



DISCLOSURE MATERIALS

Certified B Corporations must complete a Disclosure Questionnaire to identify potentially sensitive issues related to the company (e.g. historical fines, sanctions, material litigation, or sensitive industry practices).

This component does not affect the company's score on the B Impact Assessment. If the company answers affirmatively to any items in the Disclosure Questionnaire and B Lab deems them to be material, the company must:

- 1) Be transparent about the disclosure issues identified on the company's public B Impact Report
- 2) Describe how the company has addressed this issue.
- 3) Demonstrate that management systems are in place to avoid similar issues from arising in the future.

In all cases, the Standards Advisory council reserves the right to refuse certification if the company is ultimately deemed not to uphold the spirit of the community.

In addition to the voluntary indication of sensitive issues in the Disclosure Questionnaire, companies pursuing Certification also are subject to background checks by B Lab staff. Background checks include a review of public records, news sources, and search engines for company names, brands, executives/founders, and other relevant topics.

Sensitive issues identified through background checks may or may not be within the scope of questions in the Disclosure Questionnaire, but undergo the same review process and are subject to the same possible review by the Standards Advisory Council, including ineligibility for B Corp Certification, required remediation, or disclosure.

This document contains a copy of the company's completed Disclosure Questionnaire and related disclosure documentation provided by the company.

DISCLOSURE QUESTIONNAIRE

Company Name **Tom's of Maine**
Date Submitted: **March 2019**

Disclosure Industries	Yes	No
Please indicate if the company is involved in production of or trade in any the following. Select Yes for all options that apply.		
Any product or activity deemed illegal under host country laws or regulations or international conventions and agreements		✓
Gambling		✓
Pharmaceuticals subject to international phase-outs or bans		✓
Payday lending		✓
Pornography		✓
Wildlife or wildlife products regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)		✓

Disclosure Penalties	Yes	No
Please indicate if the company has had any formal complaint to a regulatory agency or been assessed any fine or sanction in the past five years for any of the following practices or policies. Check all that apply.		
Diversity and equal opportunity		✓
Employee safety or workplace conditions		✓
Environmental issues		✓
Financial reporting		✓
Geographic operations or international affairs		✓
Investments or Loans		✓
Labor issues (internal and supply chain)		✓
Marketing		✓
Political contributions		✓
Taxes		✓
Bribery, Fraud or corruption		✓

Supplier Disclosure	Yes	No	Don't Know
Please indicate if any of the following statements are true regarding your company's significant suppliers.			
Significant Suppliers employ workers under the age of 15 (or other minimum work age covered by the International Labour Organization Convention No. 138)		✓	
Significant Suppliers use any workers who are prisoners		✓	
Significant Suppliers have had an operational or on-the-job fatality		✓	
Significant Suppliers' sites have experienced accidental discharges to air, land or water of hazardous substances		✓	
Construction or operation of Significant Suppliers' facilities resulted in physical resettlement or economic displacement involving 5,000 or more people near their facility		✓	
Construction or operation of Significant Suppliers involved large scale land acquisition		✓	
Construction or operation of Significant Suppliers involved large scale land conversion and/or degradation		✓	
Construction or operation of Significant Suppliers involved the construction or refurbishment of dams		✓	
Significant Suppliers have had material fines or sanctions in the last five years regarding the issues indicated in DQ4.1		✓	
Significant Suppliers exploitatively operate in conflict zones		✓	

Disclosure Practices	True	False
Please indicate if the following statements are true regarding whether or not the company engages in the following practices. Check all that apply. If the statement is true, select "True." If false, select "False."		
Company is not formally registered in accordance with domestic regulations		✓
Company has reduced or minimized taxes through the use of corporate shells or structural means		✓
Company does not transparently report corporate financials to government		✓
Company facilities are located adjacent to or in sensitive ecosystems		✓
Company does not provide clean drinking water to employees at all times		✓
A portion of workers, contractors, subcontractors or day-workers are paid below minimum wage		✓
Company does not have a signed contract of employment with each worker		✓
Company employs workers under the age of 15 (or other minimum work age covered by the International Labour Organization Convention No. 138) and/or company does not keep personnel records that include evidence of the date of birth of each		✓
Overtime work for hourly workers is compulsory	✓	
Company does not provide payslips or equivalent to all workers to show how wages are calculated and any deductions made		✓
Company uses workers who are prisoners		✓
Company prohibits workers from freely associating and bargaining collectively for the terms of one's employment		✓
Company prohibits workers from freely leaving the site during non-working hours or at the end of their shift		✓
Company keeps workers' original ID cards/Passports		✓
Company exploitatively operates in conflict zones		✓
Company employs individuals on zero-hour contracts		✓

Disclosure Outcomes	True	False
Please indicate if the following statements are true regarding if the company has experienced any of the following in the past 5 years. Check all that apply. If the statement is true, select "True." If false, select "False."		
Company has had an operational or on-the-job fatality		✓
Company sites have experienced accidental discharges to air, land or water of hazardous substances		✓
Construction or operation of company facilities resulted in physical resettlement or economic displacement involving 5,000 or more people near your facility		✓
Material recalls due to quality control issues		✓
Material litigation or arbitration against company	✓	
Company has filed for bankruptcy		✓
Construction or operation of company involved large scale land acquisition		✓
Construction or operation of company involved large scale land conversion and/or degradation		✓
Construction or operation of company involved the construction or refurbishment of dams		✓
Company has had material breaches of individual's confidential information		✓

B Corp Certification - Disclosure Questionnaire Documentation

PROVIDED BY:	Tom's of Maine
UPDATED AS OF:	March 2019
DISCLOSURE QUESTIONNAIRE CATEGORY	Disclosure Outcomes -Material Litigation
ISSUE DATE	2016
TOPIC	Lawsuits related to product labeling and use of the word natural in product claims
SUMMARY OF ISSUE	Lawsuits have been filed against Tom's of Maine, Inc. alleging false advertising over the use of the term "natural" on its oral care and personal care products. In 2016, the parties received final settlement approval in Gay v. Tom's of Maine, Inc., which was originally filed in 2014. In the fall of 2016, two additional lawsuits were filed making similar claims as those settled in the Gay action for a later time period; one of those lawsuits was voluntarily dismissed in 2017 and the other remains pending.
SIZE/SCOPE OF ISSUE (e.g. \$ financial implication, # of individuals affected)	In March 2016, the parties received final settlement approval in Gay v. Tom's of Maine, Inc. The voluntary settlement created a \$4.5 million settlement fund for consumer relief, claim administration, and attorneys fees for a nationwide settlement class. In the pending litigation, plaintiffs seek certification of a nationwide class of purchasers of Tom's products after September 24, 2015; Tom's of Maine has opposed that motion, which has not been decided by the court at the time of publication.
RESOLUTION	Gay v. Tom's of Maine, Inc. was voluntarily settled by both parties, and the settlement was approved by the court in March 2016. Under the terms of the settlement agreement, there was no admission of wrongdoing and a monetary fund was created to provide relief to consumers. Of the two lawsuits filed in the fall of 2016, one was voluntarily dismissed and the other remains pending. In the pending action, plaintiffs have filed a motion for class certification that Tom's of Maine has opposed; that motion is pending in the courts.
IMPLEMENTED MGT PRACTICES	Tom's of Maine has long championed transparency to consumers. Tom's of Maine has had a consistent definition of natural since 1970, when Tom's was founded, which is described in its Stewardship Model. The Tom's of Maine Stewardship Model outlines how the company defines natural, responsible, and sustainable, and the company shares every ingredient, its purpose and its source for its products on its website for interested consumers to reference. While the Gay settlement in 2016 did not require changes to Tom's products or the way Tom's describes them, it did require that Tom's provide even more accessibility to Tom's definition of natural and its Stewardship Model online and on product packaging.
REPORT	N/A
OTHER MANAGEMENT COMMENTS	N/A
RELATED INCIDENTS (Y/N)	Yes

B Corp Certification - Disclosure Questionnaire Documentation

PROVIDED BY:	Tom's of Maine
UPDATED AS OF:	March 2019
DISCLOSURE QUESTIONNAIRE CATEGORY	Disclosure Practices - Compulsory Overtime
ISSUE DATE	N/A (Ongoing Practice)
TOPIC	Overtime Work Requirements
SUMMARY OF ISSUE	Periodically, employees are required to work overtime in order to meet production demands during peak periods.
SIZE/SCOPE OF ISSUE (e.g. \$ financial implication, # of individuals affected)	Approximately 57% of staff may be subject to overtime work requirements. For the past several years, there has typically been a need for mandatory overtime for approximately 6-10 Saturdays per year. The average number of overtime hours worked by employees during a week where mandatory overtime was required was 2 hours.
RESOLUTION	In the event overtime work is required, employees are compensated at 1.5x the normal rate for any overtime worked beyond 40 hours per week.
IMPLEMENTED MGT PRACTICES	If overtime work needs arise, Tom's of Maine aims to fill the need first on a voluntary basis. If the production facility is unable to fill all overtime requirements through a voluntary process, the site would mandate overtime taking into consideration what is the minimum staffing requirement to operate the production line safely.
REPORT	N/A
OTHER MANAGEMENT COMMENTS	N/A
RELATED INCIDENTS (Y/N)	N/A