



P H Y S I C I A N S
C O M M I T T E E
F O R
R E S P O N S I B L E
M E D I C I N E

5100 WISCONSIN AVENUE, N.W., SUITE 400
WASHINGTON, DC 20016
T: (202) 686-2210 F: (202) 686-2216
PCRM@PCRM.ORG WWW.PCRM.ORG

November 5, 2007

DANIEL KINBURN

General Counsel

Direct Number: (202) 686-2210 ext. 380

Direct Fax: (202) 686-2155

E-Mail: DKinburn@pcrm.org

Attorney General's Office
Proposition 65 Enforcement Reporting
Attention: Proposition 65 Coordinator
1515 Clay Street, Suite 2000
Oakland, CA 94612

Re: Notice Letter for Violations of Proposition 65

Dear Attorney General:

This letter serves as a sixty-day notice by the Physicians Committee for Responsible Medicine (PCRM) of its intent to sue Applebee's International, Inc. (Applebee's); Burger King Corporation (Burger King); Brinker International, Inc., owners of Chili's Grill & Bar (Chili's); Chick-fil-A, Inc. (Chick-fil-A); McDonald's Corporation (McDonald's); OSI Restaurant Partners, Inc., owners of Outback Steakhouse (Outback); and TGI Friday's, Inc. (TGI Friday's), a wholly owned subsidiary of Carlson Restaurants Worldwide, Inc., for violations of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, Cal. Health & Safety Code § 25249.5. This letter is sent in accordance with the notice requirements of that statute and implementing regulations. See Cal. Health & Safety Code § 25249.7; 22 C.C.R. § 12903.

I, Daniel Kinburn, am the responsible individual within PCRM for purposes of this notice and the intended lawsuit. My contact information is set forth above. In addition, PCRM has retained California counsel in this matter. Norman A. Dupont, Esq., of Richards, Watson & Gershon, may be contacted at 355 South Grand Avenue, 40th Floor, Los Angeles, CA 90071, (213) 626-8484.

This sixty-day notice is being served because Applebee's, Burger King, Chick-fil-A, Chili's, McDonald's, Outback, and TGI Friday's (collectively "intended Defendants") have knowingly and intentionally failed to warn consumers that they are being exposed to the chemical compound "PhIP," or 2-AMINO-1-METHYL-6-PHENYLIMIDAZO[4,5-*b*]PYRIDINE through ingestion of grilled chicken consumed from the intended Defendants' food service establishments without the intended Defendants first giving clear and reasonable warning to consumers of the significant health risk that these consumer face. On October 1, 1994, PhIP was added to the list of chemicals known to the State of California to cause cancer or reproductive toxicity. No safe harbor level has been established by California for ingestion of food containing PhIP. Each of the intended Defendants was required to provide a warning of the dangers of PhIP beginning on October 1, 1995, with respect to any grilled chicken served or sold after that date. See Cal. Health & Safety Code §§ 25249.8, 25249.10.

From the time each of the intended Defendants began offering menu items containing grilled chicken after October 1, 1995, through the present, and ongoing, each of the intended Defendants has been exposing consumers of their products at all of their California locations, including those within your jurisdiction, to PhIP by ingestion, at a significant risk to those consumers, without providing clear and reasonable warnings to these consumers.

Attachment A lists the products and restaurant locations of the intended Defendants from which the specifically-identified grilled chicken consumer product was purchased and is being sold to consumers. The grilled chicken consumer product was then submitted to an ELAP-qualified laboratory that tested for the presence of PhIP. All tested grilled chicken consumer products at all locations were shown to contain high levels of PhIP, also detailed in the attachment. The products listed in Attachment A represent a random sampling of grilled chicken products offered by intended Defendants at locations throughout the state of California. Based on the results of this extensive and random testing, the chemical PhIP is present in all grilled chicken products sold by each of the intended Defendants at all California locations. All intended Defendants received this information with respect to their particular restaurant chains. **Any information regarding PhIP levels at restaurant chains other than those of a particular intended Defendant should not be released by your office to that intended Defendant, except in the course of litigation brought by your office.** All California District Attorneys and Attorneys for cities of over 750,000 population each received the information regarding all intended Defendants.

In accordance with Cal. Health & Safety Code § 25249.7, a Certificate of Merit, Attachment B, was provided to all intended Defendants and all other public prosecutors. Factual information sufficient to establish the basis of the Certificate of Merit is separately provided with this letter in a sealed envelope marked confidential. PCRMA has not provided this information to any intended Defendant or any of the other public prosecutors. **This supporting information is considered confidential and should not be disclosed to any intended Defendant, posted on any Web site or link of the Attorney General, or publicly provided in any form, except in strict accordance with Cal. Health & Safety Code § 25249.7(h).** The information may be provided to any other public prosecutor upon request, in accordance with the requirements. Cal. Health & Safety Code § 25249.7(i).

The Proof of Service that accompanies this notice letter lists the time, place and manner of service on each of the intended parties to this lawsuit and on all public prosecutors. Attached to the Proof of Service at 1 is a list of all intended Defendants who were served the notice letter, along with copies of the letters sent to each intended Defendant.

Attached to the Proof of Service at 3 is a list of all public prosecutors other than the Attorney General, who were served, along with a sample copy of the letter that they received. All public prosecutors identified in attachment 3 received the same letter, and the enclosed attachments. A copy of this letter is attached to the copies of the Proof of Service for Defendants and other public prosecutors as their attachment 3.

No summary of Proposition 65 is being served on any public prosecutor, as 22 C.C.R. § 12903 provides that such service is unnecessary.

Sincerely yours,



Daniel Kinburn, Esq.

Attachments

ATTACHMENT “A”

Attachment A

Location	Product Sampled	Ng/g
Applebee's Alhambra store 21 E. Main St. Alhambra, CA 91801	Grilled Italian Chicken Caesar Salad	9.03
Applebee's Alhambra store 21 E. Main St. Alhambra, CA 91801	Honey Grilled Chicken	10.0
Applebee's Montebello store 1493 N. Montebello Blvd. Montebello, CA 90640	Grilled Italian Chicken Caesar Salad	10.4
Applebee's Montebello store 1493 N. Montebello Blvd. Montebello, CA 90640	Honey Grilled Chicken	6.96
Applebee's Natomas store 3601 Truxel Rd. Sacramento, CA 95833	Grilled Italian Chicken Caesar Salad	3.04
Applebee's Natomas store 3601 Truxel Rd. Sacramento, CA 95833	Honey Grilled Chicken	4.42
Applebee's Roseville store 6700 Stanford Ranch Road Sacramento, CA 95678	Grilled Italian Chicken Caesar Salad	11.6
Applebee's Roseville store 6700 Stanford Ranch Road Sacramento, CA 95678	Honey Grilled Chicken	20.0
Applebee's San Marcos store 573 Grand Ave. San Marcos, CA 92069	Grilled Italian Chicken Caesar Salad	0.73
Applebee's San Marcos store 573 Grand Ave. San Marcos, CA 92069	Honey Grilled Chicken	17.7
Applebee's Oceanside store 2146 Vista Way Oceanside, CA 92054	Grilled Italian Chicken Caesar Salad	2.06
Applebee's Oceanside store 2146 Vista Way Oceanside, CA 92054	Honey Grilled Chicken	5.84
Applebee's Union City store 30980 Dyer St. Union City, CA 95487	Grilled Italian Chicken Caesar Salad	0.27
Applebee's Union City store 30980 Dyer St. Union City, CA 95487	Honey Grilled Chicken	0.31
Applebee's Fremont store 39139 Farwell Dr. Fremont, CA 94538	Grilled Italian Chicken Caesar Salad	10.3

Location	Product Sampled	Ng/g
Applebee's Fremont store 39139 Farwell Dr. Fremont, CA 94538	Honey Grilled Chicken	10.9
Applebee's Milpitas store 84 Ranch Drive Milpitas, CA 95035	Grilled Italian Chicken Caesar Salad	7.23
Applebee's Milpitas store 84 Ranch Drive Milpitas, CA 95035	Honey Grilled Chicken	5.07
Applebee's Saratoga store 555 Saratoga Ave. San Jose, CA 95129	Grilled Italian Chicken Caesar Salad	10.8
Applebee's Saratoga store 555 Saratoga Ave. San Jose, CA 95129	Honey Grilled Chicken	5.77

Location	Product Sampled	Ng/g
Burger King 9772 13221 Jamboree Tustin, CA 92782	Tendergrill Chicken Sandwich	0.32
Burger King 5596 7079 Sunset Blvd. Hollywood, CA 92782	Tendergrill Chicken Sandwich	0.14
Burger King 9218 1742 S. La Cienaga Los Angeles, CA 90035	Tendergrill Chicken Sandwich	0.20
Burger King 7469 2714 El Centro Road Sacramento, CA 95833	Tendergrill Chicken Sandwich	0.49
Burger King 11790 6000 J Street, Student Union Building, CSUS Sacramento, CA 95819	Tendergrill Chicken Sandwich	0.43
Burger King 11790 6000 J Street, Student Union Building, CSUS Sacramento, CA 95819	Tendergrill Chicken Sandwich	0.15
Burger King 5245 5245 Mowry Ave. Fremont, CA 94538	Tendergrill Chicken Sandwich	0.17
Burger King 3788 1801 Decoto R. Union City, CA 94587	Tendergrill Chicken Sandwich	0.39
Burger King 5147 39156 Paseo Padre Pkwy. Fremont, CA 94538	Tendergrill Chicken Sandwich	0.09
Burger King 3546 261 Race Street San Jose, CA 95126	Tendergrill Chicken Sandwich	0.15

Location	Product Sampled	Ng/g
Chick-fil-A South Bay Galleria 1815 Hawthorne Boulevard Redondo Beach, CA 90278	Chargrilled Sandwich	0.63
Chick-fil-a Los Cerritos Center 123 Los Cerritos Center Cerritos, CA 90703	Chargrilled Sandwich	0.28
Chick-fil-a Del Amo Fashion Center 3 Del Amo Fashion Center Torrance, CA 90503	Chargrilled Sandwich	1.10
Chick-fil-a Chino Hills FSU 3640 Grand Avenue Chino Hills, CA 91709	Chargrilled Sandwich	0.16
Chick-fil-a Bristol & MacArthur 3601 S. Bristol Street Santa Ana, CA 92704	Chargrilled Sandwich	0.22
Chick-fil-a The Market Place FSU 13490 Jamboree Road Irvine, CA 92602	Chargrilled Sandwich	0.48
Chick-fil-a Pleasant Grove FSU 912 Pleasant Grove Blvd. Roseville, CA 95678	Chargrilled Sandwich	0.15
Chick-fil-a Westfield Shoppingtown Solano 1350 Travis Blvd. Fairfield, CA 94533	Chargrilled Sandwich	0.18
Chick-fil-a Eastlake Terraces FSU 2089 Olympic Parkway Chula Vista, CA 91915	Chargrilled Sandwich	0.3
Chick-fil-a Quarry Creek FSU 3475 Marron Road Oceanside, CA 92056	Chargrilled Sandwich	0.09

Location	Product Sampled	Ng/g
Chili's Chino Hills 3670 Grand Ave. Chino Hills, CA 91709	Grilled Caribbean Chicken Salad	1.31
Chili's Chino Hills 3670 Grand Ave. Chino Hills, CA 91709	Guiltless Chicken Platter	0.75
Chili's Torrance 21835 Hawthorne Blvd. Torrance, CA 90503	Grilled Caribbean Chicken Salad	0.29
Chili's Torrance 21835 Hawthorne Blvd. Torrance, CA 90503	Guiltless Chicken Platter	0.87
Chili's Sacramento 2100 Ardenway, Ste. 185 Sacramento, CA 95825	Grilled Caribbean Chicken Salad	0.90
Chili's Sacramento 2100 Ardenway, Ste. 185 Sacramento, CA 95825	Guiltless Chicken Platter	1.20
Chili's Sacramento 2100 Ardenway, Ste. 185 Sacramento, CA 95825	Grilled Caribbean Chicken Salad	0.77
Chili's Sacramento 2100 Ardenway, Ste. 185 Sacramento, CA 95825	Guiltless Chicken Platter	0.70
Chili's Encinitas 1004 N. El Camino Real Encinitas, CA 92024	Grilled Caribbean Chicken Salad	0.24
Chili's Encinitas 1004 N. El Camino Real Encinitas, CA 92024	Guiltless Chicken Platter	0.73
Chili's Oceanside 2627 Vista Way Oceanside, CA 92054	Grilled Caribbean Chicken Salad	8.83
Chili's Oceanside 2627 Vista Way Oceanside, CA 92054	Guiltless Chicken Platter	2.30
Chili's Union City 32120 Dyer St. Union City, CA 94587	Grilled Caribbean Chicken Salad	0.13
Chili's Union City 32120 Dyer St. Union City, CA 94587	Guiltless Chicken Platter	2.86
Chili's Fremont 39131 Fremont Blvd. Fremont, CA 94538	Grilled Caribbean Chicken Salad	0.24
Chili's Fremont	Guiltless Chicken Platter	0.72

Location	Product Sampled	Ng/g
39131 Fremont Blvd. Fremont, CA 94538		
Chili's Blossom Hill 5650 Almaden Expwy. San Jose, CA 91558	Grilled Caribbean Chicken Salad	7.01
Chili's Blossom Hill 5650 Almaden Expwy. San Jose, CA 91558	Guiltless Chicken Platter	0.52
Chili's Santa Clara 3591 El Camino Real Santa Clara, CA 95051	Grilled Caribbean Chicken Salad	0.54
Chili's Santa Clara 3591 El Camino Real Santa Clara, CA 95051	Guiltless Chicken Platter	0.20

Location	Product Sampled	Ng/g
McDonald's Burbank 1127 North San Fernando Blvd Burbank, CA 91504	Caesar Salad with Grilled Chicken	0.31
McDonald's Los Angeles 6345 Wilshire Blvd Los Angeles, CA 90048	Caesar Salad with Grilled Chicken	0.36
McDonald's Montebello 2020 West Beverly Blvd Montebello, CA 90640	Caesar Salad with Grilled Chicken	0.34
McDonald's Sacramento 200 Richards Blvd. Sacramento, CA 95814	Caesar Salad with Grilled Chicken	0.32
McDonald's Vacaville 541 Davis St Vacaville, CA 95688	Caesar Salad with Grilled Chicken	0.12
McDonald's Encinitas 1064 N. El Camino Real Encinitas, CA 92024	Caesar Salad with Grilled Chicken	1.23
McDonald's Encinitas 1271 Encinitas Blvd. Encinitas, CA 92024	Caesar Salad with Grilled Chicken	0.08
McDonald's Fremont 38860 Fremont Blvd. Fremont, CA 94536	Caesar Salad with Grilled Chicken	0.50
McDonald's Fremont 4318 Thornton Ave. Fremont, CA 94536	Caesar Salad with Grilled Chicken	0.40
McDonald's San Jose 2040 N 1 st St San Jose, CA 95131	Caesar Salad with Grilled Chicken	0.14

Location	Product Sampled	Ng/g
Outback Burbank 1761 N. Victory Place Burbank, CA 91504	Chicken on the Barbie	1.71
Outback Torrance 21880 Hawthorne Blvd. Torrance, CA 90503	Chicken on the Barbie	14.7
Outback Buena Park 7575 Beach Blvd. Buena Park, CA 90622	Chicken on the Barbie	10.2
Outback Vacaville 521 Davis St. Vacaville, CA 95688	Chicken on the Barbie	6.14
Outback Howe Avenue 1340 Howe Ave. Sacramento, CA 95825	Chicken on the Barbie	1.17
Outback Oceanside 2485 Vista Way Oceanside, CA 92054	Chicken on the Barbie	3.05
Outback Oceanside 2485 Vista Way Oceanside, CA 92054	Chicken on the Barbie	5.73
Outback Fremont 5525 Stevenson Blvd. Fremont, CA 94538	Chicken on the Barbie	6.04
Outback Almaden 694 Blossom Hill Rd. San Jose, CA 95123	Chicken on the Barbie	10.8
Outback Milpitas 124 Great Mall Dr. Milpitas, CA 95035	Chicken on the Barbie	5.61

Location	Product Sampled	Ng/g
TGI Friday's Knott's Berry Farm 8039 Beach Blvd Buena Park, CA 90620	Cobb Salad with Grilled Chicken	30.6
TGI Friday's Knott's Berry Farm 8039 Beach Blvd Buena Park, CA 90620	Grilled Chicken Flavor Shots	17.5
TGI Friday's Cerritos 12721 Towne Center Dr. Cerritos, CA 90703	Cobb Salad with Grilled Chicken	43.2
TGI Friday's Cerritos 12721 Towne Center Dr. Cerritos, CA 90703	Grilled Chicken Flavor Shots	11.3
TGI Friday's Torrance 23420 Hawthorne Blvd. Torrance, CA 90505	Cobb Salad with Grilled Chicken	19.2
TGI Friday's Torrance 23420 Hawthorne Blvd. Torrance, CA 90505	Grilled Chicken Flavor Shots	3.65
TGI Friday's Sacramento 1229 Howe Ave. Sacramento, CA 95825	Cobb Salad with Grilled Chicken	12.0
TGI Friday's Sacramento 1229 Howe Ave. Sacramento, CA 95825	Grilled Chicken Flavor Shots	8.58
TGI Friday's Roseville 1168 Galleria Blvd. Roseville, CA 95678	Cobb Salad with Grilled Chicken	5.69
TGI Friday's Roseville 1168 Galleria Blvd. Roseville, CA 95678	Grilled Chicken Flavor Shots	9.38
TGI Friday's San Diego Gaslamp 403 Camino Del Rio San Diego, CA 92010	Cobb Salad with Grilled Chicken	3.77
TGI Friday's San Diego Gaslamp 403 Camino Del Rio San Diego, CA 92010	Grilled Chicken Flavor Shots	19.9
TGI Friday's Carlsbad 890 Palomar Airport Rd. Carlsbad, CA 92008	Cobb Salad with Grilled Chicken	9.93
TGI Friday's Carlsbad 890 Palomar Airport Rd. Carlsbad, CA 92008	Grilled Chicken Flavor Shots	15.2
TGI Friday's Pleasanton 3999 Santa Rita Rd. Pleasanton, CA 94588	Cobb Salad with Grilled Chicken	41.5
TGI Friday's Pleasanton	Grilled Chicken Flavor Shots	16.1

Location	Product Sampled	Ng/g
3999 Santa Rita Rd. Pleasanton, CA 94588		
TGI Friday's Union City 31900 Dyer St. Union City, CA 94587	Cobb Salad with Grilled Chicken	10.5
TGI Friday's Union City 31900 Dyer St. Union City, CA 94587	Grilled Chicken Flavor Shots	16.1
TGI Friday's Cupertino 10343 N. Wolfe Rd. Cupertino, CA 95014	Cobb Salad with Grilled Chicken	6.75
TGI Friday's Cupertino 10343 N. Wolfe Rd. Cupertino, CA 95014	Grilled Chicken Flavor Shots	1.15

ATTACHMENT “B”

CERTIFICATE OF MERIT
Health and Safety Code Section 25249.7(d)

I, Daniel Kinburn, hereby declare:

(1) This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

(2) I am the attorney for the noticing party.

(3) I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

(4) Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

(5) The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: November 5, 2007



1 **PROOF OF SERVICE**

2 I, Linda I. Pomatto, declare:

3 I am a resident of the State of California and over the age of eighteen years, and not a
4 party to the within action; my business address is Richards, Watson & Gershon, 355 South
5 Grand, 40th Floor, Los Angeles, California. On November 5, 2007, I served the within
6 documents:

- 7 (1) **Copy of 60-day notice letters pursuant to Proposition 65 served on each**
8 **Prospective Defendant in the action with proof of service of same [See**
9 **Attachment 1 for complete list of each Defendant served];**
- 10 (2) **Copy of one exemplar 60-day notice letter pursuant to Proposition 65**
11 **served on each of the California District Attorneys and California City**
12 **Attorneys for the Cities of Los Angeles, San Francisco, San Jose, and San**
13 **Diego (with attachments) with proof of service of same listing all District**
14 **Attorneys and City Attorneys upon whom identical letters were served**
15 **[see Attachment 3 for complete list of all District Attorneys and City**
16 **Attorneys who were served].**
- 17 (3) **Copy of 60-day notice letter pursuant to Proposition 65 served on the**
18 **California Attorney General (without confidential attachments) with**
19 **proof of service of same [See Attachment 2 for complete copy of letter**
20 **served upon California Attorney General];**

21 [] by causing facsimile transmission of the document(s) listed above from (213)
22 626-8484 to the person(s) and facsimile number(s) set forth below on this date
23 before 5:00 P.M. This transmission was reported as complete and without error.
24 A copy of the transmission report(s), which was properly issued by the
25 transmitting facsimile machine, is attached. Service by facsimile has been made
26 pursuant to a prior written agreement between the parties.

27 [X] by placing the document(s) listed above in a sealed envelope with postage thereon
28 fully prepaid, in the United States mail at Los Angeles, California, addressed as
set forth below. I am readily familiar with the firm's practice for collection and
processing correspondence for mailing with the United States Postal Service.
Under that practice, it would be deposited with the U.S. Postal Service on that
same day with postage thereon fully prepaid in the ordinary course of business. I
am aware that on motion of the party served, service is presumed invalid if postal
cancellation date or postage meter date is more than one day after date of deposit
for mailing contained in this affidavit.

[] by placing the document(s) listed above in a sealed envelope and affixing a pre-
paid air bill, and causing the envelope to be delivered to a agent for delivery, or
deposited in a box or other facility regularly maintained by , in an envelope or
package designated by the express service carrier, with delivery fees paid or
provided for, addressed to the person(s) at the address(es) set forth below.

[] by personally delivering the document(s) listed above to the person(s) at the
address(es) set forth below.

[] by causing personal delivery by First Legal Support Services, 1511 West Beverly
Boulevard, Los Angeles, California 90026 of the document(s) listed above to the
person(s) at the address(es) set forth below.

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Attorney General's Office
Proposition 65 Enforcement Reporting
Attention: Proposition 65 Coordinator
1515 Clay Street, Suite 2000
Oakland, CA 94612

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 5, 2007.


LINDA I. POMATTO

**ATTACHMENT “1”
TO PROOF OF SERVICE**

Intended Defendants - Notice Supplement

COMPANY	TITLE	NAME	FIRST NAME	LAST NAME	STREET ADDRESS1	CITY	STATE	ZIP	PHONE
McDonald's Corporation	President, North America	Ralph Alvarez	Ralph	Alvarez	2111 McDonald's Dr	Oak Brook	IL	60523	800-244-6227
McDonald's Corporation	General Counsel, Corporate Secretary	Gloria Santona	Gloria	Santona	2111 McDonald's Dr	Oak Brook	IL	60523	800-244-6227
The Pringle-Hall Corporation System, Inc.	California Agent for McDonald's Corporation				PO Box 526036	Sacramento	CA	95852	
Burger King Corporation	CEO	John W. Chidsey	John	Chidsey	5505 Blue Lagoon Drive	Miami	FL	33126	305-378-3000
Burger King Corporation	General Counsel and Corporate Secretary	Anne Chwat	Anne	Chwat	5505 Blue Lagoon Drive	Miami	FL	33126	305-378-3000
CT Corporation System	California Agent for Burger King Corporation				818 West Seventh Street	Los Angeles		90017	
Chili's Grill & Bar / Brinker International, Inc.	Chairman of the Board, Chief Executive Officer and President	Douglas H. Brooks	Douglas	Brooks	6820 LBJ Freeway	Dallas	TX	75240	(972) 980-9917
Chili's Grill & Bar / Brinker International, Inc.	Executive Vice President and President and President, Chili's Grill & Bar	Todd E. Diener	Todd	Diener	6820 LBJ Freeway	Dallas	TX	75240	(972) 980-9917
Chili's Grill & Bar / Brinker International, Inc.	Executive Vice President, Chief Administrative Officer, General Counsel and Secretary	Roger F. Thomson	Roger	Thomson	6820 LBJ Freeway	Dallas	TX	75240	(972) 980-9917
The Pringle-Hall Corporation System, Inc.	California Agent for Chili's Grill & Bar				PO BOX 526036	Sacramento	CA	95852	
Outback Steakhouse / OSI Restaurant Partners, Inc.	Chief Executive Officer	A. William Allen, III	William	Allen	2202 N. West Shore Blvd Suite 500	Tampa	FL	33607	(813) 282-1224
Outback Steakhouse / OSI Restaurant Partners, Inc.	President, Outback Steakhouse	Jeff Smith	Jeff	Smith	2202 N. West Shore Blvd Suite 500	Tampa	FL	33607	(813) 282-1224
Outback Steakhouse / OSI Restaurant Partners, Inc.	Executive Vice President, Chief Officer - Legal and Corporate Affairs	Joseph T. Kadow	Joseph	Kadow	2202 N. West Shore Blvd Suite 500	Tampa	FL	33607	(813) 282-1224
CT Corporation System	California Agent for OSI Restaurant Partners, Inc.				818 West Seventh Street	Los Angeles	CA	90017	
TGI FRIDAY'S Inc. / Carlson Restaurants Worldwide, Inc.	President and Chief Executive Officer, Carlson Restaurants Worldwide	Richard T. Sneed	Richard	Sneed	701 Carlson Parkway	Minnetonka	MN	55305	972-662-5400
TGI FRIDAY'S Inc. / Carlson Restaurants Worldwide, Inc.	Executive Vice President and COO, T.G.I. Friday's U.S.A	Mike Archer	Mike	Archer	4201 Marsh Lane	Carrollton	TX	75007	972-662-5400
TGI FRIDAY'S Inc. / Carlson Restaurants Worldwide, Inc.	Senior Vice President, Corporate Secretary and General Counsel, Carlson Restaurants Worldwide	Leslie Shorman	Leslie	Shorman	701 Carlson Parkway	Minnetonka	MN	55305	972-662-5400
CSC Lawyers Incorporating Service	California Agent for TGI Friday's, Inc.				PO BOX 526036	Sacramento	CA	95852	
Chick-fil-A, Inc.	President and Chief Operating Officer	Dan T. Cathy	Dan	Cathy	5200 Buffington Road	Atlanta	GA	30349	972-980-9917
Chick-fil-A, Inc.	Senior Vice President, Real Estate and General Counsel	Bureon E. Ledbetter, Jr.	Bureon	Ledbetter	5200 Buffington Road	Atlanta	GA	30349	972-980-9917
CT Corporation System	California Agent for Chick-fil-A, Inc.				818 West Seventh Street	Los Angeles	CA	90017	
Applebee's International, Inc.	President and Chief Operating Officer	David Goebel	David	Goebel	4551 W. 107th Street	Overland Park	KS	66207	888-592-7753
Applebee's International, Inc.	Vice President, General Counsel and Secretary	Rebecca Tilden	Rebecca	Tilden	4551 W. 107th Street	Overland Park	KS	66207	888-592-7753

**ATTACHMENT “3”
TO PROOF OF SERVICE**

California District Attorneys - Notice Supplement

COUNTY	TITLE	NAME	STREET ADDRESS1	STREET ADDRESS2	CITY	STATE	ZIP	PHONE
Alameda County	District Attorney	Tom Orloff	1225 Fallon Street	Room 900	Oakland	CA	94612	(510) 272-6222
Alpine County	District Attorney	William A. Richmond	270 Laramie Street	P. O. Box 248	Markleeville	CA	96120	(530) 694-2971
Amador County	District Attorney	Todd Riebe	708 Court Street		Jackson	CA	95642	(209) 223-6444
Butte County	District Attorney	Michael L. Ramsey	County Administration Building	25 County Center Drive	Oroville	CA	95965	(530) 538-7411
Calaveras County	District Attorney	Jeffrey Tuttle	891 Mountain Ranch Road	Calaveras County District Attorney	San Andreas	CA	95249	(209) 754-6330
Contra Costa County	District Attorney	Robert Koohly	P. O. Box 2276	Suite 171	Martinez	CA	94553	(925) 646-2761
Del Norte County	District Attorney	Mike Riense	450 H Street		Crescent City	CA	95531	(707) 464-7210
El Dorado County	District Attorney	Vern Pierson	515 Main Street		Placerville	CA	95667	(530) 621-6472
Fresno County	District Attorney	Elizabeth Egan	Fresno County Plaza	2220 Tulare Street, Suite 1000	Fresno	CA	93721	(559) 488-3141
Glenn County	District Attorney	Robert Holzappel	P.O. Box 430		Willows	CA	95988	(530) 934-6525
Humboldt County	District Attorney	Paul Gallagos	825 5th Street		Eureka	CA	95501	(707) 445-7411
Imperial County	District Attorney	Gilbert G. Otero	939 W. Main Street	2nd Floor	El Centro	CA	92243	(760) 482-4331
Kern County	District Attorney	Edward Jagels	1215 Truxtun Avenue		Bakersfield	CA	93301	(661) 868-2340
Kings County	District Attorney	Ronald Calhoun	1400 West Lacey Boulevard		Hanford	CA	93230	(559) 582-0326
Lassen County	District Attorney	Robert Burns	220 South Lassen St.	Ste. 8	Susanville	CA	96130	(530) 251-8283
Los Angeles County	District Attorney	Steve Cooley	210 West Temple Street	Room 18000	Los Angeles	CA	90012	(213) 974-3512
Marin County	District Attorney	Edward Berberian	3501 Civic Center Drive	Room 130	San Rafael	CA	94903	(415) 499-6450
Mariposa County	District Attorney	Robert Brown	5101 Jones Street	Post Office Box 730	Mariposa	CA	95338	(209) 966-3626
Mendocino County	District Attorney	Meredith J. Linott	P.O. Box 1000		Ukiah	CA	95482	(707) 463-4211
Merced County	District Attorney	Larry Morse, II	2222 "M" Street		Merced	CA	95340	(209) 385-7381
Modoc County	District Attorney	Gary Woolverton	P.O. Box 1171		Alturas	CA	96101	(530) 233-6216
Mono County	District Attorney	George Booth	P.O. Box 617		Bridgeport	CA	93517	(760) 932-5550
Monterey County	District Attorney	Dean Filipo	Post Office Box 1131		Salinas	CA	93902	(831) 647-7770
Napa County	District Attorney	Gary Lieberstein	931 Parkway Mall		Napa	CA	94558	(707) 253-4211
Nevada County	District Attorney	Clifford Newell	201 Church Street, Suite 8		Nevada City	CA	95959	(530) 265-1301
Orange County	District Attorney	Tony Rackauckas	401 Civic Center Drive		Santa Ana	CA	92701	(714) 834-3600
Placer County	District Attorney	Bradford Ferrocchio	11562 B Avenue		Auburn	CA	95603	(530) 889-7000
Plumas County	District Attorney	Jeff Cunan	520 Main Street	Room 404	Quincy	CA	95971	(530) 283-6303
Riverside County	District Attorney	Rod Poehne	4075 Main Street		Riverside	CA	92501	(951) 955-5400
Sacramento County	District Attorney	Jan Scully	901 G Street		Sacramento	CA	95814	(916) 874-6218
San Benito County	District Attorney	Candice Hooper	419 4th Street, 2nd Floor		Hollister	CA	95023	(408) 636-4120
San Bernardino County	District Attorney	Michael Ramos	316 N Mt View Ave		San Bernardino	CA	92415	(909) 387-8309
San Diego County	District Attorney	Bonnie Duramis	330 W. Broadway		San Diego	CA	92101	(619) 531-4040
San Francisco County	District Attorney	Kamala Harris	850 Bryant Street, Room 325		San Francisco	CA	94103	(415) 553-1752
San Joaquin County	District Attorney	James Willett	222 E. Weber Ave	PO Box 990	Stockton	CA	95201	(209) 468-2400
San Luis Obispo County	District Attorney	Gerald Shea	County Government Center, 4th Floor		San Luis Obispo	CA	93408	(805) 781-5800
San Mateo County	District Attorney	Janis Fox	400 County Center		Redwood City	CA	94063	(650) 363-4536
Santa Barbara County	District Attorney	Christie Stanley	1112 Santa Barbara Street		Santa Barbara	CA	93101	(805) 568-2300
Santa Clara County	District Attorney	Dolores Carr	70 West Hadding Street, West Wing		San Jose	CA	95110	(408) 299-7400

California District Attorneys - Notice Supplement

COUNTY	TITLE	NAME	STREET ADDRESS1	STREET ADDRESS2	CITY	STATE	ZIP	PHONE
Santa Cruz County	District Attorney	Bob Lee	701 Ocean Street		Santa Cruz	CA	95060	(831) 454-2400
Shasta County	District Attorney	Gerald Benito	1525 Court Street	3rd floor	Redding	CA	96001	(530) 245-6300
Sierra County	District Attorney	Larry Allen	100 Courthouse Square	Post Office Box 457	Downville	CA	95936	(530) 289-3269
Siskiyou County	District Attorney	James Andrus	311 Fourth Street	P.O. Box 986	Yreka	CA	96097	(530) 842-8125
Solano County	District Attorney	David Paulson	675 Texas Street, Suite 4500		Fairfield	CA	94533	(707) 784-6800
Sonoma County	District Attorney	Stephan Passalacqua	600 Administration Drive, Room 212-J		Santa Rosa	CA	95403	(707) 565-2311
Stanislaus County	District Attorney	Bridget A. Fladager	800 11th Street		Modesto	CA	95353	(209) 525-5550
Sutter County	District Attorney	Carl Adams	446 2nd Street		Yuba City	CA	95991	(530) 822-7330
Tehama County	District Attorney	Gregg Cohen	444 Oak Street, Room L		Red Bluff	CA	96080	(530) 527-3053
Colusa County	District Attorney	John Poyner	547 Market Street		Colusa	CA	95932	(530) 527-3053
Trinity County	District Attorney	Michael Harper	PO Box 310		Weaverville	CA	96093	(530) 458-0545
Tulare County	District Attorney	Phil Cline	221 S. Mooney Boulevard		Visalia	CA	93291	(559) 733-6411
Inyo County	District Attorney	Art Maillet	P.O. Drawer D		Independence	CA	93526	(760) 878-0282
Lake County	District Attorney	Jon Hopkins	255 N. Forbes Street		Lakeport	CA	95453	(707) 263-2251
Madera County	District Attorney	Ernest L'Calzi	209 W. Yosemite Avenue		Madera	CA	93637	(559) 675-7726
Tuolumne County	District Attorney	Donald I. Saggerstrom, Jr.	423 N. Washington Street		Sonora	CA	95370	(209) 588-5450
Ventura County	District Attorney	Gregory Totten	800 S. Victoria Avenue		Ventura	CA	93009	(805) 654-2500
Yolo County	District Attorney	Jeff W. Reisig	301 2nd Street		Woodland	CA	95695	(530) 666-8180
Yuba County	District Attorney	Patrick McGrath	215 5th St.		Marysville	CA	95901	(530) 749-7770

California City Attorneys (population over 750,000) and Attorney General

CITY ATTORNEY	population*	TITLE	NAME	STREET ADDRESS1	STREET ADDRESS2	CITY	STATE	ZIP	PHONE
Los Angeles	3,694,820	City Attorney	Rocky Delgadillo	800 City Hall East	200 North Main Street	Los Angeles	CA	90012	(213) 974-3512
San Diego	1,223,400	City Attorney	Michael Aguirre	Civic Center Plaza	1200 Third Avenue, Suite 1620	San Diego	CA	92101	(619) 236-6220
San Francisco	776,733	City Attorney	Dennis Herrera	City Hall, Room 234		San Francisco	CA	94102	(415) 553-1752
San Jose	894,943	City Attorney	Richard Doyle	200 East Santa Clara Street		San Jose	CA	95113	(408) 792-2981

* 2000 Census results
Released June 30, 2005

ATTORNEY GENERAL

Proposition 65 Enforcement Reporting	n/a	Attention: Prop 65 Coordinator		1515 Clay Street, Suite 2000		Oakland	CA	94612	
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P H Y S I C I A N S
C O M M I T T E E
F O R
R E S P O N S I B L E
M E D I C I N E

5100 WISCONSIN AVENUE, N.W., SUITE 400
WASHINGTON, DC 20016
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November 5, 2007

DANIEL KINBURN

General Counsel

Direct Number: (202) 686-2210 ext. 380

Fax: (202) 686-2155

E-Mail: DKinburn@pcrm.org

Tom Orloff
District Attorney
Alameda County
1225 Fallon Street, Room 900
Oakland, California 94612

Re: Notice Letter for Violation of Proposition 65

Dear Mr. Orloff:

This letter serves as a sixty-day notice by the Physicians Committee for Responsible Medicine (PCRM) of its intent to sue Applebee's International, Inc. (Applebee's); Burger King Corporation (Burger King); Brinker International, Inc., owners of Chili's Grill & Bar (Chili's); Chick-fil-A, Inc. (Chick-fil-A); McDonald's Corporation (McDonald's); OSI Restaurant Partners, Inc., owners of Outback Steakhouse (Outback); and TGI Friday's, Inc. (TGI Friday's), a wholly owned subsidiary of Carlson Restaurants Worldwide, Inc., for violations of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, Cal. Health & Safety Code § 25249.5. This letter is sent in accordance with the notice requirements of that statute and implementing regulations. See Cal. Health & Safety Code § 25249.7; 22 CCR § 12903.

I, Daniel Kinburn, am the responsible individual within PCRM for purposes of this notice and the intended lawsuit. My contact information is set forth above. In addition, PCRM has retained California counsel in this matter. Norman A. Dupont, Esq., of Richards, Watson & Gershon, may be contacted at 355 South Grand Avenue, 40th Floor, Los Angeles, CA 90071, (213) 626-8484.

This sixty-day notice is being served because Applebee's, Burger King, Chick-fil-A, Chili's, McDonald's, Outback, and TGI Friday's (collectively "intended Defendants") have knowingly and intentionally failed to warn consumers that they are being exposed to the chemical compound "PhIP," or 2-AMINO-1-METHYL-6-PHENYLIMIDAZO[4,5-*b*]PYRIDINE through ingestion of grilled chicken consumed from the intended Defendants' food service establishments without the intended Defendants first giving clear and reasonable warning to consumers of the significant health risk that these consumer face. On October 1, 1994, PhIP was added to the list of chemicals known to the State of California to cause cancer or reproductive toxicity. No safe harbor level has been established by California for ingestion of food containing PhIP. Each of the intended Defendants was required to provide a warning of the dangers of PhIP beginning on October 1, 1995, with respect to any grilled chicken served or sold after that date. See Cal. Health & Safety Code §§ 25249.8, 25249.10.

From the time each of the intended Defendants began offering menu items containing grilled chicken after October 1, 1995, through the present, and ongoing, each of the intended Defendants has been exposing consumers of their products at all of their California locations, including those within your jurisdiction, to PhIP

by ingestion, at a significant risk to those consumers, without providing clear and reasonable warnings to these consumers.

Attachment A lists the products and restaurant locations of the intended Defendants from which the specifically-identified grilled chicken consumer product was purchased and is being sold to consumers. The grilled chicken consumer product was then submitted to an ELAP-qualified laboratory that tested for the presence of PhIP. All tested grilled chicken consumer products at all locations were shown to contain high levels of PhIP, also detailed in the attachment. The foods listed in Attachment A represent a random sampling of grilled chicken products offered by intended Defendants at locations throughout the state of California. Based on the results of this extensive and random testing, the chemical PhIP is present in all grilled chicken products sold by each of the intended Defendants at all California locations. All intended Defendants received this information with respect to their particular restaurant chains. In accordance with Cal. Health & Safety Code § 25249.7, I am also providing, as Attachment B, a Certificate of Merit.

The Proof of Service that accompanies this notice letter identifies the time, place and manner of service on each of the intended parties to this lawsuit, the Attorney General, and on all public prosecutors. Attached to the Proof of Service at 1 is a list of all intended Defendants who were served the notice letter, along with copies of the letters sent to each intended Defendant.

Attached to the Proof of Service at 2 is a copy of the notice letter sent to the Attorney General. The Attorney General also received a list of each of the intended Defendants' restaurants where PhIP was found in the grilled chicken being sold, along with the PhIP levels at each of the tested locations. In addition, the Certificate of Merit provided to the Attorney General contains factual information sufficient to establish the basis of the Certificate in accordance with Cal. Health & Safety Code § 25249.7(d)(1). This information is not being provided to either the intended Defendants or other public prosecutors, as expressly permitted by Cal. Health & Safety Code § 25249.7(h)(1).

Attached to the Proof of Service at 3 is a list of all public prosecutors, except the Attorney General, who were served. All public prosecutors identified in attachment e received a copy of this same letter, which is identical to this notice letter and its attachments.

No summary of Proposition 65 is being served on any public prosecutor, including the Attorney General, as 22 CCR § provides that such service is unnecessary.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Dan Kinburn".

Daniel Kinburn, Esq.

Attachments

PROOF OF SERVICE

I, Linda I. Pomatto, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Richards, Watson & Gershon, 355 South Grand, 40th Floor, Los Angeles, California. On November 5, 2007, I served the within documents:

- (1) **Copy of 60-day notice letters pursuant to Proposition 65 served on each Prospective Defendant in the action with proof of service of same [See Attachment 1 for complete list of each Defendant served];**
- (2) **Copy of 60-day notice letter pursuant to Proposition 65 served on the California Attorney General (without confidential attachments) with proof of service of same [See Attachment 2 for complete copy of letter served upon California Attorney General];**
- (3) **Copy of one exemplar 60-day notice letter pursuant to Proposition 65 served on each of the California District Attorneys and California City Attorneys for the Cities of Los Angeles, San Francisco, San Jose, and San Diego (with attachments) with proof of service of same listing all District Attorneys and City Attorneys upon whom identical letters were served [see Attachment 3 for complete list of all District Attorneys and City Attorneys who were served].**
- [] by causing facsimile transmission of the document(s) listed above from (213) 626-8484 to the person(s) and facsimile number(s) set forth below on this date before 5:00 P.M. This transmission was reported as complete and without error. A copy of the transmission report(s), which was properly issued by the transmitting facsimile machine, is attached. Service by facsimile has been made pursuant to a prior written agreement between the parties.
- [X] by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth below. I am readily familiar with the firm's practice for collection and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing contained in this affidavit.
- [] by placing the document(s) listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a agent for delivery, or deposited in a box or other facility regularly maintained by , in an envelope or package designated by the express service carrier, with delivery fees paid or provided for, addressed to the person(s) at the address(es) set forth below.
- [] by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- [] by causing personal delivery by First Legal Support Services, 1511 West Beverly Boulevard, Los Angeles, California 90026 of the document(s) listed above to the person(s) at the address(es) set forth below.

1 Tom Orloff
2 District Attorney
3 Alameda County
4 1225 Fallon Street, Room 900
5 Oakland, California 94612

6 I declare under penalty of perjury under the laws of the State of California that the above
7 is true and correct.

8 Executed on November 5, 2007.

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LINDA I. POMATTO

**ATTACHMENTS AVAILABLE UPON
REQUEST**