



## Element Provides Litigation Update

BURLINGTON, Ontario – September 11, 2023 – Element Nutritional Sciences Inc. (CSE:ELMT; OTC:ELNSF; FRANKFURT:93X) (the “Company” or “Element”) announces that Eight IP, LLC (“EightIP”) has filed a claim (the “Claim”) against the Company’s subsidiary Element Nutrition Inc. (“ENI”) and others alleging, among other things, that ENI’s license agreement in respect of the patented formula included in its Rejuvenate and Promino beverages (the “Patent”) has been terminated, and that accordingly continued sale of the products by the Company represent an infringement of that Patent. The EightIP claim further alleges that US\$670,000 is due from ENI to EightIP on account of royalties payable pursuant to the license agreement in respect of the Patent, in addition to damages sought on account of the alleged Patent infringement and intentional interference with EightIP’s economic relationships.

On review of the Claim there are a number of defenses available to the Company, and the Company is working diligently to achieve an amicable settlement that will allow the relationship to continue. Updates will be provided in due course.

### Forward-Looking Statements

This news release contains “forward-looking information” and “forward-looking statements” (collectively, “forward-looking statements”) within the meaning of applicable Canadian securities legislation. All statements, other than statements of historical fact, are forward-looking statements and are based on expectations, estimates and projections as at the date of this news release. Any statement that involves discussions with respect to predictions, expectations, beliefs, plans, projections, objectives, assumptions, future events or performance (often but not always using phrases such as “expects”, or “does not expect”, “is expected”, “anticipates” or “does not anticipate”, “plans”, “budget”, “scheduled”, “forecasts”, “estimates”, “believes” or “intends” or variations of such words and phrases or stating that certain actions, events or results “may” or “could”, “would”, “might” or “will” be taken to occur or be achieved) are not statements of historical fact and may be forward-looking statements. These forward-looking statements are based on reasonable assumptions and estimates of management of the Company at the time such statements were made. Actual future results may differ materially as forward-looking statements involve known and unknown risks, uncertainties and other factors which may cause the actual results, performance or achievements of the Company to materially differ from any future results, performance or achievements expressed or implied by such forward-looking statements. Although the forward-looking statements contained in this news release are based upon what management of the Company believes, or believed at the time, to be reasonable assumptions, the Company cannot assure shareholders that actual results will be consistent with such forward-looking statements, as there may be other factors that cause results not to be as anticipated, estimated or intended. Readers should not place undue reliance on the forward-looking statements and information contained in this news release. The Company assumes no obligation to update the forward-looking statements of beliefs, opinions, projections, or other factors, should they change, except as required by law.

***No stock exchange, securities commission or other regulatory authority has approved or disapproved the information contained herein.***

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