

similar to those of an established business.

5. The sales results for a Shop are affected by a number of factors including but not limited to: whether the Shop has a Satellite and/or engages in Third-Party Delivery Services, Mobile Events and/or Catering; weather conditions in the market; the physical location of the Shop; local demographics (including daytime and residential population and income levels); site characteristics (i.e. visibility, traffic count, ease of ingress and egress, parking availability); seating; the offering of online ordering and/or curbside service; the presence of a walk-up window and/or drive-thru; seasonality (particularly in colder climates); local competition; brand and product awareness in the market; the number of Shops in the market; the presence of a Cooperative in the market; your local advertising and promotion spending, and your individual marketing efforts. Sales may also be affected by other factors such as the length of the seasons, unusual weather events and road construction affecting traffic patterns. Sales may also be affected by the strength of and public reception to the Rita's brand in the market, the length of time the Rita's brand has been in the market, the overall brand marketing within the market (which is determined by the number of Shops in the media market and whether there is a Cooperative in the media market), the flavors you offer, the overall public familiarity with Italian Ice in the market, and the overall public desire for Italian ice and custard in the market.

~~6. Your sales will be affected by your own operational ability (which may include your experience with managing a business), your involvement in the local community, your involvement in the active management of the Shop, your capital and financing (including working capital), continual training of you and your staff, your customer service orientation, your business plan and your use of experts (for example, an accountant) to assist in your business plan. Your sales will be negatively affected if you do not adhere to the System Operating Standards and the System. There are numerous factors that may affect sales at the Shop, and the factors listed above and below are not an all inclusive list of those factors.~~

~~7. Economic conditions in the United States are unusually volatile both in terms of consumer spending as well as the costs of doing business. As a result, historical performance results may not be as useful in your financial planning as they may have been in less volatile times (in terms of anticipated sales and anticipated costs). There is no assurance that future sales will correspond to historical sales, and you are likely to achieve results that are different, possibly significantly and adversely, from the results shown above. As you review the historical financial information appearing in this Franchise Disclosure Document, you must carefully consider the potential impact of the current economic volatility, price spikes in the costs of commodities used for products and your potential sales volume. Past results are no assurance of the same performance results in the future.~~

86. Written substantiation for the financial performance representation will be made available to the prospective franchisee upon reasonable request.

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**Some outlets have sold this amount. Your individual results may differ. There is no assurance that you'll sell as much.**

Other than the preceding financial performance representation, we do not make any financial performance representations. We also do not authorize our employees or representatives to make any such representations either orally or in writing. If you are purchasing an existing outlet, however, we may