

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

LINDA FRANULOVIC, individually and on behalf of a class of persons,)	CIVIL NO. 1:07-cv-00539-RMB-JS
)	
Plaintiff,)	CLASS ACTION
)	
v.)	
)	Document Electronically Filed
THE COCA-COLA COMPANY,)	
)	
Defendant.)	

DECLARATION OF TIK THE

1.

I, Tik The, declare and say that I am a Senior Brand Manager for The
 Coca-Cola Company. The statements contained in this declaration are true
 and correct to the best of my personal knowledge. I make this declaration
 for purposes of the above-referenced litigation and for all other purposes
 permitted by law.

2.

In my job as a Senior Brand Manager, I have knowledge of the current
 labeling, advertising, and marketing of Enviga in the United States.

3.

As set forth below, as a result of the resolution of certain legal actions,

the Enviga label, advertising, and website already includes, or will include in the near future, the following explanatory language:

- (1) Three cans per day of Enviga have been shown to increase calorie burning by 60-100 calories in healthy normal weight 18-35 year olds;
- (2) Enviga burns calories but is not by itself a guaranteed weight loss solution; and
- (3) Remember, weight loss requires a reduced calorie diet and regular exercise. Individual results may vary. Drinking more than three cans per day will not have an additional effect.

4.

A sample of the new Enviga product label is attached as Exhibit 1 and portion of the current Enviga website is attached as Exhibit 2.

5.

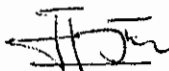
Under the current production schedule, the new can label with the above-identified language is being phased into production beginning in June 2009, and all new can labels produced in July 2009 will contain the new label.

6.

The above-identified language has appeared on the Enviga website (www.enviga.com) at least since May 12, 2009. All new advertising for

Enviga also includes that same language, subject to certain space limitations in which the advertising refers customers to the same information on the back of the can.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 1st day of June, 2009 in Atlanta, Georgia.



Tik The
Senior Brand Manager
The Coca-Cola Company

Exhibit 1

VERY LOW SODIUM

Nutrition Facts

Serv. Size 1 Can

Amount Per Serving**Calories 5**

% Daily Value*

Total Fat 0g **0%****Sodium** 35mg **1%****Total Carb** 0g **0%****Protein** 0g

Calcium 20%

Not a significant source of fat cal.,
sat. fat, trans fat, cholest., fiber,
sugars, vitamin A, vitamin C and iron.

*Percent Daily Values are based
on a 2,000 calorie diet.



"Combining global resources and Nestlé expertise
in nutritional science for the advancement of
health and wellness beverages"

enviga is a delicious and refreshing sparkling green tea that invigorates your metabolism to burn a few extra calories. By giving your body a little extra boost, **enviga** is a simple and positive step you can take toward a healthy balanced lifestyle.

- Three cans per day of **enviga** have been shown to increase calorie burning by 60-100 calories in healthy normal weight 18-35 year olds.
- **enviga** burns calories but is not by itself a guaranteed weight loss solution.
- Remember, weight loss requires a reduced calorie diet and regular exercise. Individual results may vary. Drinking more than three cans per day will not have an additional effect.

enviga is designed to work with your body.

Concentrated natural green tea extracts provide 90mg/serving of natural Epigallocatechin gallate (EGCG, one of nature's most powerful antioxidants), and in combination with caffeine (100mg/serving, similar to an average cup of coffee), invigorates your metabolism to burn calories.

enviga is a good source of calcium (200mg/serving).



INVIGORATE YOUR METABOLISM!

To understand how **enviga** works
visit www.enviga.com

Consumer Information Call
1-866-327-4992

Exhibit 2



ASK ABOUT ENVIGA

Type Question Here

1. What is Enviga?
2. Does it really burn calories?
3. What is EDCG?
4. Where can I get it?

MINIMIZE



PRODUCTS | HOW IT WORKS | LIVE ENVIGA

be positive. drink negative.™

IT IS ENVIGA

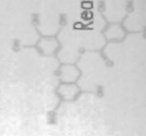
A drink that burns calories?
It's true. Enviga is a proprietary blend of green tea, caffeine--
that work to gently boost metabolism.



Compare Enviga



Download
Daily Envigoration



Read the Clinical Study

- * Three cans per day of enviga have been shown to increase calorie burning by 60-100 calories in healthy normal weight 18-35 year olds.
- * Enviga burns calories, but by itself is not a guaranteed weight loss solution.
- * Remember, weight loss requires a reduced calorie diet and regular exercise. Individual results may vary. Drinking more than three cans per day will not have an additional effect.