

u.	Dispute resolution by arbitration or mediation	Article 13	Except for certain claims, for all disputes, there must be a face-to-face meeting and mediation if desired by either you or us. (See state specific addenda).
v.	Choice of forum	Article 14	Litigation must be in Utah County or Salt Lake County, Utah. (Subject to state law – see state specific addenda).
w.	Choice of Law	Article 14	Utah law and the United States Trademark Act apply. (Subject to state law – see state specific addenda).

**ITEM 18
PUBLIC FIGURES**

We do not use any public figure to promote our franchise.

**ITEM 19
FINANCIAL PERFORMANCE REPRESENTATIONS**

The FTC’s Franchise Rule permits a franchisor to provide information about the actual or potential financial performance of its franchised and/or franchisor-owned outlets, if there is a reasonable basis for the information, and if the information is included in the disclosure document. Financial performance information that differs from that included in Item 19 may be given only if: (1) a franchisor provides the actual records of an existing territory you are considering buying; or (2) a franchisor supplements the information provided in this Item 19, for example, by providing information about possible performance at a particular territory or under particular circumstances.

Our affiliates operated 76 traditional Swig stores and four non-traditional Swig stores as of December 31, 2024. Our franchisees operated 19 Swig stores as of December 31, 2024. Table 1 below provides a historical financial representation of the Gross Sales of 56 affiliate-owned stores and two franchised stores that operated the entire period from December 27, 2023 to December 31, 2024. Table 2 below provides a historical financial representation of the Gross Sales, Prime Costs, Other Costs, SLEBITDA and SLEBITDA % for the same 56 affiliate-owned stores, and the Other Costs, SLEBITDA and SLEBITDA % for the same 56 affiliate-owned stores as adjusted to account for 7% royalties and 3% marketing fund contributions that would have been paid had the affiliate-owned stores been franchised stores. Such 56 affiliate-owned stores and two franchised stores represent all traditional stores that were in operation during the entire period from December 27, 2023 to December 31, 2024. The following tables do not include data from 20 affiliate-owned stores and 17 franchised stores that did not operate the entire period from December 27, 2023 to December 31, 2024. The following tables also do not include data from the four affiliate-owned non-traditional stores, which are defined as stores that do not operate within our traditional model such as locations within grocery stores and stadiums as well as seasonally operated locations.

There are no material differences in the Gross Sales of franchised and company-owned outlets.

Table 1
2024 Company Owned and Franchised Store Gross Sales

2024 Performance	Number of Stores Above Average	% of Stores Above Average	Average	Maximum	Median	Minimum
Gross Sales	27	47%	\$1,216,950	\$2,086,172	\$1,161,632	\$688,202

Table 2
2024 Company Owned Gross Sales, Prime Costs, Other Costs, SLEBITDA and SLEBITDA % and Franchise Adjusted Other Costs, SLEBITDA and SLEBITDA %

2024 Performance	Number of Stores Above Average	% of Stores Above Average	Average	Maximum	Median	Minimum
Gross Sales	25	45%	\$1,219,645	\$2,086,172	\$1,161,632	\$688,202
Prime Costs	25	45%	\$612,581	\$1,020,177	\$585,974	\$376,034
Other Costs	26	46%	\$353,978	\$507,769	\$330,491	\$295,097
Franchise Adjusted Other Costs			\$475,942	\$716,387	\$446,655	\$363,918
SLEBITDA	23	41%	\$315,710	\$677,859	\$277,182	\$63,456
Franchise Adjusted SLEBITDA			\$193,746	\$469,242	\$161,018	(\$5,364)
SLEBITDA %	37	66%	25.9%	32.5%	23.9%	9.2%
Franchise Adjusted SLEBITDA %			15.9%	22.5%	13.9%	-0.8%

Notes

1. Gross Sales. The term Gross Sales means the total revenue derived from the sale of goods or services before refunds, discounts and excluding sales tax.
2. Prime Costs. The term Prime Costs means food and store-level labor costs.
3. Other Costs. The term Other Costs means all store level costs other than Prime Costs, including occupancy costs and all other operating expenses such as credit card fees, restaurant supplies as well as maintenance and repairs, plus refunds and discounts.

4. SLEBITDA. SLEBITDA stands for “Store Level EBITDA” and means, with respect to any period, the sum of (without duplication): (a) net income ; (b) interest expense during such period; (c) federal and state income taxes reported by the applicable entity that are included in the determination of net income during such period; (d) depreciation and amortization during such period; and (e) selling, general and administrative expense excluding of pre-opening expenses; in each case calculated in accordance with generally accepted accounting principles consistently applied. For purposes of this definition, “net income” means, with respect to any fiscal period, the total revenues from all sources, minus all expenses, costs, taxes, interest, depreciation, amortization, and other deductions. Net Income represents actual earnings after all operating and non-operating expenses have been deducted, and excludes any extraordinary gains or losses.

5. SLEBITDA %. The term SLEBITDA % is derived by dividing SLEBITDA by Gross Sales. The average and median SLEBITDA percents reflect the arithmetic mean and median calculated across all relevant sales, gross profit, and expense line items.

6. Franchise Adjusted Other Costs, SLEBITDA and SLEBITDA %. These terms represent the 56 affiliate-owned stores’ Other Costs, SLEBITDA and SLEBITDA % as adjusted to account for royalties (7%) and marketing fund contributions (3%) that would have been paid had the affiliate-owned stores been franchised stores. Technology fees paid by franchisees are similar to the costs paid by affiliate-owned locations for those technologies, so no adjustment was needed to account for the technology fee paid by franchised stores. The columns for maximum, average, median, and minimum in the table are based on percentages of Gross Sales.

7. Average. Average means the sum of all data points in a set, divided by the number of data points in that set.

8. Median. Median means the data point that is in the center of all data points used. That number is found by examining the total number of data points and finding the middle number in that set. In the event the number of data points is an odd number, the median will be the center number. If the dataset contains an even number of data points, the median is reached by taking the 2 numbers in the middle, adding them together, and dividing by 2.

9. Store Characteristics. Each store in the data set included in this Item 19 follows the same Swig® system and each affiliate-owned store offers similar products and services to what our franchised stores offer. Additionally, each store in the data set operated during the entire period from December 27, 2023 to December 31, 2024.

Some stores have earned this amount. Your individual results may differ. There is no assurance that you will earn as much.

We have written substantiation, in our possession, to support the financial performance representation. Written substantiation for the financial performance representation will be made available to the prospective franchisee upon reasonable request.

Other than the preceding financial performance representation, Swig Franchising, LLC does 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 provide you with the actual records of that outlet. If you receive any other financial performance information or projections of your future income, you should report it to the franchisor's management by contacting Shannon Swenson at franchise@swigdrinks.com and (801) 477-5460, the Federal Trade Commission, and the appropriate state regulatory agencies.

**ITEM 20
OUTLETS AND FRANCHISEE INFORMATION**

**Table No. 1
Systemwide Outlet Summary
For Years 2022 to 2024**

Outlet Type	Year	Outlets at the Start of the Year	Outlets at the End of the Year	Net Change
Franchised	2022	0	0	+0
	2023	0	2	+2
	2024	2	16	+14
Company Owned	2022	37	45	+8
	2023	45	57	+12
	2024	57	73	+16
Total Outlets	2022	37	45	+8
	2023	45	59	+14
	2024	59	89	+30

**Table No. 2
Transfers of Outlets from Franchisees to New Owners
(other than the Franchisor)
For Years 2022 to 2024**

State	Year	Number of Transfers
Total	2022	0
	2023	0
	2024	0

[See following page for the next set of tables]