

HERSHEY'S® SYRUP CAP-ITAL GAINS

Instant Winner Game

ABBREVIATED RULES

NO PURCHASE NECESSARY TO ENTER OR WIN. Instant Winner Game begins 12:00:01 AM EST on 6/1/06 and ends at 11:59:59 PM EST on 9/30/06. To enter, visit www.hersheys.com during the Entry Period. Sweepstakes open to legal residents of the U.S. Void where prohibited. Odds of winning instantly depend on the number of game plays received. Subject to the official rules which can be found at www.hersheys.com. ©2006 The Hershey Company.

Official Rules

- 1. NO PURCHASE NECESSARY TO ENTER OR CLAIM A PRIZE.** HERSHEY'S Syrup Cap-ital Gains Instant Winner Game ("Game") begins 12:00:01 AM Eastern time on June 1, 2006 and ends at 11:59:59 PM Eastern time on September 30, 2006 ("Entry Period"). Void where prohibited or restricted by law. Subject to all applicable federal, state and local laws and regulations.
- 2. Eligibility:** Game participation is open only to legal residents of the 50 United States and the District of Columbia. Employees of The Hershey Company ("Sponsor"), D.C. Tintle & Associates Inc. ("Administrator"), JPL Productions ("Webmaster") and their respective parents, affiliates, subsidiaries, advertising and promotion agencies for this game and members of their immediate families and households are not eligible to participate or win a prize. By entering the Game, entrants agree to be bound by these rules and consent to the use of their name and/or likeness (without additional compensation) for publicity purposes carried out by Sponsor to the extent permissible by law.
- 3. How to enter:** To enter the Game, visit www.hersheys.com during the Entry Period, and click on the icon, banner or text link to be taken to the Fun Stuff Promotions page. You will be asked to complete a one-time registration form and obtain a user id. Minors under the age of 13 ("Child") must first become a registered guest by filling out the applicable registration form for free at www.hersheys.com. A registered Child guest

must only provide his/her email address, and the email address of his/her parent or legal guardian and a user name and password. Upon completion of registration as a Child, Sponsor will immediately notify parent or legal guardian via email to the address provided by the Child. For the Child to have the ability to enter the Game, his/her parent or legal guardian must give permission for the Child to play the Game and provide Child's personal information (full name, home address, telephone number), via the link provided in the email during the Entry Period. If the parent or legal guardian gives permission for his/her Child to play the Game and provides his/her personal information, the Child will be notified at his/her email provided, and they will be instructed to return to www.hersheys.com to play the Game. For information on how entrants' personally identifiable information may be used, refer to The Hershey Company's Privacy Policy, by visiting <http://www.hersheys.com/privacy/index.shtml>.

- 4. How to play:** Once you have a user id, use your mouse to maneuver the on-line thumb to the HERSHEY'S Syrup Cap. The HERSHEY'S Syrup Cap will pop open and a message will be displayed in the message box. If the message states "Sorry! Not a winner this time! Try again tomorrow!" or a blank screen appears or you do not receive a message, you are not an instant winner. If the message states "Congratulations! You've just won a HERSHEY'S Syrup Cap!" you are an instant prize winner, subject to verification, and will be automatically entered into a drawing for the Grand Prize and First Prizes. Confirmed Instant Prize winners will receive their HERSHEY'S Syrup Cap in 8-10 weeks from the date of initial notification. **LIMIT ONE GAME PLAY PER REGISTERED USER, PER DAY.** Limit one Instant Prize per registered user. If you have not been selected as an Instant Prize winner, you can return to play once a day during the Entry Period. Odds of winning an Instant Prize depend on the number of Instant Win Game plays during the Entry Period. Unclaimed Instant Prizes will not be awarded.

Ten thousand (10,000) winning play times throughout the Entry Period will be randomly determined through computer generation methodology. Webmaster's computer is the official time keeping device of this Game. The first play which is received and recorded by the Webmaster's computer at each determined winning play time will win the Instant Prize. If no play is received and recorded at that time, then the first play received and recorded by the Webmaster's computer after that time will win the Instant Prize for that time. Only ten thousand (10,000) Instant Prize

winners will be selected. Instant Prize winners will be notified immediately after their play is completed. All instant winning plays are subject to verification, confirmation and compliance with these official rules. Proof of play and/or winning will not be deemed to be proof of winning by Sponsor or Administrator. In case of a dispute as to the identity of an Instant Prize winner, entry will be declared made by the registered user, and instant prize will be awarded to that registered user. Sponsor may require potential winner to provide proof that he/she is the authorized account holder of the email address used to enter the Game. "Authorized account holder" is defined as the natural person who is assigned to an email address by an internet service provider, on-line service provider or organization (e.g., business, educational institution, etc.) that is responsible for assigning the email address or the domain associated with the email address submitted.

In case of multiple attempts to play the game in one day from any one registered user, only the first attempt to play will be valid. The use of robotic, repetitive, automatic, programmed or similar entry methods or agents (including but not limited to, sweepstakes entry services) are prohibited and will void all such entries. Normal time rates, if any, charged by internet service provider to entrant will apply. All Instant Prize winners will automatically be entered into a drawing for the Grand Prize and First Prizes.

- 5. Communication:** The Hershey Company and its affiliates, subsidiaries, parent companies, advertising and promotion agencies, printers and judges involved in this promotion are not responsible for any incomplete, late or misdirected entries or inaccuracies in information which may be used in the Game, for any technical or human error which may occur in the processing of entries, including data entered by entrants, any entry miscommunications such as technical failures related to computer, telephone, cable, and unavailable network or server connections, related technical failures, or other failures related to hardware, software or caused by bugs or a virus, or any other causes beyond the control of the Sponsor. Any compromise to the fair and proper conduct of this Game related to a computer virus, or similar type of technical impairment that may affect the proper fairness, security and administration of the Game may result in the termination, amendment or modification of the Game, or portion thereof, at the sole discretion of Sponsor. Sponsor reserves the right, in its sole discretion, to void any entries submitted by those individuals whom

Sponsor believes has attempted to tamper with or impair the administration, security, fairness or proper play of this Game.

6. **Prizes:** Ten thousand (10,000) Instant Prizes will be available. One (1) Grand Prize and one hundred (100) First Prizes will be awarded in a random drawing from all valid instant prize winners.

Ten thousand (10,000) Instant Prizes will be available. Instant Prize is a HERSHEY'S Syrup Cap. Approximate Retail Value ("ARV") of each Instant Prize is \$9.95. ARV of all Instant Prizes: \$99,500.

One (1) Grand Prize will be awarded. Grand Prize is a check for \$10,000. ARV of Grand Prize is \$10,000.

One hundred (100) First Prizes will be awarded. First Prize is a 3.0 Mega Pixel digital camera with 4" LCD display, 4-x digital zoom and carrying case. ARV of each First Prize is \$199.00. ARV of all First Prizes: \$19,900.

Total ARV of all prizes is \$129,400. No substitution of prizes is permitted except that Sponsor reserves the right to substitute a prize specified herein with a prize of comparable value if stated prize becomes unavailable. Taxes for prizes are the sole responsibility of the prize winner. **Limit one Instant Prize per registered user. Limit one Grand or First Prize winner per eligible household.** All Grand and First Prizes will be awarded.

7. **Grand Prize/First Prizes Drawing:** Potential Grand Prize and First Prize winners will be chosen in a random drawing, to be conducted on or about October 10, 2006, from among all eligible instant win entries received by the Webmaster and David C. Tintle & Assoc., Inc., 99 Murray Hill Parkway, East Rutherford, NJ 07073, an independent judging organization whose decisions are final and binding in all matters relating to this Game. Odds of winning Grand Prize are 1:10,000, provided all Instant Win prizes are awarded. Odds of winning First Prize are 1:100, provided all Instant Win prizes are awarded.
8. **Notification:** Potential Grand Prize winner (or their parent or legal guardian, if the potential winner has not reached the age of majority in his/her state of residence) selected will be notified by mail or email, and will be required to sign and return an Affidavit of Eligibility &

Liability/Publicity Release (where legal), and/or Prize Acceptance Form, within ten (10) days of receiving such prize claim paperwork (via mail or email as described above) as a condition of receiving the prize(s). By entering the Game, potential winners agree that Sponsor, Administrator, Webmaster, their respective parent companies, divisions, affiliates and subsidiaries, dealerships and each of their directors, officers, employees, agents, members, representatives, successors and assigns, and all others associated with the development and execution of this Game (the "Releases"), their officers, directors, subsidiaries or affiliates and their agencies and employees shall not be held liable for any injuries, losses or damages, including death, resulting from participation in this Game or the use or acceptance of any prize.

Return of any Instant Prize as "undeliverable" will result in disqualification and Instant Prize will be forfeited. Return of any Grand Prize or First Prize notifications as "undeliverable" will result in disqualification. In the event of disqualification of any Grand or First Prize potential winners, prize will be forfeited and an alternate potential winner will be selected from among all remaining Instant Prize winners. Sponsor and its agencies are not responsible for notifications that are misdirected because of mail or email addresses that are no longer correct, or for any other reason beyond the control of Sponsor.

9. **Waiver:** By entering the Game, participant waives all rights to claim punitive, incidental and consequential damages, attorneys' fees or any damages other than actual out-of-pocket costs or losses that may arise in connection with participation in the Game or acceptance, possession and use of any prize. Where legal, by accepting prize, winner agrees to the use of his/her name, address, likeness, photograph and/or voice and statements by winner (provided they are true) for advertising/publicity purposes without notice or further compensation. By entering, entrants agree that this Game is governed by laws of the Commonwealth of Pennsylvania, without regard to conflicts of laws principals, and all entrants hereby submit to the jurisdiction and venue the state and federal courts in the Middle District of Hershey, Pennsylvania for the resolution of all claims and disputes.
10. **Winners List:** For a copy of the winner's list, available after October 10, 2006, or a copy of these official rules, send a self-addressed, stamped envelope to: Hershey's Syrup Cap-ital Gains Winners List Request, P.O. Box 7456, East Rutherford, NJ 07073-7456 by October 31, 2006.

11. Sponsor: The Hershey Company, Hershey, PA 17033.

©2006 The Hershey Company