need to enable cookies to visit Our Site; however, some parts of the Site and some services may be more difficult or impossible to use if cookies are disabled. To emphasize, cookies are not linked to any Personal Information while on this Site.

## 2. What does Company do with the information collected?

Company may use your Personal Information for any of the following purposes: (1) to understand the use of the Site and make improvements; (2) to fulfill prizes; (3) to

register visitors for online activities such as: online ordering, sweepstakes, contests, surveys, employment applications, comment forms, or any other online interactive activities; (4) to respond to specific requests from visitors; (5) to obtain parental consent from visitors under 18 years of age, when necessary; (6) to provide any necessary notices to visitors or their parent or legal guardians if situations prompt such notification; (7) to protect the security or integrity of the Site if necessary; 8) to send notices of special promotions, offers or solicitations; and (9) in general, to promote and market Company's business and various products.

3. With whom does Company share the information? Company may share Personal Information collected on this Site with any member of Tropical Smoothie Café Brands and any other future subsidiaries or affiliates. This Privacy Policy applies if Company shares your Personal Information collected on this Site with any other Tropical Smoothie Café Brands members. If you choose to provide your Personal Information to other members of Tropical Smoothie Café Brands through their respective websites, then the respective Privacy Policies will apply.

Company will not sell, rent, loan, transfer, or otherwise disclose any Personal Information to third parties except as set forth in this statement. Company may share Personal Information with third parties under the following circumstances: (i) in connection with a court order, subpoena, government investigation, or when otherwise required by law; (ii) in the event of a corporate sale, merger, acquisition, or similar event; or (iii) working with third party companies to support the Site's technical operation or execute a specific promotion or program (such as providing responses to the Guest Comments Page, conduct surveys, or maintain a database of visitor information, etc.).

If Personal Information is shared with any third party for the purposes of executing a specific promotion or program, it will be clearly communicated to visitors that the third party will have no right to use the Personal Information for independent purposes. In support of this policy, Company will enter into written agreements with any third party receiving Personal Information requiring the third party to comply with Company's privacy policies and applicable laws. To avoid your Personal Information from being shared with a third party, you can choose not to use the affected service or participate in the affected promotional activity.

4. How can I stop receiving notices about future offers or to stop my Personal Information from being shared with third parties?

Users, who initially opted-in to receive future offers or promotional materials, or to allow the sharing of Personal Information with third parties, may subsequently opt-out by sending an e-mail to [webadmin@tropicalesmoothie.com](mailto:webadmin@tropicalesmoothie.com). Company will implement the change within seven days of your request. Company will send an acknowledgment or confirmation of the request to the e-mail address on file.

5. How do I correct or update my Personal Information?

You control the accuracy of your Personal Information. If your Personal Information changes, feel free to correct, update or delete/deactivate it by e-mailing [webadmin@tropicalesmoothie.com](mailto:webadmin@tropicalesmoothie.com). If you wish to review your Personal Information that Company has on record, you may contact [webadmin@tropicalesmoothie.com](mailto:webadmin@tropicalesmoothie.com).

6. How does Company protect the security of my Personal Information?

Company uses appropriate security measures to protect all Personal Information collected in a secure, controlled environment. In addition, Company configures the list server software to refuse to divulge the e-mail addresses of the list subscribers to anyone other than authorized Company staff members, including other list subscribers. In the event of a security breach whereas your Personal Information is acquired by an unauthorized person, Company will take appropriate steps to contain the breach and to notify you of the unauthorized acquisition.

7. Does Company's Site link to other sites? Yes. This Site may contain links to other websites that may not be owned or operated by Company. Company cannot control nor is responsible for the privacy practices or content of such other websites. Company encourages you to read the privacy statements of each and every website that collects personally identifiable information. This Privacy Policy applies solely to Personal Information collected on this Site.

8. What is the effective date of Company's Privacy Policy and how will Company notify me of changes to its Privacy Policy?

This Privacy Policy was last updated on July 19, 2007. Company will post any changes on the Site's Homepage, so visitors are always aware of any changes to the information We collect, how We use it, and under what circumstances We disclose it. If We decide to use your Personal Information in a manner different than first communicated, Company will notify users by e-mail to the e-mail addresses on record. Users will then be given a choice as to whether or not their Personal Information can be used in the new manner.

In the event that Company goes through a business transition, such as a merger, another company acquires Company or its Affiliates, or Company sells a portion of its assets, your personal information will, in most instances, be part of the assets transferred. Thirty days prior to the change of ownership or control, you will be informed of this exchange and its effects via prominent notice on Our site. If as a result of a business transition, your personally identifiable information will be used in a manner different from that stated at the time of collection, you will be give the choice to opt-out.

9. How does Company handle children's privacy online? Company adheres to the federal privacy protection standards articulated in the Children's Online Privacy Protection Act (COPPA).

On the sections directed towards children, Company does not collect Personal Information online from children under 13 without their parent's consent except in special, limited circumstances, as described below. If a child is under 13 and wants to use the children's sites with special activities, like scavenger hunts, personalized pages or clubs, Company might ask the child to "register" by giving Us a first name and his/her state of residence. When asking for a child's first name, the child is encouraged to use a "screen name" (not his/her real name) that only the child knows. Sometimes the child will be asked to make up a special password so that only they can see their customized areas on the site.

With parent's verifiable consent, Company may collect personal information from a child such as an e-mail address when the information is necessary for a particular activity. Usually the child is asked for his/her parent's email in order to get parental permission for a child to provide any Personal Information. When We ask for

parental permission, We will tell the parents what We will do with the information his/her child provides Us, and We will tell parents how they can review their child's information and ask Us to delete the information. We do not keep parents' (or children's) e-mail address unless parents tell Us it is okay.

Company might collect some information from a child under 13 without the parent's consent, but only in the following special cases: If a child under 13 sends a request to Us, We keep their e-mail address for long enough to respond to them. Company deletes this information from its system after the child's question is answered.

Company's webmaster is the only person who receives, collects or maintains children's submitted information, even temporarily, through the Site. The webmaster will not use such information for any purpose, including marketing back to the child. The webmaster will not disclose information collected from children to third parties.

Occasionally, Company has special site activities or promotions like sweepstakes or contests which are open to children even if they are under 13. In these activities, Company is not allowed to ask for more information from a child other than what is necessary for a child to participate in the activity. For instance, Company might ask for a parent's email address so Company can request information on how to send the child any prizes won or to tell a parent when his/her child has won a prize.

In the last two situations when Company asks for information without parental consent, Company requires the child to give his/her parent's e-mail address, so the parent is notified that their child registered in a promotion or for a service. Any information a child provides in the above special circumstances will be deleted from the database once the promotion, program or activity is concluded, and after any legally required period for keeping such information is complete.

Company also might collect contact information where it is necessary to protect a child's safety.

A parent can always ask to review the information his/her child has submitted by sending an email to [webadmin@tropicalsmoothie.com](mailto:webadmin@tropicalsmoothie.com) or a written request addressed to Tropical Smoothie Café, 4100 Legendary Drive, Suite 250, Destin, FL 32541, Attention: Webmaster, Children's Online Privacy Act - Information Request, or by calling 1-800-252-2522. Requests must include the screen name of the child, the child's password and any other information which will allow Company to verify that the requester is the parent of the child whose information is requested. A parent can ask to delete a child's information at any time and a parent can ask that Company not collect any more personal information from his/her child, by sending an email at [webadmin@tropicalsmoothie.com](mailto:webadmin@tropicalsmoothie.com) or a written request addressed to Company, Tropical Smoothie Café, 4100 Legendary Drive, Suite 250, Destin, FL 32541, Attention: Webmaster, Children's Online Privacy Act - Delete Request or by calling 1-888-292-2522.

#### 10. How do I contact the Company?

If you have any further questions concerning the Company's Privacy Policy and the use of your Personal Information, please contact [webadmin@tropicalsmoothie.com](mailto:webadmin@tropicalsmoothie.com).

Effective as of July 19, 2007

