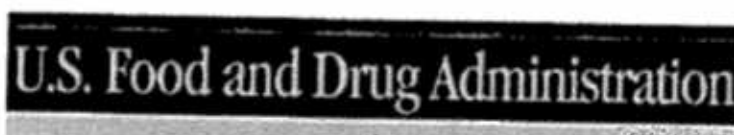


Declaration of Erich O. Grosz

Exhibit 5

Case No. 1:07-CV-01092 (RJL)



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FDA News

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FDA Receives Keystone Forum Report on Away-From-Home Foods Improving Consumers Ability to Manage Calorie Intake Key to Anti-Obesity Efforts

The U.S. Food and Drug Administration (FDA) has received a report that could help American industry and consumers take important steps to successfully combat the nation's obesity problem. The report is titled, the "Keystone Forum on Away-From-Home Foods: Opportunities for Preventing Weight Gain and Obesity." It provides recommendations from experts in industry, government, civic sector organizations, and academia, for improving consumers' ability to manage calorie intake from foods prepared and purchased away-from-home. The Keystone Report offers recommendations related to: 1) understanding and influencing consumer behavior; 2) increasing the availability of lower-calorie products, menu items, and meals; and 3) providing consumers with nutrition information.

"The recommendations may help industry members, educators, researchers, government, and health care professionals take steps to reduce the obesity rate and the health and economic burdens that come with it," said Acting FDA Commissioner Andrew C. von Eschenbach, M.D.

Since the late 1980s, adult obesity has steadily increased to the point at which more than 65 percent of all Americans are now overweight and over 30 percent are obese. Also, 15 percent of children and adolescents aged 6 to 19 are overweight -- nearly double the rate of two decades ago. Overweight and obesity increase the risk of coronary heart disease, type 2 diabetes, and certain cancers. According to some estimates, obesity results in thousands of deaths a year and accounts for \$117 billion in U.S. health care expenses annually.

The Department of Health and Human Services, in an effort to help Americans live long, better, healthier lives, is committed to reducing overweight/obesity, poor nutrition, and physical inactivity. FDA is working in concert with the Department to achieve this goal. In 2004 FDA's Obesity Working Group (OWG) developed an action plan to address the overweight/obesity problem within the scope of FDA's regulatory authorities. The OWG recommendations centered on the scientific fact that weight control is primarily a function of caloric balance and therefore "calories count" when combating overweight/obesity. One recommendation was that FDA work through a facilitator to provide a forum for stakeholders to seek consensus-based solutions to specific aspects of the obesity epidemic in the United States, with a particular focus on food consumed away from home.

The impact of away-from-home foods is significant. Americans spend approximately 46 percent of their food budget on food prepared away from home and take in 32 percent of their calories from such foods. In light of these facts, FDA contracted with the Keystone Center, a non-profit organization that specializes in bringing together diverse participants to develop consensus on pressing public policy issues, to convene a Forum on Away-from-Home Foods. The Forum met to consider what can be done, given what is currently known, to support consumers' ability to manage their energy intake, with respect to preventing undue weight gain and obesity, within the scope of away-from-home foods.

The report reflects the input of the forum's participants, and highlights approaches that multiple stakeholders can take to address one aspect of America's obesity problem and build a healthier U.S.

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Additional Information

Audio of Press Briefing: (available in [WAV](#) (21 MB), or [MP3](#) (13MB))

[Keystone Forum on Away-From-Home Foods -- Final Report](#) (pdf, 740 KB)

[Backgrounder](#)

[Questions & Answers](#)

[FDA's Plan to Tackle U.S. Obesity](#)

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