

April 28, 2006

To Whom It May Concern:

This letter serves as the sixty (60) day notice requirement on behalf of the Physicians Committee for Responsible Medicine's intent to sue Burger King for violations of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, California Health & Safety Code § 25249.6 (1986). Burger King has failed to warn consumers that it is exposing them to compound "PhIP," or 2-AMINO-1-METHYL-6-PHENYLIMIDAZO[4,5-*b*]PYRIDINE.

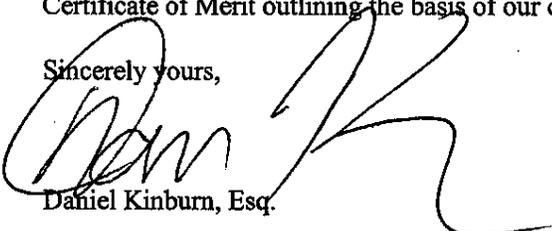
For the last several months, Burger King has been exposing its customers to consumer product exposure of PhIP by ingestion. PhIP is listed on the Governor's List of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm, and Burger King is therefore required to warn customers of a risk of exposure. The following products on your menu have been laboratory tested and proven to contain high levels of PhIP:

Location	Product Sampled	Ng/g
Burger King 9772 13221 Jamboree Tustin, CA 92782	Tendergrill Chicken Sandwich	.32
Burger King 5596 7079 Sunset Blvd. Hollywood, CA 92782	Tendergrill Chicken Sandwich	.14
Burger King 9218 1742 S. La Cienega Los Angeles, CA 90035	Tendergrill Chicken Sandwich	.20
Burger King 7469 2714 El Centro Road Sacramento, CA 95833	Tendergrill Chicken Sandwich	.49
Burger King 11790 6000 J Street, Student Union Building, CSUS Sacramento, CA 95819	Tendergrill Chicken Sandwich	.43
Burger King 11790 6000 J Street, Student Union Building, CSUS Sacramento, CA 95819	Tendergrill Chicken Sandwich Tendergrill Chicken Sandwich	.15
Burger King 5245 5245 Mowry Ave. Fremont, CA 94538	Tendergrill Chicken Sandwich	.17
Burger King 3788 1801 Decoto R. Union City, CA 94587	Tendergrill Chicken Sandwich	.39
Burger King 5147 39156 Paseo Padre Pkwy.	Tendergrill Chicken Sandwich	.09

Fremont, CA 94538		
Burger King 3546 261 Race Street San Jose, CA 95126	Tendergrill Chicken Sandwich	.15

In accordance with California Code of Regulations, Title 22, section 12903, I am enclosing a Certificate of Merit outlining the basis of our complaint and a Summary of Proposition 65.

Sincerely yours,

  
Daniel Kinburn, Esq.

DK:jk

cc: Office of the Attorney General of the State of California  
Offices of the District Attorneys of the Counties of the State of California  
Office of the District Attorney of the City of San Diego  
Office of the District Attorney of the City of San Francisco  
Office of the District Attorney of the City of Los Angeles  
Office of the District Attorney of the City of San Jose

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.

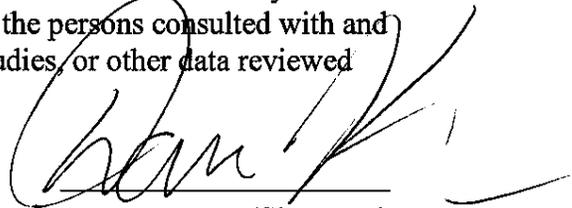
(2) I am the attorney for the noticing party.

(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: April 27, 2006

  
(Signature)