IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Center for Science in the Public Interest	)	
Plaintiff,	)	Civil Action No.
v.	)	
Burger King Corporation	)	
Defendant.	)	

AFFIDAVIT OF JONATHAN MUHTAR

I, Jonathan Muhtar, hereby affirm under penalty of perjury:

1. I have been the Director of Product Marketing for Burger King Corporation since August 2006 and have been employed by Burger King Corporation since July 2004.

2. My job responsibilities include marketing for burgers, chicken, fries and sides. As a result of my job responsibilities, I have personal familiarity with the facts set forth herein.

3. Burger King Corporation is a corporation organized under the laws of the State of Florida with its principal place of business at 5505 Blue Lagoon Drive, Miami, FL 33126.

4. As explained more fully below, if the injunctive relief requested by Plaintiffs were granted, the cost of compliance to Burger King Corporation and its franchisees would be well in excess of $75,000.

5. Burger King Corporation has seven franchised restaurants in the District of Columbia.

6. There are two primary sources of the trans fat present in Burger King products (in addition to the trans fat naturally present in certain meat and dairy products).

7. First, artificial trans fats are present in partially hydrogenated oil used in restaurants to prepare certain Burger King® products.

8. In order to cease using partially hydrogenated vegetable oil, Burger King Corporation and its franchisees would need to go through a series of steps to replace the cooking oil, including:

a. Completing research on an alternative oil;

b. Completing tests on the alternative oil to ensure that it is compatible with existing equipment and does not alter the taste and quality of the food product;

c. Entering into supply contracts to obtain the alternative oil in quantities and under delivery terms sufficient to meet the needs of the D.C. franchises; and

d. Modifying operational manuals to instruct franchisees in the proper use of the replacement oil.

9. The second primary source of artificial trans fats in Burger King products are the pre-prepared "par-fried" food products and baked goods that Burger King franchisees purchase from approved suppliers, then sell at the franchise restaurants.

Attached as Exhibit 1 is a list of the par-fried products and baked goods containing trans fats that are currently available in the D.C. franchises.

10. In order to eliminate these sources of artificial trans fats, Burger King Corporation would need to either replace these par-fried products and baked goods with artificial trans free products, or discontinue their sale entirely.

11. Replacing the par-fried products and baked goods with trans free products would require:

a. Researching alternative products; and

b. Negotiating supply contracts in quantities and under delivery terms sufficient to meet the needs of D.C. franchises; and

c. Incurring incremental costs for new ingredients.

12. If Burger King Corporation could not find an adequate alternative, it would need to discontinue the use of par-fried products and baked goods entirely, which would result in at least a loss of twenty-five percent of the total menu mix. Since revenues for each franchised restaurant located in the District of Columbia exceed $1 million per year, the cost of discontinuing these items would be at least $250,000 per franchised restaurant per annum. If these franchisees were unable to sell French fries, the impact to customer visitation could be even greater.

13. Even putting aside the potential cost of forced discontinuation of a substantial number of menu items, the cost of the measures outlined in paragraphs 8 and 11 to Burger King Corporation would substantially exceed $75,000.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at Miami, Florida on June 13 2007.

Jonathan Muhtar

BK™ Chicken Fries
CHICKEN TENDERS®
TENDERCRISP® Chicken sandwich
French Toast Sticks
Onion Rings
French Fries
CHEESY TOTS™
Biscuits
CROISSAN'WICH®