

*File personal
FTC - Egg Case.*

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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION-ESSEX COUNTY
DOCKET NO.

DANIEL H. WEBSTER, et al., :
 :
Plaintiffs, : Civil Action
 :
-vs- :
 : AFFIDAVIT
DAIRY QUEEN OF NEW JERSEY, INC., :
a New Jersey corporation, et al., :
 :
Defendants. :

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

DOCTOR HENRY W. BLACKBURN, JR., of full age, being duly sworn upon his oath according to law, deposes and says:

1. Affiant is a professor and director of the Laboratory of Physiological Hygiene of the School of Public Health of the University of Minnesota, and is a professor of medicine at the Medical School of the University of Minnesota. Affiant is now and has been for more than 20 years engaged in studies of the role of nutrition in coronary heart disease.

2. Attached hereto as Exhibit A and hereby incorporated herein by reference is a true and correct copy of "Report of Inter-Society Commission for Heart Disease Resources: Primary Prevention of Atherosclerotic Diseases," which appeared in Circulation, Vol. XLII, December, 1970, an official journal of the American Heart Association, Inc.

3. Affiant is familiar with the names and reputations of the persons named on page A-55 of Exhibit A hereto as members of the Atherosclerosis Study Group and the Epidemiology Study Group. Said persons are, without exception, of high reputation in the medical community. Affiant has also read and is familiar with the contents of Exhibit A hereto, and is aware that Exhibit A hereto is a highly regarded, generally well-known, and widely accepted study in the medical community.

4. As appears more fully therein, pages A-84 and A-85 of Exhibit A hereto contain the following:

"The Commission (Inter-Society Commission for Heart Disease Resources) therefore recommends that the food industry be encouraged by the medical profession and the government and supported by the general public to make available leaner meats and processed meats, dairy products, frozen desserts and baked goods reduced in saturated fats, cholesterol and calories, and visible fats and oils (margarines, shortenings, mayonnaises, salad dressings, oils) of low saturated fats and cholesterol content.

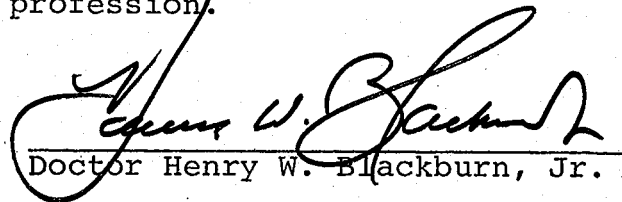
"b. Reduction in saturated fat and cholesterol content of dairy products.

. . . Industry and government should review and establish policies (including pricing policies) that will encourage development of low-fat, low-cholesterol milk and milk products, and use of cows producing large amounts of

high protein, low-fat milk. Wholesale pricing of dairy products is still based on butter fat content, a practice persisting from the days when measurement of butter fat was used to detect skimming or watering of milk.

. . . The dairy industry should be helped and encouraged to develop techniques for reducing saturated fat and cholesterol in cheeses of all varieties. Total fluid milk consumption in the United States is decreasing while consumption of cheese is steadily increasing. At current levels of consumption significant control of hyperlipidemia seems unlikely unless composition of cheeses can be altered. The National Diet-Heart Study demonstrated that limited progress has been made in this area, and further progress certainly is possible."

5. Affiant personally is in agreement with and endorses said recommendation quoted in the foregoing paragraph, and is aware that said recommendation is widely accepted and generally endorsed by other members of the medical profession.



Doctor Henry W. Blackburn, Jr.

Subscribed and sworn to before me
this _____ day of _____, 1974.

Notary Public