



July 25, 2007

By email to:

Joseph P. Esposito, Esq.
Akin Gump Straus Hauer & Feld LLP
1333 New Hampshire Avenue, N.W.
Washington DC 20036-1564

Re: New York State Restaurant Association v. New York City Board of Health

Dear Joe:

You have advised me that Wendy's interprets Paragraph 22 and Exhibit 3 of Dr. Margo Wootan's declaration to imply that the model menu attached as Exhibit 3 is an actual Wendy's menu.

While we do not read Paragraph 22 to imply that, CSPI certainly wishes Dr. Wootan's testimony to be clear. Therefore, on behalf of CSPI and Dr. Wootan, I can clarify that the model menu attached as Exhibit 3 to Dr. Wootan's declaration is an example of what CSPI believes Wendy's could, and should, do to comply with the New York City policy of making its citizens aware of the calorie content of fast food meals. It was intended to demonstrate how easy it is to accomplish, and how it can be done using current menu boards. Exhibit 3 is certainly not something that Wendy's is currently doing, to the best of our knowledge.

You have CSPI's permission to provide this letter to the Court.

It is my understanding that this letter resolves the issues raised in your July 24 letter to me. If not, please advise immediately.

Yours truly,

A handwritten signature in blue ink that reads 'Stephen Gardner'.

Stephen Gardner
Director of Litigation