

## FRANCHISE DISCLOSURE DOCUMENT

**Swirls and Twirls USA, LLC**  
a New York limited liability company  
5270 Sunrise Highway  
Massapequa Park, New York 11762  
(516) 541-9400  
www.swirlsandtwirlsusa.com  
info@swirlsandtwirlsusa.com



The franchisee will sign a franchise agreement (“Franchise Agreement”) to operate a shop under the name “Swirls and Twirls” featuring self-serve frozen yogurt with a variety of toppings and other complementary products. A Swirls and Twirls shop (“Shop” or “Franchised Business”) operates using proprietary formulas, techniques, trade dress, trademarks and logos.

The total investment necessary to begin operation of a Swirls and Twirls franchise is ~~\$336,000~~203,420 to ~~\$665,750~~499,750. This includes between ~~\$106,000~~30,000 to ~~\$122,000~~103,500 that must be paid to the franchisor and/or its affiliate, ~~as appropriate~~. These amounts include the cost of furniture, fixtures, equipment and technology packages that must be purchased from the franchisor or its affiliate, as applicable.

We may offer to qualified individuals and entities the opportunity to become a multi-unit operator (“Multi-Unit Operator”) to establish and operate a ~~certain number~~three-pack of Shops at specific locations pursuant to individual franchise agreements. If you become a Multi-Unit Operator, you will pay a Multi-Unit Operator fee of \$52,500, which is equal to 100% of the initial franchise fee ~~(see Item 5, below)~~ for the first Shop to be developed, plus a deposit of 50% of the initial franchise ~~fees~~ for ~~each additional Shop~~the other two Shops to be opened under a Multi-Unit Operator agreement. ~~The total investment necessary will vary based on the number of Shops to be opened.~~

We also offer to qualified individuals and entities the opportunity to become our development agent (“Development Agent”) within a specific geographical area. A Development Agent will act as our agent in a specific area, solicit new franchisees, assist existing franchisees, and conduct inspections of Shops in the geographic area, among other things. A Development Agent must pay us a fee of between \$100,000 and \$250,000. We will pay a Development Agent a portion of royalty fees collected and a portion of initial franchise fees.

This disclosure document summarizes certain provisions of your franchise agreement and other information in plain English. Read this disclosure document and all accompanying agreements carefully. You must receive the disclosure document at least 14 calendar days before you sign a binding agreement with, or make any payment to the franchisor or an affiliate in connection with the proposed franchise sale. **Note, however, that no government agency has verified the information contained in this document.**

You may wish to receive your disclosure document in another format that is more convenient for you. To discuss the availability of disclosures in different formats, contact Joseph Sala at 5270 Sunrise Highway, Massapequa Park, New York 11762 and (516) 541-9400.

The terms of your contract will govern your franchise relationship. Don't rely on the disclosure document alone to understand your contract. Read all of your contract carefully. Show your contract and this disclosure document to an advisor, like a lawyer or an accountant.

Buying a franchise is a complex investment. The information in this disclosure document can help you make up your mind. More information on franchising, such as "*A Consumer's Guide to Buying a Franchise*," which can help you understand how to use this disclosure document, is available from the Federal Trade Commission. You can contact the FTC at 1-877-FTC-HELP or by writing to the FTC at 600 Pennsylvania Avenue, NW, Washington, DC 20580. You can also visit the FTC's home page at [www.ftc.gov](http://www.ftc.gov) for additional information. Call your state agency or visit your public library for other sources of information on franchising.

There may also be laws on franchising in your state. Ask your state agencies about them.

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## STATE COVER PAGE

Your state may have a franchise law that requires a franchisor to register or file with a state franchise administrator before offering or selling in your state. **REGISTRATION OF A FRANCHISE BY A STATE DOES NOT MEAN THAT THE STATE RECOMMENDS THE FRANCHISE OR HAS VERIFIED THE INFORMATION IN THIS DISCLOSURE DOCUMENT.**

Call the state franchise administrator listed in Exhibit J for information about the franchisor or about franchising in your state.

**MANY FRANCHISE AGREEMENTS DO NOT ALLOW YOU TO RENEW UNCONDITIONALLY AFTER THE INITIAL TERM EXPIRES. YOU MAY HAVE TO SIGN A NEW AGREEMENT WITH DIFFERENT TERMS AND CONDITIONS IN ORDER TO CONTINUE TO OPERATE YOUR BUSINESS. BEFORE YOU BUY, CONSIDER WHAT RIGHTS YOU HAVE TO RENEW YOUR FRANCHISE, IF ANY, AND WHAT TERMS YOU MIGHT HAVE TO ACCEPT IN ORDER TO RENEW.**

Please consider the following RISK FACTORS before you buy this franchise:

1. **THE FRANCHISE AGREEMENT, THE MULTI-UNIT OPERATOR AGREEMENT AND THE DEVELOPMENT AGENT AGREEMENT REQUIRE YOU TO RESOLVE DISPUTES WITH US BY ARBITRATION AND LITIGATION ONLY IN NEW YORK. OUT OF STATE ARBITRATION AND LITIGATION MAY FORCE YOU TO ACCEPT A LESS FAVORABLE SETTLEMENT FOR DISPUTES. IT MAY ALSO COST MORE TO ARBITRATE AND LITIGATE WITH US IN NEW YORK THAN IN YOUR OWN STATE.**
2. **THE FRANCHISE AGREEMENT, THE MULTI-UNIT OPERATOR AGREEMENT AND THE DEVELOPMENT AGENT AGREEMENT STATE THAT NEW YORK LAW GOVERNS THE AGREEMENTS, AND THIS LAW MAY NOT PROVIDE THE SAME PROTECTIONS AND BENEFITS AS LOCAL LAW. YOU MAY WANT TO COMPARE THESE LAWS.**
3. **THERE MAY BE OTHER RISKS CONCERNING THIS FRANCHISE.**

**We use the services of one or more FRANCHISE BROKERS or referral sources to assist us in selling our franchise. A franchise broker or referral source represents us, not you. We pay this person a fee for selling our franchise or referring you to us. You should be sure to do your own investigation of the franchise.**

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