

**Must Be
Postmarked
No Later Than
June 5, 2013**

NBTY Securities Litigation
Claims Administrator
c/o GCG
P.O. Box 9349
Dublin, OH 43017-4249
1-800-231-1815
www.gcginc.com

NBT



Claim Number:

Control Number:

PROOF OF CLAIM AND RELEASE

To recover as a member of the Class based on your claims in the action entitled *John F. Hutchins v. NBTY, Inc., et al.*, Civil Action No. 2:10-cv-02159-LDW-WDW (the "Action"), you must complete and, on page 6 hereof, sign this Proof of Claim and Release. If you fail to file a properly addressed (as set forth on page 3) Proof of Claim and Release, your claim may be rejected and you may be precluded from any recovery from the Net Settlement Fund created in connection with the proposed Settlement of the Action.

Submission of this Proof of Claim and Release, however, does not assure that you will share in the proceeds of the Settlement of the Action.

YOU MUST MAIL YOUR COMPLETED AND SIGNED PROOF OF CLAIM AND RELEASE POSTMARKED ON OR BEFORE JUNE 5, 2013, ADDRESSED AS FOLLOWS:

NBTY Securities Litigation
Claims Administrator
c/o GCG
P.O. Box 9349
Dublin, OH 43017-4249

If you are NOT a member of the Class (as defined in the Notice of Pendency and Proposed Settlement of Class Action (the "Notice")), DO NOT submit a Proof of Claim and Release form.

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Important - This form should be completed IN CAPITAL LETTERS using BLACK or DARK BLUE ballpoint/fountain pen. Characters and marks used should be similar in the style to the following:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z 1 2 3 4 5 6 7 0



PART I - CLAIMANT IDENTIFICATION

LAST NAME (CLAIMANT)

FIRST NAME (CLAIMANT)

Last Name (Beneficial Owner if Different From Claimant)

First Name (Beneficial Owner)

Last Four Digits of the Beneficial Owner's Employer Identification Number or Social Security Number¹

Last Name (Co-Beneficial Owner)

First Name (Co-Beneficial Owner)

Company/Other Entity (If Claimant Is Not an Individual)

Contact Person (If Claimant is Not an Individual)

Trustee/Nominee/Other

Account Number (If Claimant Is Not an Individual)

Trust/Other Date (If Applicable)

Address Line 1

Address Line 2 (If Applicable)

City

State

Zip Code

Foreign Province

Foreign Country

Foreign Zip Code

Telephone Number (Day)

Telephone Number (Night)

Email Address (Email address is not required, but if you provide it you authorize the Claims Administrator to use it in providing you with information relevant to this claim.)

IDENTITY OF CLAIMANT (check only one box):

- ☐ Individual
 ☐ Joint Owners
 ☐ Estate
 ☐ Corporation
 ☐ Trust
 ☐ Partnership
- ☐ Private Pension Fund
 ☐ Legal Representative
- ☐ IRA, Keogh, or other type of individual retirement plan (indicate type of plan, mailing address, and name of current custodian)
- ☐ Other (specify, describe on separate sheet)

NOTICE REGARDING ELECTRONIC FILES: Certain claimants with large numbers of transactions may request to, or may be requested to, submit information regarding their transactions in electronic files. All Claimants MUST submit a manually signed paper Proof of Claim and Release form listing all their transactions whether or not they also submit electronic copies. If you wish to file your claim electronically, you must contact the Claims Administrator at 1-800-231-1815 or visit their website at www.gcginc.com to obtain the required file layout. No electronic files will be considered to have been properly submitted unless the Claims Administrator issues to the claimant a written acknowledgement of receipt and acceptance of electronically submitted data.

To view GCG's Privacy Notice, please visit <http://www.gcginc.com/pages/privacy-policy.php>

¹The last four digits of the taxpayer identification number (TIN), consisting of a valid Social Security Number (SSN) for individuals or Employer Identification Number (EIN) for business entities, trusts, estates, etc., and telephone number of the beneficial owner(s) may be used in verifying this claim.



PART II - GENERAL INSTRUCTIONS

To recover as a member of the Class based on your claims in the action entitled *John F. Hutchins v. NBTY, Inc., et al.*, Civil Action No. 2:10-cv-02159-LDW-WDW (the "Action"), you must complete and, on page 6 hereof, sign this Proof of Claim and Release. If you fail to file a properly addressed (as set forth below) Proof of Claim and Release, your claim may be rejected and you may be precluded from any recovery from the Net Settlement Fund created in connection with the proposed Settlement of the Action.

Submission of this Proof of Claim and Release, however, does not assure that you will share in the proceeds of the Settlement of the Action.

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P.O. Box 9349
Dublin, OH 43017-4249

If you are NOT a member of the Class (as defined in the Notice of Pendency and Proposed Settlement of Class Action (the "Notice")), DO NOT submit a Proof of Claim and Release form.

If you are a member of the Class and you do not timely request exclusion in connection with the proposed Settlement, you will be bound by the terms of any judgment entered in the Action, including the releases provided therein, WHETHER OR NOT YOU SUBMIT A PROOF OF CLAIM AND RELEASE FORM.

CLAIMANT IDENTIFICATION

If you purchased NBTY common stock and held the certificate(s) in your name, you are the beneficial purchaser as well as the record purchaser. If, however, you acquired or purchased NBTY common stock and the certificate(s) were registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial purchaser and the third party is the record purchaser.

Use Part I of this form entitled "Claimant Identification" to identify the beneficial acquirer or purchaser of the NBTY common stock which forms the basis of this claim. THIS CLAIM MUST BE FILED BY THE ACTUAL BENEFICIAL PURCHASER(S) OR THE LEGAL REPRESENTATIVE OF SUCH PURCHASER(S), OF THE NBTY COMMON STOCK UPON WHICH THIS CLAIM IS BASED.

All joint acquirers or purchasers must sign this claim. Executors, administrators, guardians, conservators and trustees must complete and sign this claim on behalf of persons represented by them and their authority must accompany this claim and their titles or capacities must be stated. The last 4 digits of the Social Security (or taxpayer identification) number and telephone number of the beneficial owner may be used in verifying the claim. Failure to provide the foregoing information could delay verification of your claim or result in rejection of the claim.

If you are acting in a representative capacity on behalf of a Class Member (for example, as an executor, administrator, trustee, or other representative), you must submit evidence of your current authority to act on behalf of that Class Member. Such evidence would include, for example, letters testamentary, letters of administration, or a copy of the trust documents.

CLAIM FORM

Use Part III of this form entitled "Schedule of Transactions in NBTY Common Stock" to supply all required details of your transaction(s) in NBTY common stock. If you need more space or additional schedules, attach separate sheets giving all of the required information in substantially the same form. Sign and print or type your name on each additional sheet.

On the schedules, provide all of the requested information with respect to **all** of your purchases of NBTY common stock which took place at any time between November 9, 2009 and April 26, 2010, inclusive (the "Class Period"), the total number of shares of NBTY common stock purchased between April 27, 2010 and July 25, 2010, inclusive, and **all** of your sales of NBTY common stock which took place at any time between November 9, 2009 and July 25, 2010, whether such transactions resulted in a profit or a loss. You must also provide all of the requested information with respect to **all** of the NBTY common stock you held at the close of trading on November 8, 2009 and July 25, 2010. Failure to report all such transactions may result in the rejection of your claim.

List each transaction in the Class Period separately and in chronological order, by trade date, beginning with the earliest. You must accurately provide the month, day and year of each transaction you list.

The date of covering a "short sale" is deemed to be the date of purchase of NBTY common stock. The date of a "short sale" is deemed to be the date of sale of NBTY common stock.

Copies of stockbroker confirmation slips, stockbroker statements, or other documents evidencing your transactions in NBTY common stock should be attached to your claim. If any such documents are not in your possession, please obtain a copy or equivalent documents from your broker because these documents are necessary to prove and process your claim. Failure to provide this documentation could delay verification of your claim or result in rejection of your claim.



PART III - SCHEDULE OF TRANSACTIONS IN NBTY COMMON STOCK

- A. BEGINNING HOLDINGS:** Number of shares of NBTY common stock held at the close of trading on **November 8, 2009**. If none, write "zero" or "0".

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Shares

- B. PURCHASES:** Purchases of NBTY common stock made during the time period **November 9, 2009** and **April 26, 2010**, inclusive. (Must be documented.)

Trade Date List Chronologically (Month/Day /Year)	Number of Shares Purchased	Price Per Share	Total Purchase Price (Excluding taxes, fees, and other commissions)
/ /		.	.
/ /		.	.
/ /		.	.
/ /		.	.
/ /		.	.

- C. PURCHASES:** Number of shares of NBTY common stock purchased between **April 27, 2010** and **July 25, 2010**, inclusive (If none, write "zero" or "0").

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Shares

- D. SALES:** Sales of NBTY common stock during the time period **November 9, 2009** through and including **July 25, 2010**. (Must be documented.)

Trade Date List Chronologically (Month/Day /Year)	Number of Shares Sold	Price Per Share	Total Sales Price (Excluding taxes, fees, and other commissions)
/ /		.	.
/ /		.	.
/ /		.	.
/ /		.	.
/ /		.	.

- E. ENDING HOLDINGS:** Number of shares of NBTY common stock held at the close of trading on **July 25, 2010**. If none, write "zero" or "0". (Must be documented.)

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Shares

IF YOU NEED ADDITIONAL SPACE TO LIST YOUR TRANSACTIONS YOU MUST
PHOTOCOPY THIS PAGE AND CHECK THIS BOX ☐

IF YOU DO NOT CHECK THIS BOX THESE ADDITIONAL PAGES WILL NOT BE REVIEWED



PART IV - SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

I (We) submit this Proof of Claim and Release under the terms of the Settlement Agreement described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the Eastern District of New York with respect to my (our) claim as a Class Member and for purposes of enforcing the release set forth herein. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any judgment that may be entered in the Action. I (We) agree to furnish additional information to the Claims Administrator to support this claim (including transactions in other NBTY securities, such as options) if requested to do so. I (We) have not submitted any other claim covering the same acquisitions, purchases or sales of NBTY common stock during the Class Period and know of no other person having done so on my (our) behalf.

PART V - RELEASE AND CERTIFICATION

1. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally and forever settle, release and discharge from the Released Claims each and all of the Released Persons as provided in the Settlement Agreement.
2. “Released Claims” means all claims (including “Unknown Claims”), whether direct, indirect, or derivative, that were asserted or could have been asserted in this Class Action by Lead Plaintiff or members of the Class, against Released Persons based upon, arising out of, or relating to both (i) the claims or facts and circumstances asserted in this Class Action and (ii) the purchase of NBTY common stock during the Class Period by Class Members.
3. “Released Persons” means each and all of Defendants and each and all of their present or former parents, subsidiaries, affiliates (as defined in 17 C.F.R. §210.1-02(b)), successors and assigns, and each and all of the present or former officers, directors, employees, employers, attorneys, accountants, financial advisors, lenders, insurers, investment bankers, representatives, general and limited partners and partnerships, heirs, executors, administrators, successors, affiliates, and assigns of each of them.
4. “Unknown Claims” means any Released Claims which Lead Plaintiff or any Class Member does not know or suspect to exist in his, her or its favor at the time of the release of the Released Persons which, if known by him, her or it, might have affected his, her or its settlement with and release of the Released Persons, or might have affected his, her or its decision not to object to this Settlement. With respect to any and all Released Claims, the Settling Parties stipulate and agree that, upon the Effective Date, Lead Plaintiff shall expressly and each of the Class Members shall be deemed to have, and by operation of the Judgment shall have, expressly waived to the fullest extent permitted by law the provisions, rights, and benefits of California Civil Code §1542, which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

Lead Plaintiff shall expressly and each of the Class Members shall be deemed to have, and by operation of the Judgment shall have, expressly waived any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States, or principle of common law, which is similar, comparable, or equivalent to California Civil Code §1542. Lead Plaintiff and Class Members may hereafter discover facts in addition to or different from those which he, she or it now knows or believes to be true with respect to the subject matter of the Released Claims, but Lead Plaintiff shall expressly, and each Class Member, upon the Effective Date, shall be deemed to have, and by operation of the Judgment shall have, fully, finally, and forever settled and released any and all Released Claims, known or unknown, suspected or unsuspected, contingent or non-contingent, whether or not concealed or hidden, which now exist, or heretofore have existed, upon any theory of law or equity now existing or coming into existence in the future, whether direct, indirect, or derivative, including, but not limited to, conduct that is negligent, intentional, with or without malice, or a breach of any duty, law, or rule, without regard to the subsequent discovery or existence of such different or additional facts. Lead Plaintiff acknowledges, and the Class Members shall be deemed by operation of the Judgment to have acknowledged, that the foregoing waiver was separately bargained for and a key element of the Settlement of which this release is a part.

5. This release shall be of no force or effect unless and until the Court approves the Settlement Agreement and the Settlement becomes effective on the Effective Date.

**PART V - RELEASE AND CERTIFICATION (CONT'D)**

6. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.

7. I (We) hereby warrant and represent that I (we) have included information about all of my (our) transactions in NBTY common stock which occurred during the Class Period as well as the number of shares of NBTY common stock held by me (us) at the close of trading on November 8, 2009 and July 25, 2010.

8. I (We) certify that I am (we are) not subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code.

NOTE: If you have been notified by the Internal Revenue Service that you are subject to backup withholding, please strike out the language that you are not subject to backup withholding in the certification above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information supplied by the undersigned is true and correct.

Executed this _____ day of _____ in _____.
(Month/Year) (City) (State/Country)

Sign your name here

Date

Type or print your name here

If the Claimant is other than an individual, or is not the person completing this form, the following also must be provided:

Signature of person signing on behalf of Claimant

Date

Print your name here

Capacity of person(s) signing, e.g., Beneficial Purchaser,
Executor or Administrator

REMINDER CHECKLIST

**ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME.
THANK YOU FOR YOUR PATIENCE.**

1. Please sign the Proof of Claim and Release.
2. If this claim is made on behalf of Joint Claimants, then both must sign.
3. DO NOT SEND ORIGINALS OF ANY SUPPORTING DOCUMENTS.
4. Keep a copy of your completed Proof of Claim and Release and all documentation submitted for your records.
5. The Claims Administrator will acknowledge receipt of your Proof of Claim and Release by mail, within 60 days. Your claim is not deemed filed until you receive an acknowledgment postcard. If you do not receive an acknowledgment postcard within 60 days, please call the Claims Administrator toll free at 1-800-231-1815.
6. If you move, you must send us your new address. Otherwise, any funds allocated to your claim are subject to forfeiture.
7. Do not use highlighter on the Proof of Claim and Release or supporting documentation.
8. If you have any questions or concerns regarding your Proof of Claim and Release, please contact the Claims Administrator at the address listed below or at 1-800-231-1815, or visit www.gcginc.com.

**THIS PROOF OF CLAIM AND RELEASE MUST BE POSTMARKED ON OR BEFORE
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