

**November 28, 2002**  
**FOR IMMEDIATE RELEASE**

## **"Details Released on Capers Class Action**

Details were provided yesterday on the class action lawsuit brought against Capers Community Markets for the Hepatitis A outbreak it caused last spring. In a Statement of Claim filed in the Supreme Court of British Columbia.

The suit, brought by Mrs. Helen Fakhri and Mr. Ady Aylon, alleges "Capers breached its duty by failing to ensure that the Tainted Products were safe and reasonably fit for human consumption" and that "Capers is vicariously liable for the negligence of its HAV infected employees who, prepared, handled, and/or served the Tainted Products".

In March and April 2002 Mrs. Fakhri, who was a regular customer of Capers, suffered from fever, chills, nausea and fatigue. She was extremely worried about these symptoms, and consulted several times with family physicians, because she was one and a half months pregnant at the time. Mrs. Fakhri miscarried in May 2002. In blood tests conducted on April 4, 22 and 30, 2002, she was reactive to Hepatitis A, however, by the time she learned of the Capers incident through the media it was too late for her to receive the anti-Hepatitis A inoculation.

Mr. Aylon, one of the 6,400 Capers customers who had to be vaccinated, was also a regular customer of Capers prior to the Hepatitis A outbreak. Mr. Aylon was vaccinated after consuming potato salad and hummus that he purchased at the Capers store located on West 4th Avenue.

In addition to being inconvenienced by having to be vaccinated, Mr. Aylon suffered an almost immediate adverse reaction to the vaccine at the vaccination clinic and had to rest in a designated area, together with other persons who were having adverse reactions to the injections. After returning home Mr. Aylon continued to suffer from flushing, headache, weakness and nausea and went to the emergency ward of the Vancouver General Hospital. The attending physician advised him that he was having an adverse reaction to the injection and kept him under observation for about 4 hours. Several days later he experienced the same

symptoms, again went to the emergency ward of VGH where he was once more examined, put under observation and released after about 4 hours.

It would appear that as early as May, 2000 Capers was advised by the Vancouver/ Richmond Health Board that the overall handling of preassembled meals at their Robson Street location was unsatisfactory. Capers was instructed at that time to cease this activity immediately. Further, it was discovered that their foodhandler had had no training on food safety and the overall food assembly method was found to be extremely poor.

Capers is operated by Alfalfa's Canada Inc., a subsidiary of Wild Oats Markets, Inc., which is publicly traded on the Nasdaq exchange under the symbol OATS.

Hepatitis A is a viral illness that affects the liver. Symptoms include nausea, vomiting, fatigue, fever, abdominal pain, dark coloured urine, light or whitish coloured bowel movements and jaundice (yellow colour to skin or eyes).

- For further information and a copy of the Statement of Claim, contact: David Klein, Klein Lyons, Suite 1100 - 1333 West Broadway, Vancouver, B.C. V6H 4C1 (604) 874-7171."