

January 18, 2007

Matt Tupper, President and CEO  
POM Wonderful, LLC  
11444 W. Olympic Blvd.  
Los Angeles, CA 90064

Dear Mr. Tupper:

We have received a copy of the January 17, 2007, statement issued by Stewart and Lynda Resnick to POM retailers claiming that “POM Wonderful pomegranate juice has ceased all animal testing and we have no plans to do so in the future.” Although some assertions made in this statement are troubling, if POM is truly no longer associated with animal tests in any way, we will certainly end our campaign. However, let me state our concerns:

First, there is the statement that you made during your meeting with Lisa Lange, our senior vice president of communications, on July 10, 2006, that POM could declare itself cruelty-free while the animal testing could simply be placed under the auspices of the Stewart and Lynda Resnick Trust and no one would be the wiser. We must question whether that is now your plan, as the Web site of the U.S. Department of Agriculture’s Agricultural Research Service (ARS) details a commitment by POM/Resnick Trust to fund a stressful animal experiment through June 30, 2007, conducted by the ARS’ Jim Joseph titled, “The Effects of Pomegranate Juice on Cognitive and Motor Deficits in Aging,” which involves forcing elderly rats to balance on an accelerating spinning rod and to find a hidden platform submerged in a difficult water maze in order not to drown. The 2006 Annual Report for this experiment states, “The agreement between ARS and Pom-Wonderful has recently been approved and we will be starting the study within the next two months.” POM’s current funding of this experiment directly contradicts the Resnick’s assertion from the January 17 memo that POM’s “juice has not been tested since last year.” Please address this issue specifically.

Secondly, we are also concerned that the Resnicks continue to make inaccurate assertions in their statement to retailers. They state that “preliminary animal data is often required to initiate human studies at top universities.” This is false, as you should know. In our letter to you of July 20, 2006, PETA’s director of our Regulatory Testing Division explained: “[C]ontrary to your earlier assertion, animal tests are not necessary to gain Institutional Review Board (IRB) approval for proposed human research protocols. It is the responsibility of IRBs to evaluate the risks and benefits of submitted human protocols, and the risk in testing a conventional food is extremely minimal. The Department of Health and Human Services provides written guidance to IRBs that makes it clear that animal testing is not required (<http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.htm>). We have



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corroborated this fact with other sponsors of human nutritional trials, and as you know, many juice companies with which PETA has been speaking have never conducted or have now agreed to stop funding animal experiments.”

Thirdly, the Resnicks state that “[m]any companies make claims that are unsubstantiated.” It’s not clear how this is relevant to your memo, but beyond that, it is disingenuous not to include POM here, given that the National Advertising Division (NAD) of the Better Business Bureau issued a news release on April 12, 2006, recommending that POM discontinue or “substantially modify” several of its health claims for lack of scientific evidence. NAD also determined that some of POM’s photos and headlines accompanying its antioxidant advertising campaign “are, when accompanied by language regarding the prevention and/or risk reduction of specific diseases, beyond the realm of puffery and hyperbole.”

Additionally, the Resnicks characterized PETA’s letter-writing and peaceful (and legal) street theater protests as “harmful and destructive ... tactics.” As you know, and as we have reiterated before, PETA has engaged you through a face-to-face dinner meeting, phone calls, e-mail, and lengthy letters that you ignored—hardly “harmful and destructive” tactics. That is how we have conducted ourselves.

For PETA to end its campaign against POM, we need for you to either sign the enclosed statement of assurance or issue a written statement pledging that POM, the Stewart and Lynda Resnick Trust, and all affiliates and subsidiaries will neither conduct nor fund tests on animals for any ingredients or products including POM juices, teas, or supplemental POM products or food additives such as POMx or POMo. Once this assurance is given to us or placed on your Web site, we will contact all retailers that are continuing to boycott POM and our supporters to let them know that our campaign against POM is over.

We look forward to your quick reply. I would be very happy to discuss the campaign, what we need, and any concerns that you might have. I can be reached at 757-962-8342.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Friedrich". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Bruce Friedrich  
Vice President  
International Grassroots Campaigns

Enclosure: POM Wonderful Statement of Assurance

cc: Lynda Resnick, Owner, POM Wonderful, LLC