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Attorneys at Law

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July 24, 2007

VIA FACSIMILE AND REGULAR MAIL

Stephen Gardner, Esquire
Director of Litigation
Center for Science in the Public Interest
5646 Milton Street, Suite 211
Dallas, Texas 75206

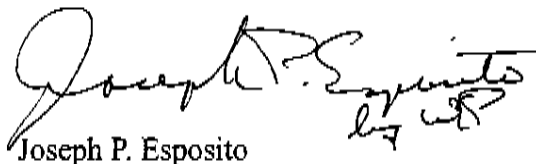
Re: New York State Restaurant Association v. New York City Board of Health, et al.
(S.D.N.Y.)

Dear Mr. Gardner:

We represent Wendy's International, Inc. I write because it has just come to our attention that you have filed in the above-referenced action a declaration of Dr. Margo Wootan, the Director of Nutrition for the Center for Science in the Public Interest (CSPI), that wrongly implies, in paragraph 22 of the declaration, that the attached "model . . . Wendy's menu []" is a menu that our client prepared. In fact, our client did not prepare the menu attached to the declaration as Appendix C, and has no knowledge of this purported "model menu." The unmistakable implication of Dr. Wootan's declaration is that the "model menu" is a reproduction of menu boards created, used, or adopted by Wendy's. This is misleading and inaccurate, not to mention an improper use of the Wendy's trademark.

We request that you promptly advise the Court that the "model menu" was not prepared by Wendy's International, and provide us with evidence that you have done so. If we do not receive such confirmation by 5 p.m. Eastern time this afternoon, we will have to inform the Court ourselves, as we understand the hearing on the motion is scheduled for tomorrow.

Sincerely,


Joseph P. Esposito

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cc: Nancy G. Milburn, Esquire
Peter Zimroth, Esquire
Michael A. Cardozo, Esquire
Mark W. Muschenheim, Esquire