

WAIVER OF LIABILITY, ASSUMPTION OF RISK AND INDEMNITY AGREEMENT CHEF DEMONSTRATIONS and FOODS OTHERWISE TRANSPORTED, FURTHER PREPARED AND CONSUMED

Pre-cooked meals and transportation carries with it inherent risks that include but are not limited to health hazards resulting from improper transport, handling and storage.

WAIVER

Pre-cooked meals, cooked, perishable or otherwise are transported, further prepared, and consumed, I, for myself, my heirs, personal representatives or assigns, agents, employees and affiliates, do hereby release, waive, discharge, and covenant not to sue Empire Sports Performance, their affiliates, direct or indirect, officers, employees, businesses and agents from liability from any and all claims resulting in personal injury, accidents or illnesses (including death), and property loss arising from, but not limited to, purchasing pre-cooked meals.

ASSUMPTION OF RISKS

Purchasing pre-cooked meals comes with its certain inherent risks that cannot be eliminated regardless of the care taken to avoid injuries. The specific risks vary, and can include but are not limited to cooking food thoroughly; separating and not cross contaminating foods; chilling or refrigerating food appropriately; cleaning foodstuffs, instruments and hands used in and for food preparation; fire or gas hazards.

INDEMNIFICATION AND HOLD HARMLESS

I agree to INDEMNIFY AND HOLD HARMLESS Empire Sports Performance, their affiliates, direct or indirect, officers, employees, businesses and agents (the "Indemnitees") from any and all claims, actions, suits, procedures, costs, expenses, damages and liabilities, including attorney's fees brought as a result of me purchasing pre-cooked meals, whether brought by me, my company or its agents or employees, or other third parties, and to reimburse the Indemnitees for any such expenses incurred.

ACKNOWLEDGEMENT OF UNDERSTANDING

I have read this Waiver of Liability, Assumption of Risk, and Indemnity Agreement, fully understand its terms, and understand that I am giving up substantial rights, including my right to sue. I acknowledge that I am signing the agreement freely and voluntarily, am over the age of 18, and intend by my signature to be a complete and unconditional release of all liability to the greatest extent allowed by law.

FOOD ALLERGIES & EXPIRATION DATE

I have informed Empire Sports Performance of any acknowledgment of food allergies I am aware of. I agree to INDEMNIFY AND HOLD HARMLESS Empire Sports Performance, their affiliates, direct or indirect, officers, employees, businesses and agents if I may get any illness due to the food consumption. I also understand that each meal I purchase may not be healthy to consume after 7 days of purchase.

FOODS MORE LIKELY TO BE ASSOCIATED WITH FOODBORNE ILLNESS

Raw foods of animal origin are those most likely to be contaminated; that is, raw meat and poultry, raw eggs, unpasteurized milk, and raw shellfish. Because filter-feeding shellfish strain microbes from the sea over many months, they are particularly likely to be contaminated if there are any pathogens in the seawater. Foods that mingle the products of many individual animals, such as bulk raw milk, pooled raw eggs, or ground beef, are particularly hazardous because a pathogen present in any one of the animals may contaminate the whole batch. A single hamburger may contain meat from hundreds of animals. A single restaurant omelet may contain eggs from hundreds of chickens. A glass of raw milk may contain milk from hundreds of cows. A broiler chicken carcass can be exposed to the drippings and juices of many thousands of other birds that went through the same cold water tank after slaughter. Fruits and vegetables consumed raw are a particular concern. Washing can decrease but not eliminate contamination, so the consumers can do little to protect themselves. Recently, a number of outbreaks have been traced to fresh fruits and vegetables that were processed under less than sanitary conditions. These outbreaks show that the quality of the water used for washing and chilling the produce after it is harvested is critical. Using water that is not clean can contaminate many boxes of produce. Fresh manure used to fertilize vegetables can also contaminate them. Alfalfa sprouts and other raw sprouts pose a particular challenge, as the conditions under which they are sprouted are ideal for growing microbes as well as sprouts, and because they are eaten without further cooking. That means that a few bacteria present on the seeds can grow to high numbers of pathogens on the sprouts. Unpasteurized fruit juice can also be contaminated if there are pathogens in or on the fruit that is used to make it.

A FEW SIMPLE PRECAUTIONS TO REDUCE THE RISK OF FOODBORNE DISEASES

CHILL: Refrigerate leftovers promptly. Bacteria can grow quickly at room temperature, so refrigerate leftover foods if they are not going to be eaten within 4 hours. Large volumes of food will cool more quickly if they are divided into several shallow containers for refrigeration.

SOME INDIVIDUALS AT PARTICULARLY HIGH RISK SHOULD TAKE MORE PRECAUTIONS

Pregnant women, the elderly, and those weakened immune systems are at higher risk for severe infections such as Listeria and should be particularly careful not to consume undercooked animal products. They should avoid soft French style cheeses, pates, uncooked hot dogs and sliced deli meats, which have been sources of Listeria infections. Persons at high risk should also avoid alfalfa sprouts and unpasteurized juices. A bottle-fed infant is at higher risk for severe infections with Salmonella or other bacteria that can grow in a bottle of warm formula if it is left at room temperature for many hours. Persons with liver disease are susceptible to infections with a rare but dangerous microbe called *Vibrio vulnificus*, found in oysters. They should avoid eating raw oysters.