

**MEMORANDUM OF INTENT
BETWEEN THE
UNITED STATES DEPARTMENT OF AGRICULTURE
AND
Love Your Fruits & Vegetables LLC.**

Whereas, the United States Department of Agriculture (USDA), pursuant to its authority to disseminate information regarding good nutrition has developed the MyPyramid Food Guidance System.

Whereas, Love Your Fruits & Vegetables LLC. , intends to engage in one or more of the following:

- Promote MyPyramid and develop a complimentary product, program, or campaign for consumers, and/or
- Develop a new packaging initiative that assists consumers in following MyPyramid recommendations and monitoring portion sizes, and/or
- Encourage physical activity through a product promotion or consumer education campaign.

; and

Whereas, USDA and Love Your Fruits & Vegetables LLC have common goals of ensuring the completeness and accuracy of all information on nutrition disseminated to the public, particularly such information directed at school-age children and their parents:

Therefore, USDA and Love Your Fruits & Vegetables LLC agree to the following:

1. USDA will, if requested:
 - 0.1 Make available directly to Love Your Fruits & Vegetables LLC MyPyramid.gov graphics, educational materials and other publicly available nutrition information developed by USDA; and
 - 0.2 Provide technical assistance through a MyPyramid message guide to assure accuracy of nutrition information to be disseminated by Love Your Fruits & Vegetables LLC to the public.

Appendix 3

2. Love Your Fruits & Vegetables LLC agrees:
 - 0.1 To make every reasonable effort to ensure the completeness and accuracy of the nutrition information that it incorporates into the Love Your Fruits & Vegetables LLC. MyPyramid advertising, marketing program, product development, or initiative; and
 - 0.2 To cite USDA as the source of MyPyramid whenever Love Your Fruits & Vegetables LLC uses it.

3. USDA and Love Your Fruits & Vegetables LLC mutually agree as follows:
 1. It is the policy of USDA not to endorse any commercial enterprise or product; therefore, Love Your Fruits & Vegetables LLC may not cite USDA in any way so as to suggest USDA endorsement of Love Your Fruits & Vegetables LLC or a Love Your Fruits & Vegetables LLC product, program, and/or initiative.
 2. This memorandum of intent (MOI) is not a contractually binding agreement between the parties, nor is it a funds obligating document.
 3. This MOI will become effective upon the signature of both parties and shall remain in effect for two years from the date of execution.
 4. This MOI may be modified or extended by mutual written agreement, and may be terminated at any time by either party upon written notice to the other party.

Executed in duplicate on the dates indicated below:

USDA

Date

Love Your Fruits & Vegetables LLC

_____11/10/08_____

Date