

ALLERGEN NOTICE AND DISCLAIMER

Notice

1. The list of allergens in the Allergen Feature is taken from the Food Allergen Labeling and Consumer Protection Act of 2004 ("FALCPA"). The "FALCPA Allergens" are milk, egg, fish (e.g., bass, cod, flounder), Crustacean shellfish (e.g. crab, lobster, shrimp), tree nuts (e.g., almonds, pecans, walnuts), wheat, peanuts and soybeans.
2. The purpose of the Allergen Feature is to provide Customers with tools they can use to identify FALCPA Allergens in a Customer planned menu or recipe.
3. LunchByte Systems does NOT identify any allergens.

Disclaimer

Neither Walker Quality Services nor its employees or associates, warrant that the Nutrikids Software will be uninterrupted or error-free; nor does Walker Quality Services warrant or make any representation regarding the use of the information provided from the Nutrikids Software or the results that may be obtained from the use of the information provided, or as to the accuracy, reliability, or medical aspects of any nutritional information or contents, provided through the Software. Walker Quality Services does not endorse, recommend, or provide medical dietary information that may be obtained from the Software. Walker Quality Services nor its employees or associates, are trained physicians, nor affiliated with any medical physicians to provide accurate information for students with special dietary concerns. Therefore, Walker Quality Services nor its employees or associates will not be held liable for any nutritional information that is presented to school employees (e.g. nurses, teachers, and administrators), physicians, and nutritionist.

The effectiveness of the Allergen Feature in identifying the presence of FALCPA Allergens or food sensitivities in food which the Customer plans to serve is limited by the following:

1. The list of allergens is not inclusive and is limited to the eight (8) FALCPA Allergens.
2. The software does not identify food sensitivities, intolerances to foods or dietary restrictions followed for medical conditions of anyone served food by the Customer.
3. Identification of the FALCPA Allergens or food sensitivities is dependent on the manufacturer of each product or ingredient in a menu or recipe correctly identifying the attributes of the ingredients in their product or ingredient.
4. The products or ingredients in a planned menu having been altered by:
 - a. Substitutions

b. Alterations

c. Change in supplier

d. Mislabeling by manufacturer

e. Failure of Customer to update their database

5. Insufficient information to plan around or accommodate medical conditions or special diets, including but not limited to adverse reactions to any of the FALCPA Allergens or any known or unknown allergen or food sensitivity.

6. Customer using a recipe from another user of Nutrikids Menu Planning software without identifying all the potential allergens. All allergen identification information in a recipe received from another user of Nutrikids Menu Planning and Nutritional Analysis software is reset to "?" or unknown.

7. Use of the Nutrikids Software by unauthorized employees of the Customer who are not educated or trained to identify the FALCPA Allergens, food sensitivities, or special diets, in a recipe and properly enter that information in the Nutrikids Software.

8. The specific allergies, food sensitivities, or special diets of any one served by the Customer.

9. The Customer:

(i) failing to identify a FALCPA Allergen,

(ii) mistakenly identifying a FALCPA Allergens,

(iii) improperly entering the data in the Allergen Feature,

(iv) failing to review every recipe in the Customer's data base, or

(v) incorrectly indicating in the Allergen Feature whether or not any FALCPA Allergens are present in each ingredient in each recipe.